

Journal of the Senate

SECOND REGULAR SESSION

FORTY-FIFTH DAY—WEDNESDAY, MARCH 31, 2010

The Senate met pursuant to adjournment.

Senator Stouffer in the Chair.

Reverend Carl Gauck offered the following prayer:

“Without the aid of tradition, neither the rational nor the scriptural laws can be completely fulfilled.” (Bahya)

Heavenly Father, we know that there have been periods of time when people have sought to throw out all traditions believing that they block our becoming all we can. Yet time has shown that traditions help us to have an understanding why we have done what we have and the outcome of our actions. Help us be mindful that tradition provides us with a firm foundation on which we can stand and build new and needed actions and helpful results for those who need them. Walk with us this day and provide us the wisdom we need. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

A quorum being established, the Senate proceeded with its business.

The Journal of the previous day was read and approved.

Photographers from KRCCG-TV were given permission to take pictures in the Senate Chamber today.

The following Senators were present during the day’s proceedings:

Present—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Crowell	Cunningham
Days	Dempsey	Engler	Goodman	Green	Griesheimer	Justus	Keaveny
Lager	Lembke	Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway
Rupp	Schaefer	Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel
Wilson	Wright-Jones—34						

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

RESOLUTIONS

Senator Goodman offered Senate Resolution No. 2041, regarding Harriet Seneker, Mt. Vernon, which was adopted.

Senator Vogel offered the following resolution:

SENATE RESOLUTION NO. 2042

WHEREAS, the General Assembly fully recognizes the importance of preparing our youth to become active and productive citizens through worthwhile governmental or citizenship projects; and

WHEREAS, the General Assembly has a long tradition of rendering assistance to those organizations who sponsor these projects in the interest of our young people; and

WHEREAS, one clear example of such an organization is the Missouri YMCA, which has become widely recognized for its sponsorship of the Youth in Government program; and

WHEREAS, the Missouri YMCA Youth in Government program provides its participants with a unique insight into the day to day operation of our state government;

NOW, THEREFORE, BE IT RESOLVED by the Missouri Senate that the Missouri YMCA be hereby granted permission to use the Senate Chamber and Hearing rooms for the purposes of its State Convention on November 11, 2010 through November 13, 2010 and December 2, 2010 through December 4, 2010.

Senator Vogel requested unanimous consent of the Senate that the rules be suspended for the purpose of taking **SR 2042** up for adoption, which request was granted.

On motion of Senator Vogel, **SR 2042** was adopted.

Senator Nodler offered Senate Resolution No. 2043, regarding James G. Woestman, Carthage, which was adopted.

Senator Shoemyer offered Senate Resolution No. 2044, regarding the One Hundredth Birthday of Helen Prange, Shelbina, which was adopted.

Senator McKenna offered Senate Resolution No. 2045, regarding the Fortieth Wedding Anniversary of Mr. and Mrs. Glennon J. Hausler, St. Louis, which was adopted.

REPORTS OF STANDING COMMITTEES

Senator Engler, Chairman of the Committee on Rules, Joint Rules, Resolutions and Ethics, submitted the following reports:

Mr. President: Your Committee on Rules, Joint Rules, Resolutions and Ethics, to which were referred **SS** for **SCS** for **SB 625**; **SCS** for **SB 733**; and **SB 1026**, begs leave to report that it has examined the same and finds that the bills have been truly perfected and that the printed copies furnished the Senators are correct.

SENATE BILLS FOR PERFECTION

Senator Shields moved that **SB 896** be called from the Informal Calendar and taken up for perfection, which motion prevailed.

Senator Green was recognized to inquire of Senator Shields.

The President instructed Senator Green not to turn his back to the Chair during the course of debate.

Senator Green raised the point of order that under the provisions of Senate Rule 76, he is not required to face the Chair during debate.

The point of order was referred to the President Pro Tem who ruled it not well taken.

Senator Green offered **SA 1**, which was read:

SENATE AMENDMENT NO. 1

Amend Senate Bill No. 896, Page 3, Section 104.1309, Line 11, by inserting after all of said line the following:

“Section 1. Any decrease in the amount of the contribution required by the state to the retirement systems affected by sections 104.1300 to 104.1309 attributable to the establishment of a defined contribution plan by section 104.1303 shall be used by the office of administration to increase the pay of employees covered by the respective systems, and not for any other purpose.”; and

Further amend the title and enacting clause accordingly.

Senator Green moved that the above amendment be adopted.

At the request of Senator Shields, **SB 896**, with **SA 1** (pending), was placed on the Informal Calendar.

REFERRALS

President Pro Tem Shields referred **SB 1026** to the Committee on Governmental Accountability and Fiscal Oversight.

On motion of Senator Engler, the Senate recessed until 3:00 p.m.

RECESS

The time of recess having expired, the Senate was called to order by President Kinder.

SENATE BILLS FOR PERFECTION

Senator Dempsey moved that **SB 895**, **SB 813**, **SB 911**, **SB 924**, **SB 922** and **SB 802**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SBs 895**, **813**, **911**, **924**, **922** and **802** was again taken up.

Senator Dempsey offered **SS** for **SCS** for **SBs 895**, **813**, **911**, **924**, **922** and **802**, entitled:

**SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILLS NOS. 895, 813, 911, 924, 922 and 802**

An Act to repeal sections 99.805, 99.845, 135.535, 135.950, 135.967, 178.760, 178.762, 178.892, 178.894, 196.1115, 348.251, 348.253, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof twenty-four new sections relating to tax incentives for job creation.

Senator Dempsey moved that **SS** for **SCS** for **SBs 895**, **813**, **911**, **924**, **922** and **802** be adopted.

Senator Rupp assumed the Chair.

Senator Dempsey offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 895, 813, 911, 924, 922 and 802, Page 1, In the Title, Line 7, by inserting after “creation” the following: “, with an emergency clause”; and

Further amend said bill, page 42, section 99.845, line 4 of said page, by inserting after all of said line the following:

“135.040. 1. As used in this section and section 135.041, the following terms shall mean:

(1) “Added value”, any business prospect which by activity or action develops a new product, application, or service which serves a new market that directly results from current business activities;

(2) “Affordable housing”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of creating, constructing, rehabilitating, or providing access to decent, safe and sanitary housing within the financial capability of the occupants;

(3) “Business development”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of stimulating job creation or retention, stimulating new private investment, creating added value, improving environmental efficiencies, or causing a unique activity or event that creates significant direct and measurable economic benefit to the state;

(4) “Community assistance”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of assisting in the creation or expansion of a service designed to meet a community or social need, either through physical improvements or increasing operating capacity;

(5) “Department”, the department of economic development;

(6) “Director”, the director of the department of economic development;

(7) “Financial and insurance institutions”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of expanding access to insurance, ensuring maintenance of insurance benefits in the event of insurer insolvency, offsetting the cost of market conduct and financial examination, incentivizing banks to locate their outstanding shares and surplus within the state, or offsetting the income tax liability on qualifying stocks held by an S-corporation shareholder;

(8) “Missouri business”, any business with a physical presence in this state, with employees who routinely perform job duties within this state;

(9) “Net general revenue collections”, all revenue deposited into the general revenue fund less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(10) “Public infrastructure”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of assisting in the construction or rehabilitation of facilities, utilities, transportation systems and related improvements for public use;

(11) “Qualified company”, a firm, partnership, joint venture, association, private or public

corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of this section and 135.041, the term “qualified company” shall not include:

- (a) Gambling establishments (NAICS industry group 7132);
- (b) Retail trade establishments (NAICS sectors 44 and 45);
- (c) Food and drinking places (NAICS subsector 722);
- (d) Public utilities (NAICS 221 including water and sewer services);
- (e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;
- (f) Any company that has filed for or has publicly announced its intention to file for bankruptcy protection;
- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production; or
- (k) Biodiesel production. Notwithstanding any provision of this section to the contrary, the headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied;

(12) “Redevelopment”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of rehabilitating real property for productive use;

(13) “Uniform discount rate”, a rate based upon the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System, increased by two percent.

2. Provisions of law to the contrary notwithstanding, no tax credits now or hereafter provided under any program by law, other than the senior citizens property tax credit created pursuant to sections 135.010 to 135.030 and the homestead preservation tax credit program created pursuant to section 137.106, shall be authorized for issuance after June 30, 2010, except in accordance with this section and with section 135.041. Nothing in this section or section 135.041 shall be construed to limit or in any way impair a recipient's ability to redeem tax credits or an administering agency's ability to issue tax credits that were authorized or approved prior to June 30, 2010.

3. For the fiscal year beginning on or after July 1, 2010, but ending on or before June 30, 2011, the aggregate amount of tax credits provided under this section and section 135.041 which may be authorized for issuance in such fiscal year shall not exceed three hundred and fourteen million

dollars. For each fiscal year beginning on or after July 1, 2011, the aggregate amount of tax credits which may be authorized for issuance in a fiscal year shall be adjusted by the percentage change in net general revenue collections for the preceding fiscal year over the second preceding fiscal year, as determined by the commissioner of administration. In the case of authorizations of tax credits which may be issued over a period of fiscal years for a single project or activity, the total amount of tax credits to be authorized in the aggregate over the entire term of fiscal years shall reduce the amount of tax credits available for authorization in the fiscal year in which the authorization is initially made, and the subsequent issuance of tax credits so authorized shall not be taken into account in subsequent fiscal years for purposes of determining compliance with statutory limitations on tax credit authorization.

4. For the fiscal year beginning on July 1, 2010, an amount equal to one hundred percent of the aggregate cap provided under subsection 3 of this section shall be allocated to the department for authorizations of tax credits provided under section 135.041. For all fiscal years beginning on or after July 1, 2011, an amount equal to eighty percent of the aggregate cap provided under subsection 3 of this section shall be allocated to the department for authorizations of tax credits provided under section 135.041.

5. For all fiscal years beginning on or after July 1, 2011, the general assembly may allocate to the department an amount not to exceed twenty percent of the aggregate cap established under subsection 3 of this section for authorizations of tax credits provided under section 135.041. The allocation provided under this subsection shall only be made in the annual appropriation bill relating to public debt and shall specify the percentage allocated to the department for that fiscal year.

6. By July 1, 2010, and the first day of July each year thereafter, the Missouri housing development commission shall prepare and submit to the department for approval a recommended plan for authorizing the tax credits allocated for the next fiscal year. The department shall consider the recommended plan in preparing the draft allocation plan. By no later than October 1, 2010, and the first day of October each year thereafter, the department shall prepare and publish for review and public comment a draft allocation plan setting forth the proposed allocation of tax credits for each of the tax credits provided under section 135.041 for the next fiscal year. The draft allocation plan shall provide for an allocation by the department:

(1) Equal to no less than five percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for community assistance under section 135.041;

(2) Equal to no less than four percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for financial and insurance institutions under section 135.041;

(3) Equal to no less than six percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for public infrastructure under section 135.041;

(4) To the commission equaling no less than ten percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for affordable housing under section 135.041;

(5) Equal to no less than twenty-five percent of the aggregate cap provided under subsection 3 of this section for authorizations of tax credits for redevelopment under section 135.041;

(6) Equal to no less than thirty percent of the aggregate cap provided under subsection 3 of this

section for authorizations of tax credits for business development under section 135.041.

For any fiscal year in which the general assembly makes an allocation under subsection 5 of this section, the department may allocate any portion of such toward authorizations of any tax credits provided under section 135.041.

7. The allocation plan shall include, at a minimum, the following information:

(1) Application deadlines for all tax credits provided under section 135.041, except for tax credits for business development;

(2) The evaluation criteria and definitions applicable to each tax credit provided under section 135.041;

(3) A requirement that a cost-benefit analysis of eligible projects or activities be conducted as a prerequisite to approval of any application for tax credits provided under section 135.041, except for business development tax credits;

(4) The methodology used to determine the economic impact and return on investment for each tax credit provided under section 135.041; and

(5) Any priorities established for the authorization of tax credits provided under section 135.041.

8. Following an opportunity for public comment on the draft allocation plan, but in no event later than January 1, 2011, and by the first day of January each year thereafter, the department shall approve and transmit the allocation plan, along with any public comments received thereon, to the budget committee of the house of representatives and the appropriations committee of the senate. The allocation plan shall govern the authorization of tax credits provided under section 135.041, except that the department shall adjust the allocation plan to reflect any amounts allocated by the general assembly under subsection 5 of this section by no later than the first day of July of each year in which such an allocation is made.

9. By no later than September 1, 2011, and the first day of September each year thereafter, the department shall present an annual report to the general assembly detailing the authorization of tax credits provided under section 135.041 during the prior fiscal year to the extent such information may otherwise be disclosed under state and federal law. The report shall include, but not be limited to:

(1) A list of applicants for each tax credit provided under section 135.041;

(2) A list of the aggregate amount of new jobs created which are directly attributable to tax credits authorized under the provisions of section 135.041;

(3) A statement of the aggregate amount of private investment directly attributable to tax credits authorized under the provisions of section 135.041;

(4) Document the estimated benefit for each authorized project or activity and the actual benefit realized upon completion of such project or activity;

(5) A list of other beneficiaries or outcomes directly attributable to tax credits authorized under the provisions of section 135.041.

135.041. 1. The department shall be the administering agency for all tax credits authorized under this section. The department may consult with other state agencies when evaluating applications for

tax credits under this section. Except as otherwise provided under this section and section 135.040, the decision to approve any application for tax credits provided under this section and the amount of any such credit to be authorized shall be made at the discretion of the director.

2. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a business development tax credit for issuance to qualified companies in an amount equal to the least amount necessary to accomplish the project or activity which achieves a positive net general revenue benefit to the state measured in a period not to exceed ten years. The department may increase the amount of any tax credit authorized under this subsection for issuance to an existing Missouri business by an amount not to exceed two percent of the tax credits authorized for each continuous five year period such employer has been a Missouri business, not to exceed a total increase of ten percent.

3. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit of up to thirty-five percent of eligible project costs incurred for an eligible project or activity for the purpose of redevelopment.

4. For all taxable years beginning on or after January 1, 2010, the department may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of the net present value of eligible project costs incurred for an eligible project or activity for the purpose of providing affordable housing. A uniform discount rate shall be included in the allocation plan approved by the department and applied by the Missouri housing development commission to all authorizations of tax credits for the purpose of providing affordable housing in that fiscal year.

5. For all taxable years beginning on or after January 1, 2010, the department may, subject to the provisions of section 135.040 authorize a tax credit of up to fifty percent of eligible project costs incurred for an eligible project or activity for the purpose of providing public infrastructure.

6. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of eligible costs incurred for an eligible project or activity for the purpose of providing community assistance.

7. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit for the purpose of assisting financial and insurance institutions.

8. Tax credits provided under this section may be taken against the state taxes imposed pursuant to chapters 143, 147, 148, and 153, except for sections 143.191 to 143.265. No tax credit provided under this section may be carried back to any preceding tax years.

9. Prior to authorizing any tax credit under this section, the director shall enter into an agreement with an eligible applicant specifying, at a minimum, the public benefit, the eligible project or activity, the eligible costs, the amount of the tax credits to be authorized, the applicable term of authorization, applicable recapture provisions, any applicable local effort, any contractual conditions provided in section 620.017, and any other additional conditions the director may require. In the contract with an eligible applicant, the director may agree to any of the following with respect to any tax credit authorized under this section:

- (1) That the tax credit may be carried forward for a period not to exceed five years;

(2) That the tax credit may be transferred, sold or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of the tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department;

(3) That the tax credit may be refundable; provided, that in no event shall the department authorize refundable tax credits in an amount that exceeds:

(a) Ten percent of the aggregate cap provided under subsection 3 of section 135.040 during the fiscal year beginning on July 1, 2010;

(b) Fifteen percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2011;

(c) Twenty percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2012;

(d) Twenty-five percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2013;

(e) Thirty-five percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2014;

(f) Forty percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2015;

(g) Forty-five percent of the aggregate cap provided under subsection 3 of section 135.040 for the fiscal year beginning on July 1, 2016; or

(h) Fifty percent of the aggregate cap provided under subsection 3 of section 135.040 for each fiscal year beginning on or after July 1, 2017;

(4) That the tax credit may be based on a contribution or investment in an eligible project or activity;

(5) That the tax credits authorized may be issued over a period of years;

(6) That the tax credit may not be redeemed prior to a specified time or upon the occurrence of a specified event or condition;

(7) That the tax credit may be repaid upon the occurrence of a specified event or condition;

(8) That the tax credit may be evidenced by a certificate; or

(9) That the tax credit may include any other feature not otherwise prohibited by law.

9. Prior to authorization of any tax credit under this section, the department, as administering agency, shall conduct the verifications provided in section 135.815. The department may conduct any additional investigation not otherwise prohibited by law.

10. For any authorization of tax credits in excess of one million dollars for a single eligible applicant or eligible project or activity, the applicant shall provide to the department a certification of eligible activities or costs performed by a certified public accountant licensed under the provisions of chapter 326.

11. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of this section and section 135.040. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend said bill, pages 42-48, section 135.535, by striking all of said section from bill; and

Further amend said bill, pages 48-57, section 135.950, by striking all of said section from the bill; and

Further amend said bill, pages 57-63, section 135.967, by striking all of said section from the bill; and

Further amend said bill, pages 106-115, section 620.1878, by striking all of said section from the bill; and

Further amend said bill, pages 115-134, section 620.1881, by striking all of said section from the bill; and

Further amend said bill, page 134, section 348.253, line 38 of said page, by inserting after all of said line the following:

“Section B. Because of the need to ensure adequate revenues for the fiscal year beginning July 1, 2010, the enactment of sections 135.040 and 135.041 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 135.040 and 135.041 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Dempsey moved that the above amendment be adopted.

Senator Shields offered **SSA 1** for **SA 1**:

**SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1**

Amend Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 895, 813, 911, 924, 922 and 802, Page 1, In the Title, Line 7, by inserting after “creation” the following: “with an emergency clause”; and

Further amend said bill, Page 42, Section 99.845, Line 4 of said page, by inserting after all of said line the following:

“135.040. 1. As used in this section and section 135.041, the following terms shall mean:

(1) “Added value”, any business prospect which by activity or action develops a new product, application, or service which serves a new market that directly results from current business activities;

(2) “Affordable housing”, eligible projects or activities, including contributions to, or investments

in, eligible projects or activities, having the purpose of creating, constructing, rehabilitating, or providing access to decent, safe and sanitary housing within the financial capability of the occupants;

(3) “Business development”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of stimulating job creation or retention, stimulating new private investment, creating added value, improving environmental efficiencies, or causing a unique activity or event that creates significant direct and measurable economic benefit to the state;

(4) “Community assistance”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of assisting in the creation or expansion of a service designed to meet a community or social need, either through physical improvements or increasing operating capacity;

(5) “Department”, the department of economic development;

(6) “Director”, the director of the department of economic development;

(7) “Financial and insurance institutions”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of expanding access to insurance, ensuring maintenance of insurance benefits in the event of insurer insolvency, offsetting the cost of market conduct and financial examination, incentivizing banks to locate their outstanding shares and surplus within the state, or offsetting the income tax liability on qualifying stocks held by an S-corporation shareholder;

(8) “Missouri business”, any business with a physical presence in this state, with employees who routinely perform job duties within this state;

(9) “Net general revenue collections”, all revenue deposited into the general revenue fund less refunds and revenues originally deposited into the general revenue fund but designated by law for a specific distribution or transfer to another state fund;

(10) “Public infrastructure”, eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of assisting in the construction or rehabilitation of facilities, utilities, transportation systems and related improvements for public use;

(11) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of this section and 135.041, the term “qualified company” shall not include:

(a) Gambling establishments (NAICS industry group 7132);

(b) Retail trade establishments (NAICS sectors 44 and 45);

(c) Food and drinking places (NAICS subsector 722);

(d) Public utilities (NAICS 221 including water and sewer services);

(e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;

(f) Any company that has filed for or has publicly announced its intention to file for bankruptcy protection;

(g) Educational services (NAICS sector 61);

(h) Religious organizations (NAICS industry group 8131);

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production; or

(k) Biodiesel production. Notwithstanding any provision of this section to the contrary, the headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied;

(12) "Redevelopment", eligible projects or activities, including contributions to, or investments in, eligible projects or activities, having the purpose of rehabilitating real property for productive use;

(13) "Uniform discount rate", a rate based upon the average predominant prime rate quoted by commercial banks to large businesses, as determined by the board of governors of the Federal Reserve System, increased by two percent.

2. Provisions of law to the contrary notwithstanding, no tax credits now or hereafter provided under any program by law, other than the senior citizens property tax credit created pursuant to sections 135.010 to 135.030 and the homestead preservation tax credit program created pursuant to section 137.106, shall be authorized for issuance after June 30, 2010, except in accordance with this section and with section 135.041. Nothing in this section or section 135.041 shall be construed to limit or in any way impair a recipient's ability to redeem tax credits or an administering agency's ability to issue tax credits that were authorized or approved prior to June 30, 2010.

3. For the fiscal year beginning on or after July 1, 2010, and ending on or before June 30, 2011, the aggregate amount of all tax credits provided under this section and section 135.041 which may be authorized for issuance in such fiscal year shall not exceed an amount equal to five percent of net general revenue collections for the fiscal year beginning on or after July 1, 2008, and ending on or before June 30, 2009. For all fiscal years beginning on or after July 1, 2011, the general assembly may allocate to the department an amount not to exceed three and one-half percent of net general revenues collections for the second preceding fiscal year to the year of allocation for authorizations of tax credits provided under section 135.041; provided that such allocation shall only be made in the annual appropriation bill relating to public debt and shall specify the percentage allocated to the department for that fiscal year.

4. For the fiscal year beginning on or after July 1, 2011, and each fiscal year thereafter, the aggregate amount of business development tax credits provided under section 135.041 which may be authorized for issuance shall be at least the greater of one and one-half percent of net general revenue collections for the second preceding fiscal year or one hundred million dollars.

5. By July 1, 2010, and the first day of July each year thereafter, the Missouri housing development commission shall prepare and submit to the department for approval a recommended

plan for authorizing the tax credits allocated for the next fiscal year. The department shall consider the recommended plan in preparing the draft allocation plan. By no later than October 1, 2010, and the first day of October each year thereafter, the department shall prepare and publish for review and public comment a draft allocation plan setting forth the proposed allocation of tax credits for each of the tax credits provided under section 135.041 for the next fiscal year. The allocation plan shall include, at a minimum, the following information:

(1) Application deadlines for all tax credits provided under section 135.041, except for tax credits for business development tax;

(2) The evaluation criteria and definitions applicable to each tax credit provided under section 135.041;

(3) A requirement that a cost-benefit analysis of eligible projects or activities be conducted as a prerequisite to approval of any application for tax credits provided under section 135.041, except for business development tax credits;

(4) The methodology used to determine the economic impact and return on investment for each tax credit provided under section 135.041; and

(5) Any priorities established for the authorization of tax credits provided under section 135.041.

6. Following an opportunity for public comment on the draft allocation plan, but in no event later than January 1, 2011, and by the first day of January each year thereafter, the department shall approve and transmit the allocation plan, along with any public comments received thereon, to the budget committee of the house of representatives and the appropriations committee of the senate. The allocation plan shall govern the authorization of tax credits provided under section 135.041.

7. By no later than September 1, 2011, and the first day of September each year thereafter, the department shall present an annual report to the general assembly detailing the authorization of tax credits provided under section 135.041 during the prior fiscal year that to the extent such information may otherwise be disclosed under state and federal law. The report shall include, but not be limited to:

(1) A list of applicants for each tax credit provided under section 135.041;

(2) A list of the aggregate amount of new jobs created which are directly attributable to tax credits authorized under the provisions of section 135.041;

(3) A statement of the aggregate amount of private investment directly attributable to tax credits authorized under the provisions of section 135.041;

(4) Document the estimated benefit for each authorized project or activity and the actual benefit realized upon completion of such project or activity;

(5) A list of other beneficiaries or outcomes directly attributable to tax credits authorized under the provisions of section 135.041.

135.041. 1. The department shall be the administering agency for all tax credits authorized under this section. The department may consult with other state agencies when evaluating applications for tax credits under this section. Except as otherwise provided under this section and section 135.040, the decision to approve any application for tax credits provided under this section and the amount

of any such credit to be authorized shall be made at the discretion of the director.

2. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a business development tax credit for issuance to qualified companies in an amount equal to the least amount necessary to accomplish the project or activity which achieves a positive net general revenue benefit to the state measured in a period not to exceed ten years. The department may increase the amount of any tax credit authorized under this subsection for issuance to an existing Missouri business by an amount not to exceed two percent of the tax credits authorized for each continuous five year period such employer has been a Missouri business, not to exceed a total increase of ten percent.

3. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit of up to thirty-five percent of eligible project costs incurred for an eligible project or activity for the purpose of redevelopment.

4. For all taxable years beginning on or after January 1, 2010, the department may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of the net present value of eligible project costs incurred for an eligible project or activity for the purpose of providing affordable housing. A uniform discount rate shall be included in the allocation plan approved by the department and applied by the Missouri housing development commission to all authorizations of tax credits for the purpose of providing affordable housing in that fiscal year.

5. For all taxable years beginning on or after January 1, 2010, the department may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of eligible project costs incurred for an eligible project or activity for the purpose of providing public infrastructure.

6. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit of up to fifty percent of eligible costs incurred for an eligible project or activity for the purpose of providing community assistance.

7. For all taxable years beginning on or after January 1, 2010, the director may, subject to the provisions of section 135.040, authorize a tax credit for the purpose of assisting financial and insurance institutions.

8. Tax credits provided under this section may be taken against the state taxes imposed pursuant to chapters 143, 147, 148, and 153, except for sections 143.191 to 143.265. No tax credit provided under this section may be carried back to any preceding tax years.

9. Prior to authorizing any tax credit under this section, the director shall enter into an agreement with an eligible applicant specifying, at a minimum, the public benefit, the eligible project or activity, the eligible costs, the amount of the tax credits to be authorized, the applicable term of authorization, applicable recapture provisions, any applicable local effort, any contractual conditions provided in section 620.017, and any other additional conditions the director may require. In the contract with an eligible applicant, the director may agree to any of the following with respect to any tax credit authorized under this section:

(1) That the tax credit may be carried forward for a period not to exceed five years;

(2) That the tax credit may be transferred, sold or assigned by filing a notarized endorsement thereof with the department that names the transferee, the amount of the tax credit transferred, and

the value received for the credit, as well as any other information reasonably requested by the department;

(3) That the tax credit may be refundable; provided, that in no event shall the department authorize refundable tax credits in an amount that exceeds:

(a) Ten percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 during the fiscal year beginning on July 1, 2010;

(b) Fifteen percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2011;

(c) Twenty percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2012;

(d) Twenty-five percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2013;

(e) Thirty-five percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2014;

(f) Forty percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2015;

(g) Forty-five percent of the amount of tax credits available for authorization for the fiscal year as provided under subsections 3 and 4 of section 135.040 for the fiscal year beginning on July 1, 2016;
or

(h) Fifty percent of the amount of tax credits available for authorization for each fiscal year as provided under subsections 3 and 4 of section 135.040 for each fiscal year beginning on or after July 1, 2017;

(4) That the tax credit may be based on a contribution or investment in an eligible project or activity;

(5) That the tax credits authorized may be issued over a period of years;

(6) That the tax credit may not be redeemed prior to a specified time or upon the occurrence of a specified event or condition;

(7) That the tax credit may be repaid upon the occurrence of a specified event or condition;

(8) That the tax credit may be evidenced by a certificate; or

(9) That the tax credit may include any other feature not otherwise prohibited by law.

9. Prior to authorization of any tax credit under this section, the department, as administering agency, shall conduct the verifications provided in section 135.815. The department may conduct any additional investigation not otherwise prohibited by law.

10. For any authorization of tax credits in excess of one million dollars for a single eligible applicant or eligible project or activity, the applicant shall provide to the department a certification of eligible activities or costs performed by a certified public accountant licensed under the provisions of chapter 326.

11. The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of this section and section 135.040. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be invalid and void.”; and

Further amend said bill, pages 42-48, section 135.535, by striking all of said section from bill; and

Further amend said bill, pages 48-57, section 135.950, by striking all of said section from the bill; and

Further amend said bill, pages 57-63, section 135.967, by striking all of said section from the bill; and

Further amend said bill, pages 106-115, section 620.1878, by striking all of said section from the bill; and

Further amend said bill, pages 115-134, section 620.1881, by striking all of said section from the bill; and

Further amend said bill, page 134, Section 348.253, Line 38 of said page, by inserting after all of said line the following:

“Section B. Because of the need to ensure adequate revenues for the fiscal year beginning July 1, 2010, the enactment of sections 135.040 and 135.041 of this act is deemed necessary for the immediate preservation of the public health, welfare, peace and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of sections 135.040 and 135.041 of this act shall be in full force and effect upon its passage and approval.”; and

Further amend the title and enacting clause accordingly.

Senator Shields moved that the above substitute amendment be adopted.

Senator Crowell offered **SA 1** to **SSA 1** for **SA 1**:

SENATE AMENDMENT NO. 1 TO
SENATE SUBSTITUTE AMENDMENT NO. 1 FOR
SENATE AMENDMENT NO. 1

Amend Senate Substitute Amendment No. 1 for Senate Amendment No. 1 to Senate Substitute for Senate Committee Substitute for Senate Bills Nos. 895, 813, 911, 924, 922 and 802, Page 5, Line 6 of the page, by striking the word “allocate” and inserting in lieu thereof the following: “**appropriate**”; and further amend line 8 of said page, by striking the word “allocation” and inserting in lieu thereof the following: “**appropriation**”; and further amend lines 10-12 of said page, by striking all of said lines and inserting in lieu thereof the following: “**provided that such appropriation shall specifically state the amount of funds to be appropriated to each of the tax credits funds provided under section 135.041.**”; and further amend lines 19-20 of said page, by striking the following: “and the first day of July each year thereafter”; and further amend line 25 of said page, by striking the following: “and the first day of October each year thereafter”; and

Further amend said amendment, page 6, lines 17-18 of said page, by striking the following: “and the first day of January each year thereafter”; and further amend line 23 of said page, by inserting immediately after “135.041” the following: “**for the fiscal year beginning on or after July 1, 2010 and ending on or before June 30, 2011**”; and

Further amend said amendment, page 8, line 7 of said page, by inserting at the end of said line the following: “**For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**”

(1) There is hereby created in the state treasury the “Business Development Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and

Further amend said amendment, page 8, line 12 of said page, by inserting at the end of said line the following: “**For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**”

(1) There is hereby created in the state treasury the “Redevelopment Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund.

Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and

Further amend said amendment, page 8, line 22 of said page, by inserting at the end of said line the following: **“For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**

(1) There is hereby created in the state treasury the “Affordable Housing Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and

Further amend said amendment, page 8, line 27 of said page, by inserting at the end of said line the following: **“For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**

(1) There is hereby created in the state treasury the “Public Infrastructure Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and

Further amend said amendment, page 9, line 3 of said page, by inserting at the end of said line the following: **“For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**

(1) There is hereby created in the state treasury the “Community Assistance Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”; and

Further amend said amendment, page 9, line 7 of said page, by inserting at the end of said line the following: **“For all fiscal years beginning on or after July 1, 2011, the department shall not authorize an amount of tax credits provided under this section which is greater than the amount appropriated to the fund created in this subsection for such fiscal year.**

(1) There is hereby created in the state treasury the “Financial and Insurance Institutions Tax Credit Fund”, which shall consist of money appropriated under section 135.040. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used authorization of tax credits under this subsection and section 135.040. Any moneys remaining in the fund at the end of the

biennium shall revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

(2) For all fiscal years beginning on or after July 1, 2011, any amounts appropriated for authorization of tax credits under this subsection for any fiscal year for which tax credits are not actually appropriated by the close of such fiscal year shall revert to the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subsection. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subsection to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subsection to the general revenue fund.”.

Senator Crowell moved that SA 1 to SSA 1 for SA 1 be adopted.

At the request of Senator Dempsey, SB 895, SB 813, SB 911, SB 924, SB 922 and SB 802, with SCS, SS for SCS, SA 1, SSA 1 for SA 1 and SA 1 to SSA 1 for SA 1 (pending), were placed on the Informal Calendar.

CONCURRENT RESOLUTIONS

Senator Purgason moved that SCR 54 be taken up for adoption, which motion prevailed.

Senator Dempsey assumed the Chair.

On motion of Senator Purgason, SCR 54 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Crowell	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer
Schmitt	Scott	Shields	Shoemyer	Stouffer	Vogel	Wilson	Wright-Jones—32

NAYS—Senator Green—1

Absent—Senator Clemens—1

Absent with leave—Senators—None

Vacancies—None

Senator Stouffer moved that SCR 51 be taken up for adoption, which motion prevailed.

On motion of Senator Stouffer, SCR 51 was adopted by the following vote:

YEAS—Senators

Barnitz	Bartle	Bray	Callahan	Champion	Clemens	Cunningham	Days
Dempsey	Engler	Goodman	Griesheimer	Justus	Keaveny	Lager	Lembke
Mayer	McKenna	Nodler	Pearce	Purgason	Ridgeway	Rupp	Schaefer

Schmitt Scott Shields Shoemyer Stouffer Wilson Wright-Jones—31

NAYS—Senators—None

Absent—Senators

Crowell Green—2

Absent with leave—Senator Vogel—1

Vacancies—None

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1858**, entitled:

An Act to repeal section 640.240, RSMo, and to enact in lieu thereof one new section relating to the minority and underrepresented environmental literacy program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1868**, entitled:

An Act to repeal sections 37.320 and 109.250, RSMo, and to enact in lieu thereof two new sections relating to the state records commission.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1942**, entitled:

An Act to repeal section 190.309, RSMo, and to enact in lieu thereof one new section relating to emergency telephone board members in certain counties.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2056**, entitled:

An Act to repeal section 454.515, RSMo, and to enact in lieu thereof one new section relating to liens for failure to pay maintenance and support.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1609**, entitled:

An Act to repeal section 517.081, RSMo, and to enact in lieu thereof one new section relating to assignment of associate circuit judges.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1764**, entitled:

An Act to repeal section 375.1175, RSMo, and to enact in lieu thereof one new section relating to the liquidation of certain domestic insurance companies.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 1977**, entitled:

An Act to repeal sections 190.060, 190.092, 190.133, 190.143, 190.196, 190.528, and 191.630, RSMo, and to enact in lieu thereof seven new sections relating to emergency medical technicians.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2109**, entitled:

An Act to repeal sections 644.036 and 644.054, RSMo, and to enact in lieu thereof two new sections relating to the Missouri clean water law.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HBs 2147** and **2261**, entitled:

An Act to repeal section 160.545, RSMo, and to enact in lieu thereof one new section relating to the A+ schools program.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2182**, entitled:

An Act to amend chapter 262, RSMo, by adding thereto one new section relating to agritourism.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2205**, entitled:

An Act to repeal sections 354.442 and 376.1450, RSMo, and to enact in lieu thereof two new sections relating to documents and materials for health insurance enrollees.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2226**, entitled:

An Act to repeal sections 337.700, 337.703, 337.706, 337.715, 337.718, 337.727, and 337.739, RSMo, and to enact in lieu thereof eight new sections relating to marital and family therapists.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2231**, entitled:

An Act to repeal section 194.350, RSMo, and to enact in lieu thereof one new section relating to cremation of human remains.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2290**, entitled:

An Act to repeal section 208.010, RSMo, and to enact in lieu thereof one new section relating to public assistance benefits.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2270**, entitled:

An Act to amend chapter 334, RSMo, by adding thereto one new section relating to SAFE CARE providers.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 2285**, entitled:

An Act to authorize the conveyance of property owned by the state to the City of Maryville.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1990**, entitled:

An Act to repeal section 335.081, RSMo, and to enact in lieu thereof two new sections relating to nurses.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1832**, entitled:

An Act to repeal section 337.528, RSMo, and to enact in lieu thereof one new section relating to professional counselors.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS for HB 2219**, entitled:

An Act to amend chapter 9, RSMo, by adding thereto two new sections relating to the designation of certain holidays in Missouri.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

SENATE BILLS FOR PERFECTION

Senator Bray moved that **SB 905**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 905** was again taken up.

Senator Bray offered **SS** for **SCS** for **SB 905**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 905

An Act to repeal sections 32.087, 67.576, 67.582, 67.584, 67.671, 67.678, 67.1303, 67.1545, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014, 144.030, 144.049, 144.100, 144.526, 144.625, 144.655, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, and 644.032, RSMo, and to enact in lieu thereof forty-nine new sections relating to the implementation of the streamlined sales and use tax agreement, with an effective date.

Senator Bray moved that **SS** for **SCS** for **SB 905** be adopted.

At the request of Senator Bray, **SB 905**, with **SCS** and **SS** for **SCS** (pending), was placed on the Informal Calendar.

Senator Griesheimer moved that **SB 698**, with **SCS** (pending), be called from the Informal Calendar and again taken up for perfection, which motion prevailed.

SCS for **SB 698** was again taken up.

Senator Griesheimer offered **SS** for **SCS** for **SB 698**, entitled:

SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 698

An Act to amend chapter 392, RSMo, by adding thereto one new section relating to exchange access rates.

Senator Griesheimer moved that **SS** for **SCS** for **SB 698** be adopted.

Senator Griesheimer offered **SA 1**:

SENATE AMENDMENT NO. 1

Amend Senate Substitute for Senate Committee Substitute for Senate Bill No. 698, Page 1, Section 392.605, Line 17 of said page, by inserting after “2010” the following: “, **and the provisions of subsection 6 of section 392.361 and section 392.370 to the contrary notwithstanding, rural alternative local exchange telecommunications companies as defined in subsection 4 of this section**”; and

Further amend said bill and section, Page 2, Line 28 of said page, by inserting after all of said line the following:

“4. For purposes of this section, the term “rural alternative local exchange telecommunications company” shall be defined to include only those alternative local telecommunications companies that, as of December 31, 2009:

(1) Possess a certificate of service authority to provide basic local telecommunications services issued by the commission;

(2) Have tariffs on file with and approved by the commission for the provision of basic local telecommunications services and exchange access services;

(3) Provide basic local telecommunications services and exchange access service to at least sixty percent of their local subscribers over distribution facilities connecting end user customers to the central office which are owned by the alternative local exchange telecommunications company. For purposes of this subsection, the ownership of distribution facilities connecting end user customers to the central office shall not include facilities that are leased, such as unbundled network elements, or resold from any other person or entity; and

(4) Have more than ninety percent of their total Missouri basic local telecommunications service customers located in counties of the third classification.”.

Senator Griesheimer moved that the above amendment be adopted.

At the request of Senator Griesheimer, **SB 698**, with **SCS**, **SS** for **SCS** and **SA 1** (pending), was placed on the Informal Calendar.

MESSAGES FROM THE HOUSE

The following messages were received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HCS** for **HB 2043**, entitled:

An Act to amend chapter 301, RSMo, by adding thereto one new section relating to certificates of ownership for off-highway vehicles.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1654**, entitled:

An Act to repeal section 525.233, RSMo, and to enact in lieu thereof one new section relating to requiring the notice of garnishment and writ of sequestration to contain only the last four digits of the federal taxpayer identification number.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

HOUSE BILLS ON SECOND READING

The following Bills and Joint Resolution were read the 2nd time and referred to the Committee indicated:

HCS for **HB 2198**—Commerce, Consumer Protection, Energy and the Environment.

HCS for **HB 1207**—Agriculture, Food Production and Outdoor Resources.

HB 1842—Financial and Governmental Organizations and Elections.

HCS for HB 1446—Commerce, Consumer Protection, Energy and the Environment.

HCS No. 2 for HBs 1692, 1209, 1405, 1499, 1535 and 1811—Judiciary and Civil and Criminal Jurisprudence.

HCS for HJR 87—Ways and Means.

HB 2111—Transportation.

HCS for HB 1831—Education.

HCS for HB 1290—Jobs, Economic Development and Local Government.

HB 2159—Transportation.

HB 1941—Transportation.

HB 1664—Transportation.

HB 1662—Agriculture, Food Production and Outdoor Resources.

HCS for HB 1580—Veterans' Affairs, Pensions and Urban Affairs.

HCS for HB 1841—Small Business, Insurance and Industry.

HB 1904—Small Business, Insurance and Industry.

HCS for HB 1970—Transportation.

HCS for HB 1943—Veterans' Affairs, Pensions and Urban Affairs.

HB 1824—Financial and Governmental Organizations and Elections.

HB 1705—Jobs, Economic Development and Local Government.

HB 1595—Jobs, Economic Development and Local Government.

HCS for HB 1541—Financial and Governmental Organizations and Elections.

HB 1424—Ways and Means.

HCS for HB 1375—Health, Mental Health, Seniors and Families.

HB 1270—Health, Mental Health, Seniors and Families.

HB 1643—Jobs, Economic Development and Local Government.

HCS for HB 1707—Jobs, Economic Development and Local Government.

HB 1802—General Laws.

HB 1892—Education.

HCS for HB 2161—General Laws.

HB 1330—Transportation.

HCS for HB 1310—Transportation.

HB 1778—Progress and Development.

HB 1392—Jobs, Economic Development and Local Government.

RESOLUTIONS

Senator Shields offered Senate Resolution No. 2046, regarding The Children's Mercy Hospital, Kansas City, which was adopted.

INTRODUCTIONS OF GUESTS

Senator Vogel introduced to the Senate, Mark Rehagen and Kiefer Schmidt, Sam Fedorchalk, Ian Luebbert, Jonathan Niekamp, Andrew Granich, Nathan Jones and Matthew Rehagen, from St. Peter's School, Jefferson City; and Andrew and Matthew were made honorary pages.

On behalf of Senator Stouffer, the President introduced to the Senate, Jianying Wang, China.

Senator Engler introduced to the Senate, Youth of the Year nominees from the Boys and Girls Clubs of Missouri.

Senator Nodler introduced to the Senate, John Watson, Joplin and Gary Fursman, Springfield.

Senator Nodler introduced to the Senate, Morgan Fletcher, Youth of the Year finalist for Boys and Girls Clubs of Joplin.

Senator Schaefer introduced to the Senate, Monica Miller, Pamela Jones, Susan McClintic, Cindy Daniels, Julie Reese and Rod McHugh, Columbia.

Senator Schaefer introduced to the Senate, his wife, Stacia and their children, Max, Wolf and Lena, Columbia; and Max, Wolf and Lena were made honorary pages.

Senator Mayer introduced to the Senate, Cindy Burcham, Chris Rushin, and Maggie Thompson, representatives of Boys and Girls Clubs of Missouri; and Tiffany Jackson, Youth of the Year finalist, Poplar Bluff.

Senator Mayer introduced to the Senate, Michelle Jackson, Poplar Bluff; Allison Stobaugh, Julie Aycock, Amelia Porter and Sarah Ezell, New Madrid.

Senator Lembke introduced to the Senate, Ken and Maryanne Wallace, Affton; and Richard and Ruth Bailey, Webster Groves.

Senator Griesheimer introduced to the Senate, Anthony Kreutz, Union; and Dennis Lavalley, Wildwood.

Senator Mayer introduced to the Senate, the Physician of the Day, Dr. Gene Leroux, M.D., Doniphan.

On motion of Senator Engler, the Senate adjourned under the rules.

SENATE CALENDAR

FORTY-SIXTH DAY—THURSDAY, APRIL 1, 2010

FORMAL CALENDAR**HOUSE BILLS ON SECOND READING**

HCS for HB 1516

HCS for HBs 1327 & 2000

HCS for HB 1858

HB 1868-Scharnhorst

HB 1942-Parson

HB 2056-Diehl

HB 1609-Diehl

HCS for HB 1764

HCS for HB 1977
HB 2109-Ruzicka
HCS for HBs 2147 & 2261
HB 2182-Munzlinger and Smith (150)
HB 2205-Burlison
HB 2226-Wasson
HCS for HB 2231
HB 2290-Wasson

HB 2270-Cooper
HB 2285-Thomson
HB 1990-Wells, et al
HB 1832-Wells, et al
HCS for HB 2219
HCS for HB 2043
HB 1654-Zimmerman, et al

THIRD READING OF SENATE BILLS

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| 1. SB 627-Justus (In Fiscal Oversight) | 9. SS for SB 984-Lembke |
| 2. SJR 20-Bartle (In Fiscal Oversight) | 10. SB 848-Barnitz |
| 3. SB 779-Bartle (In Fiscal Oversight) | 11. SB 1058-Shields |
| 4. SS for SB 786-Rupp (In Fiscal Oversight) | 12. SB 739-Lembke |
| 5. SCS for SB 944-Shields (In Fiscal Oversight) | 13. SB 819-Lembke |
| 6. SB 816-Lembke (In Fiscal Oversight) | 14. SCS for SBs 991 & 645-Scott |
| 7. SB 894-Dempsey and Crowell
(In Fiscal Oversight) | 15. SS for SCS for SB 625-Justus |
| 8. SS for SB 928-Lager (In Fiscal Oversight) | 16. SCS for SB 733-Pearce |
| | 17. SB 1026-Rupp (In Fiscal Oversight) |

HOUSE BILLS ON THIRD READING

HB 1442-Jones (89), et al, with SCS (Nodler)

INFORMAL CALENDAR

THIRD READING OF SENATE BILLS

SB 1001-Griesheimer

SENATE BILLS FOR PERFECTION

SB 579-Shields, with SCS
SB 587-Nodler and Cunningham,
with SCS & SA 1 (pending)
SB 596-Callahan, with SCS (pending)
SB 606-Stouffer
SBs 607, 602, 615 & 725-Stouffer,
with SCS & SA 1 (pending)
SB 698-Griesheimer, with SCS,
SS for SCS & SA 1 (pending)

SB 705-Griesheimer
SB 714-Crowell
SB 734-Pearce, with SCS (pending)
SB 738-Crowell, with SCS
SB 747-Rupp, et al, with SA 1 (pending)
SB 784-Schaefer and Pearce
SB 792-Dempsey and Rupp, with SS (pending)
SB 793-Mayer, et al, with SCS,
SA 1 & SA 1 to SA 1 (pending)

SB 797-Green
 SB 818-Lembke, with SCS (pending)
 SB 839-Wright-Jones, with SCS
 SB 852-Lager, et al, with SS,
 SA 1 & SSA 1 for SA 1 (pending)
 SB 868-Shields
 SB 877-Keaveny
 SB 878-Lembke, with SCS (pending)
 SBs 880, 780 & 836-Schaefer, with SCS
 SBs 895, 813, 911, 924, 922 &
 802-Dempsey, et al, with SCS,
 SS for SCS, SA 1, SSA 1 for SA 1 &
 SA 1 to SSA 1 for SA 1 (pending)
 SB 896-Shields and Crowell, with SA 1
 (pending)

SB 905-Bray, et al, with SCS & SS for SCS
 (pending)
 SB 999-Schaefer
 SJR 22-Callahan
 SJR 25-Cunningham, et al, with SCS,
 SS#2 for SCS & SA 5 (pending)
 SJR 29-Purgason and Cunningham,
 with SCS & SS for SCS (pending)
 SJR 31-Scott
 SJR 33-Bartle, with SA 1 (pending)
 SJR 34-Goodman, et al, with SA 1 (pending)
 SJR 38-Ridgeway
 SJR 40-Goodman, with SA 1 (pending)

RESOLUTIONS

Reported from Committee

SCR 42-Bray, with SCA 1
 HCS for HCR 18, with SA 1 (pending) (Rupp)
 SCR 46-Stouffer

HCR 38-Icet, et al, with SCA 1 (Lembke)
 SCR 52-Lager
 HCS for HCRs 34 & 35 (Schmitt)

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