

JOURNAL OF THE HOUSE

First Regular Session, 95th GENERAL ASSEMBLY

SIXTY-FIFTH DAY, THURSDAY, APRIL 30, 2009

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Msgr. Donald W. Lammers.

On this date, in 1789, George Washington took office as the first President of the United States. Let us join in the prayer he offered in his inaugural address:

(I make)
"...fervent supplications to the Almighty Being
who rules over the universe,
who presides in the councils of nations,
and whose providential aids can supply every human defect,
that His benediction may consecrate
to the liberties and happiness of the people...
a Government instituted by themselves...
and may enable every (person) employed in its administration
to execute with success the functions allotted to his charge."
(From The American Patriots Almanac, p. 137)

Almighty God, may this prayer continue to be fulfilled in the providential aids You give us, that we may succeed in the functions allotted to our charge, and that we may glorify You now and forever. Amen.

The Pledge of Allegiance to the flag was recited.

The Speaker appointed the following to act as Honorary Pages for the Day, to serve without compensation: Candice Howe, Allison Hudson, Katie Altheide, Kristen Dodd, Ashley Cummins, Matt Karr, Alec Voss, Louis Burton, Tony Hodgson, Chance Bedell, Joseph White, Madi Hale, Sam Stuteville, Bella Nunez, Lance Brenton, Grace Deien, Hannah Deien, Audrey Deien, Frances Price, Kirstin Clark, Lindsay Hampton, Alex Kersting, Katherine Spradling, Max Franck and Austin Kuennen.

The Journal of the sixty-fourth day was approved as corrected.

HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 2567 through House Resolution No. 2663

COMMITTEE REPORTS

Committee on Fiscal Review, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HB 45** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 15** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 55** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 71** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SCS SB 179** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 215** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS SB 377** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

THIRD READING OF HOUSE BILLS - APPROPRIATIONS

HCS HB 21, relating to appropriations, was taken up by Representative Icet.

On motion of Representative Icet, **HCS HB 21** was read the third time and passed by the following vote:

AYES: 120

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Bringer	Brown 30	Brown 50	Brown 73
Brown 149	Bruns	Calloway	Casey	Chappelle-Nadal
Colona	Corcoran	Cox	Cunningham	Curls
Day	Deeken	Denison	Dieckhaus	Diehl
Dixon	Dougherty	El-Amin	Englund	Faith
Fallert	Fischer 107	Fisher 125	Flanigan	Franz
Funderburk	Gatschenberger	Grill	Guernsey	Guest
Harris	Holsman	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 89	Kander	Kelly
Kingery	Kirkton	Komo	Kratky	Kuessner
Lair	Lampe	Leara	LeBlanc	LeVota
Lipke	Loehner	McDonald	McGhee	McNary
McNeil	Molendorp	Morris	Munzlinger	Nolte
Norr	Oxford	Pace	Parkinson	Parson
Pratt	Quinn	Riddle	Roorda	Ruestman

Ruzicka	Sander	Sater	Scavuzzo	Schaaf
Schad	Schieffer	Schupp	Shively	Silvey
Smith 14	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Tilley	Todd
Tracy	Viebrock	Vogt	Wallace	Walsh
Walton Gray	Wasson	Webb	Webber	Weter
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Wright	Yaeger	Zerr	Zimmerman	Mr Speaker

NOES: 022

Burlison	Burnett	Davis	Dethrow	Dugger
Dusenberg	Emery	Ervin	Flook	Keeney
Koenig	Kraus	Nance	Nieves	Pollock
Schoeller	Self	Skaggs	Smith 150	Stevenson
Wells	Yates			

PRESENT: 000

ABSENT WITH LEAVE: 021

Carter	Cooper	Frame	Grisamore	Hobbs
Hodges	Hughes	Jones 117	Largent	Liese
Low	McClanahan	Meadows	Meiners	Nasheed
Rucker	Salva	Scharnhorst	Schlottach	Schoemehl
Spreng				

Speaker Richard declared the bill passed.

HCS HB 22, relating to appropriations, was taken up by Representative Icet.

Representative Icet moved that **HCS HB 22** be read the third time and passed.

Which motion was defeated by the following vote:

AYES: 068

Allen	Bivins	Brandom	Brown 149	Bruns
Chappelle-Nadal	Cox	Cunningham	Curls	Day
Deeken	Dieckhaus	Diehl	Dougherty	Faith
Fisher 125	Flanigan	Franz	Gatschenberger	Grisamore
Guest	Hobbs	Hoskins 121	Ice	Jones 63
Jones 117	Keeney	Kelly	Kingery	Lair
Leara	LeVota	Lipke	Loehner	McClanahan
McDonald	Munzlinger	Nasheed	Nieves	Parson
Riddle	Ruestman	Ruzicka	Salva	Sander
Sater	Schaaf	Scharnhorst	Smith 14	Still
Storch	Stream	Sutherland	Thomson	Tilley
Tracy	Viebrock	Wallace	Walsh	Wasson
Webber	Weter	Wilson 119	Wilson 130	Wood
Wright	Zerr	Mr Speaker		

NOES: 082

Atkins	Aull	Biermann	Brown 30	Brown 73
Burlison	Burnett	Calloway	Carter	Casey

Colona	Corcoran	Davis	Denison	Dethrow
Dixon	Dugger	Dusenberg	El-Amin	Emery
Englund	Ervin	Fallert	Fischer 107	Flook
Frame	Funderburk	Grill	Guernsey	Harris
Hodges	Holsman	Hoskins 80	Hummel	Jones 89
Kander	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lampe	LeBlanc	Liese
Low	McGhee	McNeil	Molendorp	Nance
Nolte	Norr	Oxford	Parkinson	Pollock
Pratt	Quinn	Roorda	Rucker	Scavuzzo
Schad	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Skaggs
Smith 150	Stevenson	Talboy	Todd	Vogt
Walton Gray	Webb	Wells	Wildberger	Yaeger
Yates	Zimmerman			

PRESENT: 002

Swinger Witte

ABSENT WITH LEAVE: 011

Bringer	Brown 50	Cooper	Hughes	Largent
McNary	Meadows	Meiners	Morris	Pace
Spreng				

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SS SCS HCS HB 205**, entitled:

An act to amend chapter 320, RSMo, by adding thereto nine new sections relating to reduced ignition propensity cigarettes, with penalty provisions and an effective date.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **HB 709**, entitled:

An act to repeal section 115.163, RSMo, and to enact in lieu thereof one new section relating to voter identification.

With Senate Amendment No. 1.

Senate Amendment No. 1

AMEND House Bill No. 709, Page 1, Section 115.163, Line 11, by striking the word "postcard" and inserting in lieu thereof the following: "**mail**"; and

Further amend Line 13, by inserting immediately after the period "." the following:

"The election authority shall send to each voter who registered by mail and has not voted, the verification notice required under section 115.155 no later than ninety days prior to the date of a primary or general election for federal office."; and

Further amend said bill and section, Page 2, Line 17, by striking the word "postcard" and inserting in lieu thereof the following: "**mail**"; and

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

"**mail**".

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SCS SB 242, as amended**: Senators Pearce, Dempsey, Griesheimer, Green and Barnitz.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **HCS SS SB 307, as amended**: Senators Dempsey, Mayer, Goodman, Shoemyer and Smith.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the President Pro Tem has appointed the following Conference Committee to act with a like committee from the House on **SB 513, as amended**: Senators Dempsey, Griesheimer, Rupp, Callahan and Shoemyer.

THIRD READING OF SENATE BILLS

HCS SB 464, relating to the regulation of certain businesses, was taken up by Representative Yates.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 464, Page 31, Section 375.1224, Line 16, by inserting after all of said line the following:

“376.388. 1. A pharmacy benefits manager, as defined in section 376.1460, shall remit on a monthly basis to the plan sponsor a summary of each claim submitted by the pharmacy benefits manager to the plan sponsor which shall include the prescription number, the eleven-digit National Drug Code (NDC) number used to calculate the charge to the plan sponsor and the National Drug Code (NDC) used to calculate the reimbursement to the pharmacy for such claim, the quantity and the net amount paid by the plan sponsor to the pharmacy benefits manager.

2. A pharmacy benefits manager shall not:

(1) Automatically enroll or passively enroll the pharmacy in a contract, or modify an existing contract without written affirmation from the pharmacy or pharmacist;

(2) Require that a pharmacy or pharmacist participate in one pharmacy benefits manager contract in order to participate in another contract; or

(3) Discriminate between in-network pharmacies or pharmacists on the basis of co-payments or days of supply unless such pharmacy declines to fill such prescriptions at the price allowed to other in-network pharmacies for such prescription.

3. When an insured presents a prescription to a pharmacy in the pharmacy benefits manager's network, the pharmacy benefits manager shall not reassign such prescription to be filled by any other pharmacy. When the pharmacy benefits manager contacts the prescribing health care practitioner to affirm or modify the original prescription, the affirmed or modified prescription shall be filled at the in-network pharmacy of the patient's choice to which the insured presented the original prescription. This subsection shall not apply to any prescribed specialty drug with a specific formulation.

376.389. 1. A health benefit plan or health care services contract that covers prescription drugs shall not limit, reduce, or deny coverage for any immunosuppressive drug if, prior to the limitation, reduction, or denial of coverage:

- (1) Any insured was using the immunosuppressive drug;
- (2) Such insured or insureds were covered under the plan or contract; and
- (3) The immunosuppressive drug was covered under the plan or contract for such insured individual or individuals.

2. A limitation, reduction, or denial of coverage includes removing an immunosuppressive drug from the formulary or other drug list, imposing new prior authorization or other utilization management tools, or placing the immunosuppressive drug on a formulary tier that increases the patient's cost-sharing obligations or otherwise increases the patient's cost-sharing obligations.

3. Nothing in this section shall prohibit an insurer from making uniform changes in its benefit design that apply to all covered drugs, uniformly removing a drug from the formulary list for all insureds, or increasing cost-sharing obligations merely due to a percentage coinsurance payment that necessarily increases with an increase in the underlying drug prices.”; and

Further amend said bill, Page 32, Section 376.502, Line 14, by inserting after all of said line the following:

“376.1460. 1. As used in sections 376.1460 to 376.1464, the following terms shall mean:

(1) "Health carrier", the same meaning as such term is defined in section 376.1350; except when such health care services are provided, delivered, arranged for, paid for, or reimbursed by the department of social services or the department of mental health;

(2) "Pharmacy benefit manager" or "PBM", a person or entity other than a pharmacy or pharmacist acting as an administrator in connection with pharmacy benefits;

(3) "Switch communication", a communication to a patient or the patient's physician from a health carrier or PBM that recommends a patient's medication be switched by the original prescribing health care professional to a different medication than the medication originally prescribed by the prescribing health care professional. A switch communication shall:

(a) Clearly identify the originally prescribed medication and the medication to which it has been proposed that the patient should be switched;

(b) Explain any financial incentives that may be provided to, or have been offered to, the prescribing health care professional by the health carrier or PBM that could result in the switch to the different drug;

(c) Explain any clinical affects that the proposed medication may have on the patient which are different than those of the originally prescribed medication;

(d) Advise the patient of the right to discuss the proposed change in treatment before such a switch takes place, including a discussion with the patient's prescribing practitioner; and

(e) Explain any cost sharing changes for which the patient is responsible; and

(f) Clearly identify the net change in cost to the health insurance payer, including employers, which will result from the use of the proposed drug in lieu of the originally prescribed medication.

2. Anytime a patient's prescribed medication is recommended to be switched to a medication other than that originally prescribed by the prescribing practitioner, the following communications shall be sent:

(1) A switch communication to the patient; and

(2) Information to the plan sponsor or health carrier utilizing a PBM regarding the recommended medication, shown in currency form, and the cost, shown in currency form, of the originally prescribed medication. Such communication shall include notice of medication switches among plan participants, including any financial incentive the health carrier or PBM may be utilizing to encourage or induce the switch. Information contained in the notification shall be in the aggregate and shall not contain any personally identifiable information.

The provisions of this subsection shall not apply to any substitution made under subsection 2 of section 338.056, RSMo, unless such substitute results in a higher cost to the patient or health insurance payer.

3. All health carriers and pharmacy benefit managers shall submit the format and language for any switch communication that will be sent to a patient under this section to the department of insurance, financial institutions and professional registration for approval. The department shall examine the format and language of the switch communication to ensure it meets the criteria for a switch communication as described in this section. The department shall have sixty days to review and issue a statement to the health carrier or pharmacy benefit manager that the format and language of the switch communication either does or does not comply with the statute. In the event the department's response indicates non-compliance with the statute, the department shall site specific reasons for such decision. The department shall also promulgate rules governing switch communications. Such rules shall include, but not be limited to the following:

(1) Procedures for verifying the accuracy of any switch communications from health carriers and pharmacy benefit managers to ensure that such switch communications are truthful, accurate, and not misleading based on cost to the patient and plan sponsor, the product package labeling, medical compendia recognized by the MO HealthNet program for the drug utilization review program, and peer-reviewed medical literature;

(2) Except for a substitution due to the Food and Drug Administration's withdrawal of a drug for prescription, a requirement that all switch communications bear a prominent notification on the first page clearly indicating the switch communication is not a product safety notice.

4. 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.

376.1462. 1. Issuing or delivering or causing to be issued or delivered a switch communication that has not been approved and is not in compliance with the requirements of section 376.1460 is punishable by a fine not to exceed twenty-five thousand dollars.

2. Providing a misrepresentation or false statement in a switch communication under section 376.1460 is punishable by a fine not to exceed twenty-five thousand dollars.

3. Any other material violation of section 376.1460 is punishable by a fine not to exceed twenty-five thousand dollars.

376.1464. 1. When medications for the treatment of any medical condition are restricted for use by a health carrier or PBM by a step therapy or fail first protocol, a prescriber shall have access to a clear and convenient process to expeditiously request an override for such restriction from the PBM or health carrier. An override of such restriction shall be expeditiously granted by the health carrier or PBM when:

(1) The prescriber can demonstrate, based on sound clinical evidence, that the preferred treatment required under the step therapy or fail first protocol has been ineffective in the treatment of the covered person's disease or medical condition; or

(2) Based on sound clinical evidence or medical and scientific evidence:

(a) The prescriber can demonstrate that the preferred treatment required under the step therapy or fail first protocol is expected or likely to be ineffective based on the known relevant physical or mental characteristics of the covered person and known characteristics of the drug regimen; or

(b) The prescriber can demonstrate that the preferred treatment required under the step therapy or fail first protocol will cause or will likely cause an adverse reaction or other harm to the covered person.

2. The duration of any step therapy or fail first protocol shall not be longer than a period of fourteen days when such treatment is deemed clinically ineffective by the prescribing physician. However, when the health carrier or PBM can show, through sound clinical evidence, the originally prescribed medication is likely to require more than two weeks to provide any relief or amelioration to the patient the step therapy or fail first protocol may be extended up to seven additional days.

3. Nothing in this section shall require the PBM or health carrier to grant an exception to the step therapy or fail first protocol if the prescriber fails to meet the requirements in subsection 1 of this section.

4. Nothing in this section shall be construed as requiring coverage for any condition which is specifically excluded by the insurance policy or contract and not otherwise required by law.; and

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

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

The Chair ruled the point of order not well taken.

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

AYES: 087

Allen	Atkins	Aull	Bivins	Brandom
Bringer	Brown 30	Brown 50	Brown 73	Burnett
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Cox	Curls	Dieckhaus	Diehl	Dixon
El-Amin	Emery	Englund	Flanigan	Frame
Funderburk	Gatschenberger	Guernsey	Guest	Holsman
Jones 63	Jones 89	Jones 117	Keeney	Kingery
Kirkton	Koenig	Kratky	Lampe	Leara
LeVota	Lipke	Low	McClanahan	McGhee
McNeil	Munzlinger	Nance	Nieves	Norr
Oxford	Pace	Parkinson	Parson	Pratt
Riddle	Rucker	Ruzicka	Sander	Sater
Schaaf	Schad	Schoeller	Schupp	Self
Shively	Silvey	Skaggs	Smith 14	Smith 150
Stevenson	Still	Storch	Stream	Swinger
Talboy	Thomson	Tilley	Viebrock	Vogt
Wallace	Walton Gray	Weter	Wilson 130	Witte
Wood	Zimmerman			

NOES: 062

Biermann	Brown 149	Bruns	Burlison	Corcoran
Cunningham	Davis	Day	Deeken	Denison
Dethrow	Dougherty	Dugger	Dusenberg	Ervin
Faith	Fallert	Fischer 107	Fisher 125	Flook
Franz	Grill	Grisamore	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Hummel	Icet
Kander	Kelly	Komo	Kraus	Kuessner
Lair	LeBlanc	Liese	McDonald	McNary
Molendorp	Morris	Nasheed	Nolte	Pollock
Quinn	Roorda	Scavuzzo	Scharnhorst	Schieffer
Schlottach	Schoemehl	Todd	Wasson	Webber
Wells	Wildberger	Wright	Yaeger	Yates
Zerr	Mr Speaker			

PRESENT: 001

Wilson 119

ABSENT WITH LEAVE: 013

Calloway	Hughes	Largent	Loehner	Meadows
Meiners	Ruestman	Salva	Spreng	Sutherland
Tracy	Walsh	Webb		

Representative Dethrow offered House Amendment No. 2.

House Amendment No. 2

AMEND House Committee Substitute for Senate Bill No. 464, Page 5, Section 148.370, Line 13, by inserting after all of said section the following:

“301.560. 1. In addition to the application forms prescribed by the department, each applicant shall submit the following to the department:

(1) Every application other than a renewal application for a motor vehicle franchise dealer shall include a certification that the applicant has a bona fide established place of business. Such application shall include an annual certification that the applicant has a bona fide established place of business for the first three years and only for every other year thereafter. The certification shall be performed by a uniformed member of the Missouri state highway patrol or authorized or designated employee stationed in the troop area in which the applicant's place of business is located; except that in counties of the first classification, certification may be performed by an officer of a metropolitan police department when the applicant's established place of business of distributing or selling motor vehicles or trailers is in the metropolitan area where the certifying metropolitan police officer is employed. When the application is being made for licensure as a boat manufacturer or boat dealer, certification shall be performed by a uniformed member of the Missouri state water patrol stationed in the district area in which the applicant's place of business is located or by a uniformed member of the Missouri state highway patrol stationed in the troop area in which the applicant's place of business is located or, if the applicant's place of business is located within the jurisdiction of a metropolitan police department in a first class county, by an officer of such metropolitan police department. A bona fide established place of business for any new motor vehicle franchise dealer, used motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle dealer, trailer dealer, or wholesale or public auction shall be a permanent enclosed building or structure, either owned in fee or leased and actually occupied as a place of business by the applicant for the selling, bartering, trading, servicing, or exchanging of motor vehicles, boats, personal watercraft, or trailers and wherein the public may contact the owner or operator at any reasonable time, and wherein shall be kept and maintained the books, records, files and other matters required and necessary to conduct the business. The applicant's place of business shall contain a working telephone which shall be maintained during the entire registration year. In order to qualify as a bona fide established place of business for all applicants licensed pursuant to this section there shall be an exterior sign displayed carrying the name of the business set forth in letters at least six inches in height and clearly visible to the public and there shall be an area or lot which shall not be a public street on which multiple vehicles, boats, personal watercraft, or trailers may be displayed. The sign shall contain the name of the dealership by which it is known to the public through advertising or otherwise, which need not be identical to the name appearing on the dealership's license so long as such name is registered as a fictitious name with the secretary of state, has been approved by its line-make manufacturer in writing in the case of a new motor vehicle franchise dealer and a copy of such fictitious name registration has been provided to the department. Dealers who sell only emergency vehicles as defined in section 301.550 are exempt from maintaining a bona fide place of business, including the related law enforcement certification requirements, and from meeting the minimum yearly sales;

(2) The initial application for licensure shall include a photograph, not to exceed eight inches by ten inches but no less than five inches by seven inches, showing the business building, lot, and sign. A new motor vehicle franchise dealer applicant who has purchased a currently licensed new motor vehicle franchised dealership shall be allowed to submit a photograph of the existing dealership building, lot and sign but shall be required to submit a new photograph upon the installation of the new dealership sign as required by sections 301.550 to 301.573. Applicants shall not be required to submit a photograph annually unless the business has moved from its previously licensed location, or unless the name of the business or address has changed, or unless the class of business has changed;

(3) Every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, trailer dealer, or boat dealer shall furnish with the application a corporate surety bond or an irrevocable letter of credit as defined in section 400.5-103, RSMo, issued by any state or federal financial institution in the penal sum of twenty-five thousand dollars on a form approved by the department. The bond or

irrevocable letter of credit shall be conditioned upon the dealer complying with the provisions of the statutes applicable to new motor vehicle franchise dealers, used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, trailer dealers, and boat dealers, and the bond shall be an indemnity for any loss sustained by reason of the acts of the person bonded when such acts constitute grounds for the suspension or revocation of the dealer's license. The bond shall be executed in the name of the state of Missouri for the benefit of all aggrieved parties or the irrevocable letter of credit shall name the state of Missouri as the beneficiary; except, that the aggregate liability of the surety or financial institution to the aggrieved parties shall, in no event, exceed the amount of the bond or irrevocable letter of credit. The proceeds of the bond or irrevocable letter of credit shall be paid upon receipt by the department of a final judgment from a Missouri court of competent jurisdiction against the principal and in favor of an aggrieved party. Additionally, every applicant as a new motor vehicle franchise dealer, a used motor vehicle dealer, a powersport dealer, a wholesale motor vehicle dealer, [trailer dealer,] or boat dealer shall furnish with the application a copy of a current dealer garage policy bearing the policy number and name of the insurer and the insured;

(4) Payment of all necessary license fees as established by the department. In establishing the amount of the annual license fees, the department shall, as near as possible, produce sufficient total income to offset operational expenses of the department relating to the administration of sections 301.550 to 301.573. All fees payable pursuant to the provisions of sections 301.550 to 301.573, other than those fees collected for the issuance of dealer plates or certificates of number collected pursuant to subsection 6 of this section, shall be collected by the department for deposit in the state treasury to the credit of the "Motor Vehicle Commission Fund", which is hereby created. The motor vehicle commission fund shall be administered by the Missouri department of revenue. The provisions of section 33.080, RSMo, to the contrary notwithstanding, money in such fund shall not be transferred and placed to the credit of the general revenue fund until the amount in the motor vehicle commission fund at the end of the biennium exceeds two times the amount of the appropriation from such fund for the preceding fiscal year or, if the department requires permit renewal less frequently than yearly, then three times the appropriation from such fund for the preceding fiscal year. The amount, if any, in the fund which shall lapse is that amount in the fund which exceeds the multiple of the appropriation from such fund for the preceding fiscal year.

2. In the event a new vehicle manufacturer, boat manufacturer, motor vehicle dealer, wholesale motor vehicle dealer, boat dealer, powersport dealer, wholesale motor vehicle auction, trailer dealer, or a public motor vehicle auction submits an application for a license for a new business and the applicant has complied with all the provisions of this section, the department shall make a decision to grant or deny the license to the applicant within eight working hours after receipt of the dealer's application, notwithstanding any rule of the department.

3. Upon the initial issuance of a license by the department, the department shall assign a distinctive dealer license number or certificate of number to the applicant and the department shall issue one number plate or certificate bearing the distinctive dealer license number or certificate of number and two additional number plates or certificates of number within eight working hours after presentment of the application. Upon renewal, the department shall issue the distinctive dealer license number or certificate of number as quickly as possible. The issuance of such distinctive dealer license number or certificate of number shall be in lieu of registering each motor vehicle, trailer, vessel or vessel trailer dealt with by a boat dealer, boat manufacturer, manufacturer, public motor vehicle auction, wholesale motor vehicle dealer, wholesale motor vehicle auction or new or used motor vehicle dealer.

4. Notwithstanding any other provision of the law to the contrary, the department shall assign the following distinctive dealer license numbers to:

- New motor vehicle franchise
dealers.....D-0 through D-999
- New powersport dealers and motorcycle franchise
dealers.....D-1000 through D-1999
- Used motor vehicle, used powersport, and used motorcycle
dealers.....D-2000 through D-9999
- Wholesale motor vehicle
dealers.....W-0 through W-1999
- Wholesale motor vehicle
auctions.....WA-0 through WA-999
- New and used trailer
dealers.....T-0 through T-9999
- Motor vehicle, trailer, and boat
manufacturers.....DM-0 through DM-999
- Public motor vehicle
auctions.....A-0 through A-1999

Boat dealers.....M-0 through M-9999
New and used recreational motor vehicle
dealers.....RV-0 through RV-999

For purposes of this subsection, qualified transactions shall include the purchase of salvage titled vehicles by a licensed salvage dealer. A used motor vehicle dealer who also holds a salvage dealer's license shall be allowed one additional plate or certificate number per fifty-unit qualified transactions annually. In order for salvage dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of purchases during the reporting period of July first of the immediately preceding year to June thirtieth of the present year. The provisions of this subsection shall become effective on the date the director of the department of revenue begins to reissue new license plates under section 301.130, or on December 1, 2008, whichever occurs first. If the director of revenue begins reissuing new license plates under the authority granted under section 301.130 prior to December 1, 2008, the director of the department of revenue shall notify the revisor of statutes of such fact.

5. Upon the sale of a currently licensed new motor vehicle franchise dealership the department shall, upon request, authorize the new approved dealer applicant to retain the selling dealer's license number and shall cause the new dealer's records to indicate such transfer.

6. In the case of new motor vehicle manufacturers, motor vehicle dealers, powersport dealers, recreational motor vehicle dealers, and trailer dealers, the department shall issue one number plate bearing the distinctive dealer license number and may issue two additional number plates to the applicant upon payment by the manufacturer or dealer of a fifty dollar fee for the number plate bearing the distinctive dealer license number and ten dollars and fifty cents for each additional number plate. Such license plates shall be made with fully reflective material with a common color scheme and design, shall be clearly visible at night, and shall be aesthetically attractive, as prescribed by section 301.130. Boat dealers and boat manufacturers shall be entitled to one certificate of number bearing such number upon the payment of a fifty dollar fee. Additional number plates and as many additional certificates of number may be obtained upon payment of a fee of ten dollars and fifty cents for each additional plate or certificate. New motor vehicle manufacturers shall not be issued or possess more than three hundred forty-seven additional number plates or certificates of number annually. New and used motor vehicle dealers, powersport dealers, wholesale motor vehicle dealers, boat dealers, and trailer dealers are limited to one additional plate or certificate of number per ten-unit qualified transactions annually. New and used recreational motor vehicle dealers are limited to two additional plates or certificate of number per ten-unit qualified transactions annually for their first fifty transactions and one additional plate or certificate of number per ten-unit qualified transactions thereafter. An applicant seeking the issuance of an initial license shall indicate on his or her initial application the applicant's proposed annual number of sales in order for the director to issue the appropriate number of additional plates or certificates of number. A motor vehicle dealer, trailer dealer, boat dealer, powersport dealer, recreational motor vehicle dealer, motor vehicle manufacturer, boat manufacturer, or wholesale motor vehicle dealer obtaining a distinctive dealer license plate or certificate of number or additional license plate or additional certificate of number, throughout the calendar year, shall be required to pay a fee for such license plates or certificates of number computed on the basis of one-twelfth of the full fee prescribed for the original and duplicate number plates or certificates of number for such dealers' licenses, multiplied by the number of months remaining in the licensing period for which the dealer or manufacturers shall be required to be licensed. In the event of a renewing dealer, the fee due at the time of renewal shall not be prorated. Wholesale and public auctions shall be issued a certificate of dealer registration in lieu of a dealer number plate. In order for dealers to obtain number plates or certificates under this section, dealers shall submit to the department of revenue on August first of each year a statement certifying, under penalty of perjury, the dealer's number of sales during the reporting period of July first of the immediately preceding year to June thirtieth of the present year.

7. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle owned by a new motor vehicle manufacturer. The plates issued pursuant to subsection 3 or 6 of this section may be displayed on any motor vehicle or trailer owned and held for resale by a motor vehicle dealer for use by a customer who is test driving the motor vehicle, for use and display purposes during, but not limited to, parades, private events, charitable events, or for use by an employee or officer, but shall not be displayed on any motor vehicle or trailer hired or loaned to others or upon any regularly used service or wrecker vehicle. Motor vehicle dealers may display their dealer plates on a tractor, truck or trailer to demonstrate a vehicle under a loaded condition. Trailer dealers may display their dealer license plates in like manner, except such plates may only be displayed on trailers owned and held for resale by the trailer dealer.

8. The certificates of number issued pursuant to subsection 3 or 6 of this section may be displayed on any vessel or vessel trailer owned and held for resale by a boat manufacturer or a boat dealer, and used by a customer who is test

driving the vessel or vessel trailer, or is used by an employee or officer on a vessel or vessel trailer only, but shall not be displayed on any motor vehicle owned by a boat manufacturer, boat dealer, or trailer dealer, or vessel or vessel trailer hired or loaned to others or upon any regularly used service vessel or vessel trailer. Boat dealers and boat manufacturers may display their certificate of number on a vessel or vessel trailer when transporting a vessel or vessels to an exhibit or show.

9. (1) Every application for the issuance of a used motor vehicle dealer's license shall be accompanied by proof that the applicant, within the last twelve months, has completed an educational seminar course approved by the department as prescribed by subdivision (2) of this subsection. Wholesale and public auto auctions and applicants currently holding a new or used license for a separate dealership shall be exempt from the requirements of this subsection. The provisions of this subsection shall not apply to current new motor vehicle franchise dealers or motor vehicle leasing agencies or applicants for a new motor vehicle franchise or a motor vehicle leasing agency. The provisions of this subsection shall not apply to used motor vehicle dealers who were licensed prior to August 28, 2006.

(2) The educational seminar shall include, but is not limited to, the dealer requirements of sections 301.550 to 301.573, the rules promulgated to implement, enforce, and administer sections 301.550 to 301.570, and any other rules and regulations promulgated by the department.”; and

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

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

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

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

The Chair ruled the point of order well taken.

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

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

The Chair ruled the point of order not well taken.

House Amendment No. 4 was withdrawn.

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

Representative Yates 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.

On motion of Representative Yates, **HCS SB 464, as amended**, was adopted.

On motion of Representative Yates, **HCS SB 464, as amended**, was read the third time and passed by the following vote:

AYES: 129

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Bruns	Burlison	Casey	Chappelle-Nadal	Colona
Cooper	Corcoran	Cox	Cunningham	Curls
Davis	Deeken	Denison	Dethrow	Dieckhaus
Dixon	Dougherty	Dugger	Dusenberg	Emery
Englund	Ervin	Faith	Fallert	Fisher 125
Flanigan	Frame	Franz	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Hobbs
Hodges	Holsman	Hoskins 121	Icet	Jones 63
Jones 89	Jones 117	Kander	Keeney	Kelly
Kingery	Kirkton	Koenig	Komo	Kratky
Kraus	Lair	Lampe	LeVota	Lipke
Loehner	Low	McClanahan	McGhee	McNary
McNeil	Molendorp	Munzlinger	Nance	Nasheed
Nieves	Norr	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Rucker
Ruzicka	Salva	Sander	Sater	Scavuzzo
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	Viebrock
Vogt	Wallace	Walsh	Webber	Wells
Weter	Wilson 119	Wilson 130	Wood	Wright
Yates	Zerr	Zimmerman	Mr Speaker	

NOES: 015

Bringer	Burnett	Calloway	Carter	Day
Fischer 107	Hoskins 80	Hummel	LeBlanc	Morris
Pace	Walton Gray	Wildberger	Witte	Yaeger

PRESENT: 001

Oxford

ABSENT WITH LEAVE: 018

Diehl	El-Amin	Flook	Harris	Hughes
Kuessner	Largent	Leara	Liese	McDonald
Meadows	Meiners	Nolte	Ruestman	Schaaf
Tracy	Wasson	Webb		

Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 138

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Burlison	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Cunningham	Curls	Davis
Day	Deeken	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	Icet	Jones 89
Kander	Keeney	Kelly	Kingery	Kirkton
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Leara	LeVota	Lipke
Loehner	Low	McClanahan	McDonald	McGhee
McNary	McNeil	Molandorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Norr	Oxford
Pace	Parkinson	Parson	Pollock	Pratt
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	Wasson	Wells	Weter	Wildberger
Wilson 119	Wilson 130	Wood	Yaeger	Yates
Zerr	Zimmerman	Mr Speaker		

NOES: 012

Bringer	Burnett	Calloway	Carter	Jones 63
LeBlanc	Quinn	Talboy	Walsh	Walton Gray
Webber	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 013

Bruns	Denison	Dougherty	Hughes	Jones 117
Largent	Liese	Meadows	Meiners	Nolte
Vogt	Webb	Wright		

HCS SB 215, relating to taxation, was taken up by Representative Flook.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 215, Section 348.274, Page 34, Line 134, by inserting after all of said line the following:

"447.708. 1. For eligible projects, the director of the department of economic development, with notice to the directors of the departments of natural resources and revenue, and subject to the other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may decide that a prospective operator of a facility being remedied and renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to 135.150, RSMo, and sections 135.200 to 135.257, RSMo. The tax credits allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax otherwise imposed by chapter 147, RSMo, or the tax otherwise imposed by chapter 148, RSMo. For purposes of this subsection:

(1) For receipt of the ad valorem tax abatement pursuant to section 135.215, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs. The city, or county if the eligible project is not located in a city, must provide ad valorem tax abatement of at least fifty percent for a period not less than ten years and not more than twenty-five years;

(2) For receipt of the income tax exemption pursuant to section 135.220, RSMo, and tax credit for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718, the tax credits described in section 135.225, RSMo, are modified as follows: the tax credit shall be four hundred dollars per employee per year, an additional four hundred dollars per year for each employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new and existing businesses, respectively, an additional four hundred dollars per year for each person who is a person difficult to employ as defined by section 135.240, RSMo, and investment tax credits at the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225, RSMo;

(3) For eligibility to receive the income tax refund pursuant to section 135.245, RSMo, the eligible project must create at least ten new jobs or retain businesses which supply at least twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of section 135.245, RSMo, for application and use of the refund and the eligibility requirements of this section;

(4) The eligible project operates in compliance with applicable environmental laws and regulations, including permitting and registration requirements, of this state as well as the federal and local requirements;

(5) The eligible project operator shall file such reports as may be required by the director of economic development or the director's designee;

(6) The taxpayer may claim the state tax credits authorized by this subsection and the state income exemption for a period not in excess of ten consecutive tax years. For the purpose of this section, "taxpayer" means an individual proprietorship, partnership or corporation described in section 143.441 or 143.471, RSMo, who operates an eligible project. The director shall determine the number of years the taxpayer may claim the state tax credits and the state income exemption based on the projected net state economic benefits attributed to the eligible project;

(7) For the purpose of meeting the new job requirement prescribed in subdivisions (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and maintained during the taxpayer's tax period for which the credits are earned, in the case of an eligible project that does not replace a similar facility in Missouri. "New job" means a person who was not previously employed by the taxpayer or related taxpayer within the twelve-month period immediately preceding the time the person was employed by that taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned. For the purposes of this section, "related taxpayer" has the same meaning as defined in subdivision (9) of section 135.100, RSMo;

(8) For the purpose of meeting the existing job retention requirement, if the eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a person who was previously employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, within the tax period immediately preceding the time the person was employed by the taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five hours per week during the taxpayer's tax period for which the tax credits are earned;

(9) In the case where an eligible project replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the owner and operator of the eligible project shall provide the director with a written statement explaining the reason for discontinuing operations at the closed facility. The statement shall include a comparison of the activities performed at the closed facility prior to the date the facility ceased operating, to the activities performed at the eligible project, and a detailed account describing the need and rationale for relocating to the eligible project. If the director finds the relocation to the eligible project significantly impaired the economic stability of the area in which the closed facility was located, and that such move was detrimental to the overall economic development efforts of the state, the director may deny the taxpayer's request to claim tax benefits;

(10) Notwithstanding any provision of law to the contrary, for the purpose of this section, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment used at the eligible project during any tax year shall be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month of the tax year. If the eligible project is in operation for less than the entire tax year, the number of new jobs created and maintained, the number of existing jobs retained, and the value of new qualified investment created at the eligible project during any tax year shall be determined by dividing the sum of the number of individuals employed at the eligible project, or in the case of new qualified investment, the value of new qualified investment used at the eligible project, on the last business day of each full calendar month during the portion of the tax year during which the eligible project was in operation, by the number of full calendar months during such period;

(11) For the purpose of this section, "new qualified investment" means new business facility investment as defined and as determined in subdivision (7) of section 135.100, RSMo, which is used at and in connection with the eligible project. "New qualified investment" shall not include small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand held.

2. The determination of the director of economic development pursuant to subsection 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval of the granting of real property tax abatement by the municipal or county government where the eligible project is located.

3. (1) The director of the department of economic development, with the approval of the director of the department of natural resources, may, in addition to the tax credits allowed in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one hundred percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement, **environmental insurance premiums, backfill of areas where contaminated soil excavation occurs**, and direct utility charges for performing the voluntary remediation activities for the preexisting hazardous substance contamination and releases, including, but not limited to, the costs of performing operation and maintenance of the remediation equipment at the property beyond the year in which the systems and equipment are built and installed at the eligible project and the costs of performing the voluntary remediation activities over a period not in excess of four tax years following the taxpayer's tax year in which the system and equipment were first put into use at the eligible project, provided the remediation activities are the subject of a plan submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to 260.575, RSMo. The tax credit may also include up to one hundred percent of the costs of demolition that are not directly part of the remediation activities, provided that the demolition is on the property where the voluntary remediation activities are occurring, the demolition is necessary to accomplish the planned use of the facility where the remediation activities are occurring, and the demolition is part of a redevelopment plan approved by the municipal or county government and the department of economic development. The demolition may occur on an adjacent property if the project is located in a municipality which has a population less than twenty thousand and the above conditions are otherwise met. The adjacent property shall independently qualify as abandoned or underutilized. The amount of the credit available for demolition not associated with remediation cannot exceed the total amount of credits approved for remediation including demolition required for remediation.

(2) The amount of remediation tax credits issued shall be limited to the least amount necessary to cause the project to occur, as determined by the director of the department of economic development.

(3) The director may, with the approval of the director of natural resources, extend the tax credits allowed for performing voluntary remediation maintenance activities, in increments of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed in this subsection shall be used to offset the tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax otherwise imposed by chapter 147, RSMo, or the tax otherwise imposed by chapter 148, RSMo. The remediation tax credit may be taken in the same tax year in which the tax credits are received or may be taken over a period not to exceed twenty years.

(4) The project facility shall be projected to create at least ten new jobs or at least twenty-five retained jobs, or a combination thereof, as determined by the department of economic development, to be eligible for tax credits pursuant to this section.

(5) No more than seventy-five percent of earned remediation tax credits may be issued when the remediation costs were paid, and the remaining percentage may be issued when the department of natural resources issues a "Letter of Completion" letter or covenant not to sue following completion of the voluntary remediation activities. It shall not include any costs associated with ongoing operational environmental compliance of the facility or remediation costs arising out of spills, leaks, or other releases arising out of the ongoing business operations of the facility. **In the event the department of natural resources issues a "letter of completion" letter for a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated amount of the remaining percentage may be released based on the percentage of the total site receiving a letter of completion.**

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal the decision regarding termination, suspension or revocation of any tax credit or exemption in accordance with the procedures outlined in subsections 4 to 6 of section 135.250, RSMo. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in section 135.110, RSMo, or the tax credits, exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, RSMo, respectively, for the same facility for the same tax period.

6. The total amount of the tax credits allowed in subsection 1 of this section may not exceed the greater of:

- (1) That portion of the taxpayer's income attributed to the eligible project; or
- (2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225, RSMo, and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision (6) of section 135.100, RSMo. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of section 135.100, RSMo.

7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be carried forward but shall be initially claimed for the tax period during which the eligible project was first capable of being used, and during any applicable subsequent tax periods.

8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section shall be required to file all applicable tax credit applications, forms and schedules prescribed by the director during the taxpayer's tax period immediately after the tax period in which the eligible project was first put into use, or during the taxpayer's tax period immediately after the tax period in which the voluntary remediation activities were performed.

9. The recipient of remediation tax credits, for the purpose of this subsection referred to as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in subsection 3 of this section to any other

person, for the purpose of this subsection referred to as assignee. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address and the assignee's tax period and the amount of tax credits to be transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

10. In the case where an operator and assignor of an eligible project has been certified to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who continues the same or substantially similar operations at the eligible project, the director shall allow the assignee to claim the credits for a period of time to be determined by the director; except that, the total number of tax periods the tax credits may be earned by the assignor and the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount of tax credits to be transferred.

11. For the purpose of the state tax benefits described in this section, in the case of a corporation described in section 143.471, RSMo, or partnership, in computing Missouri's tax liability, such state benefits shall be allowed to the following:

- (1) The shareholders of the corporation described in section 143.471, RSMo;
- (2) The partners of the partnership. The credit provided in this subsection shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

620.472. 1. The department shall establish a new or expanding industry training program, the purpose of which is to provide assistance for new or expanding industries for the training, retraining or upgrading of the skills of potential employees. **Training may include preemployment training, and services may include analysis of the specified training needs for such company, development of training plans, and provision of training through qualified training staff. Such program may fund in-plant training analysis, curriculum development, assessment and preselection tools, publicity for the program, instructional services, rental of instructional facilities with necessary utilities, access to equipment and supplies, other necessary services, overall program direction, and an adequate staff to carry out an effective training program. In addition, the program may fund a coordinated transportation program for trainings if the training can be more effectively provided outside the community where the jobs are to be located. In-plant training analysis shall include fees for professionals and necessary travel and expenses.** Such program may also provide assistance in the locating of skilled employees and in the locating of additional sources of job training funds. Such program shall be operated with appropriations made by the general assembly from the fund.

2. Assistance under the new or expanding industry training program may be available only for industries whose investments relate directly to a projected increase in employment which will result in the need for training of newly hired employees or the retraining or upgrading of the skills of existing employees for new jobs created by the new or expanding industry's investment.

3. The department shall issue rules and regulations governing the awarding of funds administered through the new or expanding industry training program. When promulgating these rules and regulations, the department shall consider such factors as the potential number of new permanent jobs to be created, the amount of private sector investment in new facilities and equipment, the significance of state funding to the industry's decision to locate or expand in Missouri, the economic need of the affected community, and the importance of the industry to the economic development of Missouri."; 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.

On motion of Representative Flook, **HCS SB 215, as amended**, was adopted by the following vote:

AYES: 142

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

NOES: 005

Bringer	Burnett	Low	Oxford	Skaggs
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PRESENT: 001

Grill

ABSENT WITH LEAVE: 015

Bruns	Cooper	Denison	Fisher 125	Hoskins 121
Hughes	Largent	Loehner	Meadows	Meiners
Nolte	Quinn	Rucker	Spreng	Webb

On motion of Representative Flook, **HCS SB 215, as amended**, was read the third time and passed by the following vote:

AYES: 145

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 50	Brown 73	Brown 149
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Day	Deeken	Denison
Dethrow	Dieckhaus	Diehl	Dixon	Dougherty
Dugger	Dusenberg	El-Amin	Emery	Englund
Ervin	Fallert	Fischer 107	Fisher 125	Flanigan
Flook	Frame	Franz	Funderburk	Gatschenberger
Grisamore	Guernsey	Guest	Harris	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	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	McClanahan	McDonald	McGhee
McNary	McNeil	Molendorp	Morris	Munzlinger
Nance	Nasheed	Nieves	Norr	Pace
Parkinson	Parson	Pollock	Pratt	Quinn
Riddle	Roorda	Rucker	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schaaf	Schad
Scharmhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Silvey	Smith 14
Smith 150	Spreng	Still	Storch	Stream
Sutherland	Swinger	Talboy	Thomson	Tilley
Todd	Tracy	Viebrock	Vogt	Wallace
Walsh	Wasson	Webber	Wells	Weter
Wildberger	Wilson 119	Wilson 130	Witte	Wood
Yaeger	Yates	Zerr	Zimmerman	Mr Speaker

NOES: 006

Bringer	Burnett	Low	Oxford	Skaggs
Walton Gray				

PRESENT: 001

Grill

ABSENT WITH LEAVE: 011

Bruns	Faith	Hughes	Largent	Meadows
Meiners	Nolte	Sater	Stevenson	Webb
Wright				

Speaker Richard declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 142

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

NOES: 004

Bringer	Burnett	Low	Skaggs
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PRESENT: 003

Grill	Oxford	Roorda
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ABSENT WITH LEAVE: 014

Deeken	Denison	Hoskins 80	Hughes	Lampe
Largent	LeVota	Liese	Meadows	Meiners
Nasheed	Quinn	Stevenson	Webb	

HCS SB 235, relating to manufactured homes and sawmills, was taken up by Representative Jones (117).

Representative Jones (89) offered **House Amendment No. 1**.

House Amendment No. 1

AMEND House Committee Substitute for Senate Bill No. 235, Section 408.094, by inserting after the phrase “loan contract” the following:

“provided that no plan shall include reimbursement for a deductible on a property insurance claim”; and

Further amend said bill, Section 408.233, Page 24, Line 53, by inserting after the phrase “loan contract” on said line the following:

“provided that no plan shall include reimbursement for a deductible on a property insurance claim”; and

Further amend said bill, Section 408.250, Page 28, Line 39, by inserting after the phrase “loan contract” on said line the following:

“provided that no plan shall include reimbursement for a deductible on a property insurance claim”; and

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

On motion of Representative Jones (89), **House Amendment No. 1** was adopted by the following vote:

AYES: 116

Allen	Aull	Bivins	Brandom	Brown 30
Brown 50	Brown 73	Brown 149	Bruns	Burlison
Calloway	Carter	Casey	Chappelle-Nadal	Colona
Cooper	Corcoran	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
El-Amin	Emery	Ervin	Faith	Fallert
Fischer 107	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guernsey	Guest
Harris	Hobbs	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Keeney	Kingery
Koenig	Kratky	Kraus	Lair	Lampe
Leara	Lipke	Loehner	McGhee	McNary
Molendorp	Morris	Munzlinger	Nance	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Ruestman
Ruzicka	Sander	Sater	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Self
Shively	Silvey	Smith 14	Smith 150	Stevenson
Storch	Stream	Sutherland	Swinger	Thomson
Tilley	Todd	Tracy	Viebrock	Wallace
Walsh	Walton Gray	Wasson	Wells	Weter
Wilson 119	Wilson 130	Wood	Wright	Zerr
Mr Speaker				

NOES: 034

Atkins	Biermann	Bringer	Burnett	Curls
Englund	Frame	Grill	Hodges	Holsman
Kander	Kelly	Kirkton	Komo	LeBlanc
Low	McClanahan	McDonald	McNeil	Oxford
Roorda	Rucker	Scavuzzo	Schoemehl	Schupp

Skaggs	Spreng	Still	Talboy	Webber
Wildberger	Witte	Yaeger	Zimmerman	

PRESENT: 000

ABSENT WITH LEAVE: 013

Hoskins 80	Hughes	Kuessner	Largent	LeVota
Liese	Meadows	Meiners	Nasheed	Salva
Vogt	Webb	Yates		

On motion of Representative Jones (117), **HCS SB 235, as amended**, was adopted.

On motion of Representative Jones (117), **HCS SB 235, as amended**, was read the third time and passed by the following vote:

AYES: 121

Allen	Atkins	Aull	Biermann	Bivins
Brandom	Brown 30	Brown 73	Brown 149	Bruns
Burlison	Calloway	Carter	Casey	Chappelle-Nadal
Colona	Cooper	Corcoran	Cox	Cunningham
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dougherty	Dugger	Dusenberg
El-Amin	Englund	Ervin	Faith	Fischer 107
Fisher 125	Flanigan	Flook	Funderburk	Gatschenberger
Grill	Grisamore	Guernsey	Guest	Harris
Hobbs	Hodges	Hoskins 80	Hoskins 121	Hummel
Icet	Jones 63	Jones 117	Keeney	Kingery
Koenig	Kratky	Kraus	Lair	Lampe
Leara	LeBlanc	Lipke	McDonald	McGhee
McNary	McNeil	Molendorp	Munzlinger	Nieves
Nolte	Norr	Pace	Parkinson	Parson
Pollock	Pratt	Quinn	Riddle	Rucker
Ruestman	Ruzicka	Sander	Sater	Scavuzzo
Schaaf	Schad	Scharnhorst	Schieffer	Schlottach
Schoeller	Schoemehl	Self	Shively	Silvey
Smith 14	Smith 150	Spreng	Stevenson	Storch
Stream	Sutherland	Swinger	Thomson	Tilley
Todd	Tracy	Viebrock	Wallace	Walton Gray
Wells	Weter	Wildberger	Wilson 119	Wilson 130
Wood	Wright	Yaeger	Yates	Zerr

Mr Speaker

NOES: 023

Bringer	Burnett	Curls	Emery	Frame
Holsman	Kander	Kelly	Kirkton	Komo
Low	McClanahan	Morris	Oxford	Roorda
Schupp	Skaggs	Still	Talboy	Walsh
Webber	Witte	Zimmerman		

PRESENT: 000

ABSENT WITH LEAVE: 019

Brown 50	Davis	Fallert	Franz	Hughes
Jones 89	Kuessner	Largent	LeVota	Liese
Loehner	Meadows	Meiners	Nance	Nasheed
Salva	Vogt	Wasson	Webb	

Speaker Richard declared the bill passed.

Representative Nieves assumed the Chair.

HCS SCS SB 71, relating to income taxes, was taken up by Representative Lipke.

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

House Amendment No. 1

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 71, Section 143.011, Page 3, Line 83, by deleting the words, "**Except as provided in subsection 3 of this section,**" and inserting in lieu thereof the following words, "**For all taxable years ending on or before December 31, 2009,**"; and

Further amend said bill, section, Page 4, Lines 107 to 108, by deleting the words, "**but ending on or before December 31, 2010,**"; and

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

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Brandom	Brown 30	Brown 149	Bruns
Burlison	Cooper	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	Leara	Lipke	Loehner	McGhee
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Schaaf
Schad	Scharnhorst	Schieffer	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			

NOES: 064

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

PRESENT: 000

ABSENT WITH LEAVE: 012

Bivins	Curls	Hoskins 80	Hughes	Largent
Liese	Meadows	Meiners	Nasheed	Sater
Spreng	Webb			

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

AYES: 081

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

NOES: 070

Atkins	Aull	Biermann	Bringer	Brown 50
Brown 73	Burnett	Calloway	Carter	Casey
Chappelle-Nadal	Colona	Corcoran	El-Amin	Englund
Fallert	Fischer 107	Frame	Grill	Harris
Hobbs	Hodges	Holsman	Hummel	Jones 63
Kander	Kelly	Kirkton	Komo	Kratky
Kuessner	Lampe	LeBlanc	LeVota	Low
McClanahan	McDonald	McNeil	Morris	Norr

Oxford	Pace	Quinn	Roorda	Rucker
Salva	Sater	Scavuzzo	Schad	Schieffer
Schoemehl	Schupp	Shively	Skaggs	Still
Storch	Swinger	Talboy	Todd	Vogt
Wallace	Walsh	Walton Gray	Wasson	Webber
Weter	Wildberger	Witte	Yaeger	Zimmerman

PRESENT: 001

Grisamore

ABSENT WITH LEAVE: 011

Bivins	Curis	Hoskins 80	Hughes	Largent
Liese	Meadows	Meiners	Nasheed	Spreng
Webb				

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

House Amendment No. 2

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 71, Section A, Page 1, Line 2, by inserting immediately after said line the following:

"135.535. 1. A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, including Internet, web hosting, and other information technology, wireless or wired or other telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than taxes withheld pursuant to sections 143.191 to 143.265, RSMo, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, RSMo, shall assign appropriate North American Industry Classification System numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, RSMo, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, RSMo, other than the taxes withheld pursuant to sections 143.191 to 143.265, RSMo, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment

or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community.

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148, RSMo, in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the **next** five tax years.

5. An existing corporation, partnership or sole proprietorship that is located within a distressed community and that relocates employees from another facility outside of the distressed community to its facility within the distressed community, and an existing business located within a distressed community that hires new employees for that facility may both be eligible for the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits, such a business, during one of its tax years, shall employ within a distressed community at least twice as many employees as were employed at the beginning of that tax year. A business hiring employees shall have no more than one hundred employees before the addition of the new employees. This subsection shall only apply to a business which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming or telecommunications business, or a professional firm.

6. Tax credits shall be approved for applicants meeting the requirements of this section in the order that such applications are received. Certificates of tax credits issued in accordance with this section may be transferred, sold or assigned by notarized endorsement which names the transferee.

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall be for an amount of no more than ten million dollars for each year beginning in 1999. To the extent there are available tax credits remaining under the ten million dollar cap provided in this section, [up to one hundred thousand dollars in the] **such** remaining credits shall first be used for tax credits authorized under section 135.562. The total maximum credit for all entities already located in distressed communities and claiming credits pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The department of economic development in approving taxpayers for the credit as provided for in subsection 6 of this section shall use information provided by the department of revenue regarding taxes paid in the previous year, or projected taxes for those entities newly established in the state, as the method of determining when this maximum will be reached and shall maintain a record of the order of approval. Any tax credit not used in the period for which the credit was approved may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having employees covered by a collective bargaining agreement at the facility from which it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be eligible for the credit in subsection 2 of this section if the relocation violates or terminates a collective bargaining agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to [an individual with a disability] **a disabled individual or a senior** who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

For purposes of this section, "disabled individual" means any natural person who:

- (1) Is a hearing-impaired person as defined in section 302.174, RSMo;**
- (2) Is a blind person as defined in section 8.700, RSMo; or**
- (3) Has medical disabilities that, as determined by a health care professional as defined in section 191.300, RSMo, prohibit, limit, or severely impair the person's ability to ambulate or walk as follows:**
 - (a) The person is unable to ambulate or walk less than fifty feet without stopping to rest due to a severe and disabling arthritic, neurological, orthopedic, or other severe and disabling condition; or**
 - (b) The person is unable to ambulate or walk without the use of or assistance from a brace, cane, crutch, prosthetic device, wheelchair, other assistive device, or another person.**

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to [an individual with a disability] **a disabled individual or senior** who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued pursuant to this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:

- (1) Constructing entrance or exit ramps;
- (2) Widening exterior or interior doorways;
- (3) Widening hallways;
- (4) Installing handrails or grab bars;
- (5) Moving electrical outlets and switches;
- (6) Installing stairway lifts;
- (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- (8) Modifying hardware of doors; [or]
- (9) Modifying bathrooms; **or**

(10) Constructing additional rooms in the dwelling or structures on the property for the purpose of accommodating the senior or disabled person.

5. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer 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, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, 2013.

10. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed [one hundred thousand dollars] **the amount of tax credits remaining unused under the program authorized under section 135.535** in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis."; and

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

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

Representative Oxford requested a division of the question on **HCS SCS SB 71, as amended.**

On motion of Representative Lipke, **Part I of HCS SCS SB 71, as amended,** was adopted.

HCS SCS SB 71, as amended, with Part II, as amended, pending, was laid over.

MESSAGES FROM THE SENATE

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and adopted **SCR 27**.

SENATE CONCURRENT RESOLUTION NO. 27

WHEREAS, the United States Congress recently passed, and President Obama signed, the American Recovery and Reinvestment Act of 2009 (ARRA); and

WHEREAS, the ARRA allocates federal stimulus and stabilization money to the various states via several funds that come with different stipulations as to the use of the allocated moneys; and

WHEREAS, the state of Missouri's share of the federal stimulus and stabilization money could be approximately four billion dollars; and

WHEREAS, there is great confusion as to the conditions and stipulations that must be met in order to maximize the amount of funds that the state may receive under ARRA; and

WHEREAS, some of the ARRA funds will use preexisting formulas to determine how much money will go to certain programs, such as worker training, food stamps and renewable energy promotion; and

WHEREAS, other ARRA funds, such as those that come from the stabilization fund, may provide the state with more discretion as to how such funds are spent by the state; and

WHEREAS, it is necessary for the General Assembly to conduct in-depth studies regarding the parameters of the ARRA funds in order to ensure compliance with federal law and that Missouri receives its fair share of the ARRA funds:

NOW, THEREFORE, BE IT RESOLVED by the members of the Missouri Senate, Ninety-fifth General Assembly, First Regular Session, the House of Representatives concurring therein, hereby establish a Joint Interim Committee on Oversight of Federal Stimulus and Stabilization Funds; and

BE IT FURTHER RESOLVED that the committee shall be charged with the following:

- (1) Conducting a comprehensive study and analysis of strategies for securing the maximum amount of federal dollars for Missouri and Missourians that will come from the ARRA; and
- (2) Examine any conditions or stipulations that are attached to the receipt of federal funds under ARRA; and
- (3) Determining whether the funds received from the American Recovery and Reinvestment Act, as passed by the 111th United States Congress, may be utilized to buy back a portion of the state's unredeemed tax credits at a discounted rate;
- (4) Investigate exactly for what purpose or programs moneys under ARRA may be used; and
- (5) Such other matters as the Joint Interim Committee may deem necessary in order to determine the proper course of future legislative and budgetary action regarding these issues; and

BE IT FURTHER RESOLVED that the committee shall be composed of ten members, three majority party members and two minority party members of the Senate, to be appointed by the President Pro Tem of the Senate, and three majority party members and two minority party members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and

BE IT FURTHER RESOLVED that the Joint Interim Committee is authorized to function during the legislative interim between the First Regular Session of the Ninety-fifth General Assembly through January 15, 2010, of the Second Regular Session of the Ninety-fifth General Assembly; and

BE IT FURTHER RESOLVED that the Joint Interim Committee may solicit input and information necessary to fulfill its obligations, including but not limited to soliciting input and information from any state department or agency the Joint Interim Committee deems relevant, political subdivisions of this State, and the general public; and

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

BE IT FURTHER RESOLVED that the actual and necessary expenses of the Joint Interim Committee, its members, and any staff assigned to the Joint Interim Committee incurred by the Joint Interim Committee shall be paid by the Joint Contingent Fund.

In which the concurrence of the House is respectfully requested.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SCS SB 47**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 171, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 296, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate refuses to concur in **HCS SB 464, as amended**, and requests the House recede from its position and failing to do so grant the Senate a conference thereon.

Speaker Richard resumed the Chair.

APPOINTMENT OF CONFERENCE COMMITTEES

The Speaker appointed the following Conference Committees to act with like Committees from the Senate on the following bills:

SCS HCS HB 397 & HCS HB 947: Representatives Flook, Viebrock, Franz, Talboy and Yaeger
SB 513: Representatives Diehl, Stevenson, Cox, Burnett and Kratky

Representative Nieves resumed the Chair.

THIRD READING OF SENATE BILL

HCS SCS SB 71, as amended, with Part II, as amended, pending, relating to income taxes, was again taken up by Representative Lipke.

Representative Self moved the previous question.

Which motion was adopted by the following vote:

AYES: 087

Allen	Brandom	Brown 30	Brown 149	Bruns
Burlison	Cooper	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	Ice	Jones 89
Jones 117	Keeney	Kingery	Koenig	Kraus
Lair	Largent	Leara	Lipke	Loehner
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			

NOES: 066

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

PRESENT: 000

ABSENT WITH LEAVE: 010

Bivins	El-Amin	Hoskins 80	Hughes	Liese
McGhee	Meadows	Meiners	Nasheed	Webb

On motion of Representative Lipke, **Part II of HCS SCS SB 71, as amended**, was adopted by the following vote:

AYES: 086

Allen	Brandom	Brown 30	Brown 149	Bruns
Burlison	Cooper	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
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	Wells	Weter	Wilson 119
Wilson 130	Wood	Wright	Yates	Zerr
Mr Speaker				

NOES: 067

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

PRESENT: 000

ABSENT WITH LEAVE: 010

Bivins	El-Amin	Hoskins 80	Hughes	Liese
McGhee	Meadows	Meiners	Nasheed	Webb

On motion of Representative Lipke, **HCS SCS SB 71, as amended**, was read the third time and passed by the following vote:

AYES: 086

Allen	Brandom	Brown 30	Brown 149	Bruns
Burlison	Cooper	Cox	Cunningham	Davis
Day	Deeken	Denison	Dethrow	Dieckhaus
Diehl	Dixon	Dugger	Dusenberg	Emery
Ervin	Faith	Fisher 125	Flanigan	Flook
Franz	Funderburk	Gatschenberger	Guernsey	Guest
Hobbs	Hoskins 121	Ice	Jones 89	Jones 117
Keeney	Kingery	Koenig	Kraus	Lair
Largent	Leara	Lipke	Loehner	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				

NOES: 066

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

PRESENT: 001

Grisamore

ABSENT WITH LEAVE: 010

Bivins	El-Amin	Hoskins 80	Hughes	Liese
McGhee	Meadows	Meiners	Nasheed	Webb

Representative Nieves declared the bill passed.

REFERRAL OF HOUSE BILLS

The following House Bills were referred to the Committee indicated:

HB 1102 - Elementary and Secondary Education

HB 1146 - Corrections and Public Institutions

REFERRAL OF SENATE BILLS

The following Senate Bills were referred to the Committee indicated:

HCS SB 26 - Fiscal Review (Fiscal Note)

HCS SS SB 58 - Fiscal Review (Fiscal Note)

HCS SS SB 291 - Fiscal Review (Fiscal Note)

HCS SS SCS SB 539 - Fiscal Review (Fiscal Note)

SCS SB 197 - Special Standing Committee on Health Insurance

SCS SBs 207 & 245 - Special Standing Committee on Health Insurance

SCS SBs 335 & 16 - Insurance Policy

SS#2 SCS SB 363 - Special Standing Committee on General Laws

SCS SB 495 - Special Standing Committee on Workforce Development and Workplace Safety

SCS SB 538 - Senior Citizen Advocacy

SCS SB 549 - Special Standing Committee on Health Insurance

COMMITTEE REPORTS

Committee on Health Care Policy, Chairman Cooper reporting:

Mr. Speaker: Your Committee on Health Care Policy, to which was referred **SCS SB 104**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Insurance Policy, Chairman Yates reporting:

Mr. Speaker: Your Committee on Insurance Policy, to which was referred **HCS SB 357**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute No. 2**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Tourism, Chairman Wood reporting:

Mr. Speaker: Your Committee on Tourism, to which was referred **HCR 46**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

HOUSE CONCURRENT RESOLUTION NO. 46

WHEREAS, on November 7 and 8, 2009, the first ultramarathon race in the State of Missouri will be run on the Ozark Trail; and

WHEREAS, an ultramarathon is defined as any running event longer than the traditional marathon distance of 26.2 miles; and

WHEREAS, the 100 Mile Endurance Run is a point-to-point 100 mile ultramarathon on the Ozark Trail through the Mark Twain National Forest in south central Missouri; and

WHEREAS, the Ozark Trail is a 350-mile scenic and varied route that winds through the Missouri Ozarks, stretching from the St. Louis metropolitan area southwestward to the Arkansas border:

NOW, THEREFORE, BE IT RESOLVED that the members of the House of Representatives of the Ninety-fifth General Assembly, First Regular Session, the Senate concurring therein, hereby recognize November 7, 2009, as "100 Mile Endurance Race Day" in Missouri to commemorate the first 100 mile ultramarathon run in this state.

Mr. Speaker: Your Committee on Tourism, to which was referred **SCR 2**, begs leave to report it has examined the same and recommends that it **Do Pass**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

Committee on Ways and Means, Chairman Sutherland reporting:

Mr. Speaker: Your Committee on Ways and Means, to which was referred **SS#2 SCS SB 5**, begs leave to report it has examined the same and recommends that it **Do Pass with House Committee Substitute**, and pursuant to Rule 25(32)(f) be referred to the Committee on Rules.

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 91**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 91, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 91;
2. That the House recede from its position on House Bill No. 91;

3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 91, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Darrell Pollock
/s/ David Day
/s/ Ryan Silvey
/s/ Joseph Fallert, Jr.
/s/ Jeanne Kirkton

FOR THE SENATE:

/s/ Chuck Purgason
/s/ Jason Crowell
/s/ John E. Griesheimer
/s/ Timothy P. Green
/s/ Frank A. Barnitz

**CONFERENCE COMMITTEE REPORT
ON
SENATE COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 269**

The Conference Committee appointed on Senate Committee Substitute for House Bill No. 269, with Senate Amendment No. 1 and Senate Amendment No. 2, begs leave to report that we, after free and fair discussion of the differences, have agreed to recommend and do recommend to the respective bodies as follows:

1. That the Senate recede from its position on Senate Committee Substitute for House Bill No. 269, as amended;
2. That the House recede from its position on House Bill No. 269;
3. That the attached Conference Committee Substitute for Senate Committee Substitute for House Bill No. 269, be Third Read and Finally Passed.

FOR THE HOUSE:

/s/ Mike Parson
/s/ Michael Talboy
/s/ Kenny Jones
/s/ Stanley Cox
/s/ Don Calloway

FOR THE SENATE:

/s/ Delbert Scott
/s/ John E. Griesheimer
/s/ David Pearce
/s/ Rita Heard Days
/s/ Frank A. Barnitz

ADJOURNMENT

On motion of Representative Self, the House adjourned until 4:00 p.m., Monday, May 4, 2009.

CORRECTIONS TO THE HOUSE JOURNAL

Correct House Journal, Sixty-fourth Day, Wednesday, April 29, 2009, Page 1403, Line 14, by inserting immediately after said line the following:

"REFERRAL OF SENATE BILL

HCS SB 215 - Fiscal Review (Fiscal Note)".

AFFIDAVITS

I, State Representative Doug Ervin, District 35, hereby state and affirm that my vote as recorded on Page 1348 of the Journal of the House for Wednesday, April 29, 2009 that House Amendment No. 22 be adopted was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted no. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 30th day of April 2009.

/s/ Doug Ervin
State Representative

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

Subscribed and sworn to before me this 30th day of April in the year 2009.

/s/ Leticia Long
Notary Public

I, State Representative Marilyn Ruestman, District 131, hereby state and affirm that my vote as recorded on Page 1351 of the Journal of the House for Wednesday, April 29, 2009, to move the previous question was incorrectly recorded as absent with leave. Pursuant to House Rule 89, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did vote on this motion, and my vote incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 30th day of April 2009.

/s/ Marilyn Ruestman
State Representative

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

Subscribed and sworn to before me this 30th day of April in the year 2009.

/s/ Leticia Long
Notary Public

COMMITTEE MEETINGS

CONFERENCE COMMITTEE - APPROPRIATIONS

Friday, May 1, 2009, 8:00 a.m. Third floor Legislative Library.

Executive session may follow. CANCELLED

Public hearings to be held on: SS SCS HCS HB 2, SS SCS HCS HB 3, SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HB 13

CONFERENCE COMMITTEE - APPROPRIATIONS

Monday, May 4, 2009, 1:00 p.m. Senate Lounge.

Executive session may follow. AMENDED

Public hearings to be held on: SS SCS HCS HB 2, SS SCS HCS HB 3, SCS HCS HB 4, SCS HCS HB 5, SCS HCS HB 6, SCS HCS HB 7, SCS HCS HB 8, SCS HCS HB 9, SCS HCS HB 10, SCS HCS HB 11, SCS HCS HB 12, SCS HB 13

INSURANCE POLICY

Monday, May 4, 2009, 3:00 p.m. Hearing Room 1.

Executive session will follow. AMENDED

Public hearing to be held on: SCS SBs 335 & 16

SPECIAL STANDING COMMITTEE ON GENERAL LAWS

Tuesday, May 5, 2009, Hearing Room 4 upon morning recess.

Executive session may follow.

Public hearing to be held on: SS#2 SCS SB 363

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Monday, May 4, 2009, 1:00 p.m. Hearing Room 5.

Executive session.

SPECIAL STANDING COMMITTEE ON HEALTH INSURANCE

Tuesday, May 5, 2009, Hearing Room 5 upon morning recess.

Executive session may follow.

Public hearing to be held on: HB 519

SPECIAL STANDING COMMITTEE ON WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY

Monday, May 4, 2009, 1:00 p.m. Hearing Room 6.

Executive session may follow. CORRECTED

Public hearing to be held on: SCS SB 495

HOUSE CALENDAR

SIXTY-SIXTH DAY, MONDAY, MAY 4, 2009

HOUSE JOINT RESOLUTIONS FOR PERFECTION

- 1 HCS HJR 16 - Davis
- 2 HCS HJR 9 - Cox

HOUSE BILLS FOR PERFECTION

- 1 HCS HB 522 - Fisher (125)
- 2 HCS HB 703 - Jones (89)
- 3 HCS HB 497 - Ervin
- 4 HCS HB 414 - Low
- 5 HCS HB 967 - Hobbs
- 6 HB 746 - Bringer
- 7 HCS HB 330 - Riddle
- 8 HCS HB 313 - Yates
- 9 HCS HB 799 - Jones (89)
- 10 HCS HB 162 - Dusenberg
- 11 HB 321 - Emery
- 12 HCS HB 363, HA 1, pending - Silvey
- 13 HCS HB 735 - Yates
- 14 HCS HB 387 - Cooper
- 15 HCS HB 566 - Salva
- 16 HCS HB 190 - Flook
- 17 HCS HB 857 - Pollock
- 18 HCS HB 647 - Schaaf
- 19 HCS#2 HB 372 - Schaaf
- 20 HCS HB 356 - Wallace
- 21 HCS HB 654 - Schoeller
- 22 HCS HB 937 - Icet
- 23 HCS HB 1055 - Pratt
- 24 HB 84 - Wood
- 25 HCS HB 591 - Sutherland
- 26 HCS HB 819 - Cooper
- 27 HB 1058 - Smith (150)
- 28 HCS HB 945 - Wells
- 29 HB 1009 - Parkinson
- 30 HCS HB 536 - Dixon
- 31 HCS HB 767 - Grill

HOUSE JOINT RESOLUTIONS FOR THIRD READING

HJR 37 - Cunningham

HOUSE BILLS FOR THIRD READING

- 1 HCS HB 95, (Fiscal Review 4-02-09) - Schaaf
- 2 HB 45 - Sater

HOUSE BILLS FOR THIRD READING - CONSENT

HCS HB 304 - Schad

HOUSE CONCURRENT RESOLUTIONS

- 1 HCR 17, (3-12-09, Pages 593-594) - Sander
- 2 HCR 19, (3-11-09, Pages 554-555) - Wright
- 3 HCR 45, (4-07-09, Page 956) - Wallace

SENATE JOINT RESOLUTIONS FOR THIRD READING

SCS SJR 5 - Stream

SENATE BILLS FOR THIRD READING - CONSENT

- 1 HCS SB 421, E.C. - Cunningham
- 2 SB 66 - Hoskins (121)
- 3 SCS SB 127 - Funderburk
- 4 HCS SB 263 - Wright
- 5 SCS SB 265 - Jones (89)
- 6 SB 161 - Viebrock
- 7 HCS SCS SB 411 - Viebrock
- 8 HCS SCS SB 152 - Loehner
- 9 HCS SB 196 - Scavuzzo

SENATE BILLS FOR THIRD READING

- 1 HCS SS SCS SB 1 - Wasson
- 2 HCS SB 377, E.C. - Flook
- 3 SCS SB 153 - Cunningham
- 4 SB 217 - Stevenson
- 5 SB 224 - Pratt
- 6 SCS SB 231 - Stevenson
- 7 SCS SB 243 - Jones (89)
- 8 HCS SB 485, E.C. - Diehl
- 9 SB 368 - Jones (117)
- 10 HCS SCS SB 188 - Jones (89)
- 11 HCS SB 480 - Quinn
- 12 HCS SCS SBs 36 & 112 - Wasson
- 13 HCS SCS SB 44 - Hoskins (121)
- 14 HCS SCS SB 15, E.C. - Stevenson

- 15 HCS SCS SB 179, E.C. - Morris
- 16 HCS SB 55, E.C. - Wallace
- 17 SCS SB 542 - Flook
- 18 HCS SCS SB 216 - Cunningham
- 19 HCS SS SB 58, (Fiscal Review 4-30-09) - Dixon
- 20 HCS SB 26, (Fiscal Review 4-30-09) - Nolte
- 21 HCS SS SCS SB 539, (Fiscal Review 4-30-09), E.C. - Ruzicka
- 22 HCS SS SB 291, (Fiscal Review 4-30-09), E.C. - Wallace

HOUSE BILLS WITH SENATE AMENDMENTS

- 1 SCS HCS HB 93 & 216, as amended, E.C. - Thomson
- 2 SCS HCS HB 111 - Day
- 3 SCS HB 861 - Day
- 4 SCS HCS HB 752 - Schieffer
- 5 SS SCS HCS HB 359, as amended, E.C. - Denison
- 6 SS HCS HB 661, as amended, E.C. - Ruzicka
- 7 SS HB 259, as amended - Tilley
- 8 SCS HB 171 - Cox
- 9 SCS HCS HB 272 - Chappelle-Nadal
- 10 SCS HCS HB 237, HB 238 & HB 482 - Jones (89)
- 11 SCS HB 866 - Wells
- 12 SCS HCS HB 836 & 753 - Curls
- 13 SCS HB 867 - Guest
- 14 SCS HCS HB 667 - Jones (117)
- 15 HB 644, SA 1, SA 2 - Wilson (130)
- 16 SCS HB 326 - Sutherland
- 17 SCS HCS HB 236, E.C. - Lipke
- 18 SCS HB 506 - Funderburk
- 19 SCS HB 922 - Smith (14)
- 20 SCS HB 257 - Schieffer
- 21 SS SCS HCS HB 247 - Loehner
- 22 SS#2 SCS HB 103, as amended - Wildberger
- 23 SCS HCS HB 427, as amended - Largent
- 24 SCS HCS HB 177 & HCS HB 622 - Cox
- 25 SCS HB 544, as amended - Smith (150)
- 26 SCS HB 239, as amended - Jones (89)
- 27 SCS HB 842, as amended - Wood
- 28 SS HB 132 - Fallert
- 29 SS HCS HB 740, E.C. - Icet
- 30 SS SCS HCS HB 205 - Parson
- 31 HB 709, SA 1 - Dusenberg

BILLS CARRYING REQUEST MESSAGES

- 1 HCS SB 171, as amended (request House recede/grant conference) - Schlottach
- 2 HCS SB 464, as amended (request House recede/grant conference), E.C. - Yates
- 3 HCS SCS SB 47 (request House recede/grant conference) - Bruns
- 4 HCS SB 296, as amended (request House recede/grant conference) - Wells

BILLS IN CONFERENCE

- 1 SS SCS HCS HB 2 - Icet
- 2 SS SCS HCS HB 3 - Icet
- 3 SCS HCS HB 4 - Icet
- 4 SCS HCS HB 5 - Icet
- 5 SCS HCS HB 6 - Icet
- 6 SCS HCS HB 7 - Icet
- 7 SCS HCS HB 8 - Icet
- 8 SCS HCS HB 9 - Icet
- 9 SCS HCS HB 10 - Icet
- 10 SCS HCS HB 11 - Icet
- 11 SCS HCS HB 12 - Icet
- 12 SCS HB 13 - Icet
- 13 SCS#2 HCS HB 148 - Franz
- 14 SCS HCS HB 397 & HCS HB 947 - Flook
- 15 SCS HCS HB 265, E.C. - Franz
- 16 CCR SCS HB 269, as amended - Parson
- 17 CCR SCS HB 91 - Pollock
- 18 SS SCS HB 395, as amended, E.C. - Nance
- 19 HCS SCS SB 242, as amended, E.C. - Jones (89)
- 20 HCS SS SB 307, as amended, E.C. - Schaaf
- 21 SB 513, HA 1, as amended - Diehl

SENATE CONCURRENT RESOLUTIONS

SCR 8, (3-05-09, Pages 493-494) - Wright

HOUSE RESOLUTIONS

HR 515, (4-22-09, Pages 1218-1219) - Jones (117)