

JOURNAL OF THE HOUSE

First Extraordinary Session, 95th GENERAL ASSEMBLY

SIXTH DAY, TUESDAY, JUNE 29, 2010

The House met pursuant to adjournment.

Speaker Richard in the Chair.

Prayer by Reverend James Earl Jackson.

Lord God, we praise You, as the Almighty - no one and no thing is mightier than You are. You measure the waters in the hollow of Your hand. You weigh the mountains on scales. You stretch out the heavens like a curtain. Your immensity is impossible for us to comprehend. You make the impossible possible.

This promise we have from You: When we go through deep waters and great trouble, You are with us. When we go through rivers of difficulty, we will not drown. When we walk through the fire of oppression, we will not be burned up - the flames will not consume us. For You are the Lord our God, our Savior, the Holy One.

Open our eyes to what we can not see. Our ears to what we have not heard. Our hands to what we have not received. Our mouths to what we have not said. Guide us through this Special Session by Your grace and mercy. We look to You. Help us to identify and overcome the log jams that inhibit the flow of good thought, judgment and action. May You Lord, our God, favor us and make our efforts successful. Yes, make our efforts successful this week.

Now unto Him who is able to keep us from stumbling and to present us faultless before the presence of His glory with exceeding joy, to God our Savior, Who alone is wise, be glory and majesty, dominion and power, both now and forever.

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

The Pledge of Allegiance to the flag was recited.

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

AYES: 139

Allen	Aull	Ayres	Biermann	Bivins
Black	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dougherty	Dugger	Dusenberg	Emery	Ervin
Faith	Fallert	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Hummel	Ice
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent

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Leara	LeBlanc	Liese	Lipke	Loehner
McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Ruestman
Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Smith 14
Smith 150	Spreng	Stevenson	Still	Stream
Sutherland	Swinger	Thomson	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 007

Atkins	Burnett	LeVota	Low	Talboy
Vogt	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 016

Cooper	Dixon	Englund	Holsman	Hughes
Kingery	Morris	Rucker	Sater	Silvey
Skaggs	Storch	Tilley	Walton Gray	Wilson 130
Zimmerman				

VACANCIES: 001

The Journal of the second day was approved as printed.

The Journal of the third day was approved as printed.

The Journal of the fourth day was approved as printed.

The Journal of the fifth day was approved as corrected by the following vote:

AYES: 139

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Black	Brandom	Brown 30	Brown 50
Brown 149	Bruns	Burlison	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Cox	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Diehl
Dougherty	Dugger	Dusenberger	Emery	Ervin
Faith	Fallert	Fisher 125	Flanigan	Flook
Frame	Franz	Funderburk	Gatschenberger	Grill
Grisamore	Guernsey	Guest	Harris	Hobbs
Hodges	Hoskins 80	Hoskins 121	Hummel	Icet
Jones 63	Jones 89	Jones 117	Kander	Keeney
Kelly	Kirkton	Koenig	Komo	Kratky
Kraus	Kuessner	Lair	Lampe	Largent
Leara	LeBlanc	Liese	Lipke	Loehner

McClanahan	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance
Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Roorda	Ruestman
Ruzicka	Salva	Sander	Scavuzzo	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Schupp	Self	Shively	Smith 14
Smith 150	Spreng	Stevenson	Still	Stream
Sutherland	Swinger	Thomson	Todd	Tracy
Viebrock	Wallace	Walsh	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Wright	Yaeger	Zerr	Mr Speaker	

NOES: 007

Bringer	Burnett	LeVota	Low	Talboy
Vogt	Witte			

PRESENT: 000

ABSENT WITH LEAVE: 016

Cooper	Dixon	Englund	Holsman	Hughes
Kingery	Morris	Rucker	Sater	Silvey
Skaggs	Storch	Tilley	Walton Gray	Wilson 130
Zimmerman				

VACANCIES: 001

PERFECTION OF HOUSE BILLS

HCS HB 2, relating to economic development, was taken up by Representative Nolte.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 2, Page 1, In the Title, Lines 2 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"To repeal sections 67.1461, 135.950, 135.957, 135.960, 135.963, 135.967, 144.054, and 620.1881, RSMO, and section 135.953 as truly agreed to and finally passed in conference committee substitute for senate committee substitute for house committee substitute for house bill no. 1965, ninety-fifth general assembly, second regular session, and section 137.115 as truly agreed to and finally passed in senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session, and to enact in lieu thereof fourteen new sections relating to job growth."; and

Further amend said bill, Page 1, Section A, Lines 1 to 5, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Sections 67.1461, 135.950, 135.957, 135.960, 135.963, 135.967, 144.054, and 620.1881, RSMO, and section 135.953 as truly agreed to and finally passed in conference committee substitute for senate committee substitute for house committee substitute for house bill no. 1965, ninety-fifth general assembly, second regular session, and section 137.115 as truly agreed to and finally passed in senate committee substitute for senate bill no. 630, ninety-

fifth general assembly, second regular session are repealed and fourteen new sections enacted in lieu thereof, to be known as sections 67.1461, 67.2050, 135.950, 135.953, 135.957, 135.960, 135.963, 135.967, 135.969, 137.115, 144.054, 144.810, 620.1881, and 620.1910, to read as follows:"; and

Further amend said bill, Pages 12 and 13, Section 135.953, Lines 1 to 51, by deleting all of said lines and inserting in lieu thereof the following:

"135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the [last decennial census] **United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five** or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

(a) The state of Missouri over the previous twelve months; or

(b) The county or city not within a county over the previous twelve months.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a "county of declining population" is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

4. Notwithstanding the requirements of subsection 1 of this section to the contrary, a certified site zone or a dormant manufacturing plant zone may be designated as an enhanced enterprise zone if the certified site zone meets the criteria set forth in subdivision (4) of section 135.950 or if the dormant manufacturing plant zone meets the criteria set forth in subdivision (10) of section 135.950.

5. In addition to meeting the requirements of subsection 1, 2, 3, or [3] 4 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

(1) The potential to create sustainable jobs in a targeted industry; or

(2) A demonstrated impact on local industry cluster development.

6. The amendment to paragraph (a) of subdivision (2) of subsection 1 of this section as enacted by house bill no. 2, ninety-fifth general assembly, second regular session, first extraordinary session shall not become effective unless conference committee substitute for senate committee substitute for house committee substitute for house bill no. 1965, ninety-fifth general assembly, second regular session becomes law."; and

Further amend said bill, Pages 25 to 30, Section 137.115, Lines 1 to 176, by deleting all of said lines and inserting in lieu thereof the following:

"137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;
 (4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; [and]

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent; **and**

(7) Tools, telecommunications equipment, power production and transmission machinery and equipment, data processing machinery and equipment, and other machinery and equipment that is used in an enhanced enterprise zone designated as such a zone for a certified site zone as defined in subdivision (4) of section 135.950, one-half of one percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;
- (2) For real property in subclass (2), twelve percent; and
- (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. **For purposes of this section**, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. **For purposes of this section**, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home [has been converted to] **is real [property in compliance with section 700.111, RSMo] estate as defined in subsection 7 of section 442.015** and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home [has been converted to] **is real [property in compliance with section 700.111, RSMo] estate as defined in subsection 7 of section 442.015**, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.

17. The amendments to subsections 6, 7, and 8 of this section as enacted by house bill no. 2, ninety-fifth general assembly, second regular session, first extraordinary session shall not become effective unless senate committee substitute for senate bill no. 630, ninety-fifth general assembly, second regular session becomes law. Upon such contingency, the amendments to subsections 6, 7, and 8 shall become effective March 1, 2011."; and

Further amend said bill, Page 49, Section 620.1910, Line 173, by inserting after all of said line the following:

"[135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the [last decennial census] **United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five** or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county; and

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

- (a) The state of Missouri over the previous twelve months; or
- (b) The county or city not within a county over the previous twelve months.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et seq., for an emergency proclaimed by the governor pursuant to section 44.100, RSMo, due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a "county of declining population" is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

4. In addition to meeting the requirements of subsection 1, 2, or 3 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.]

[137.115. 1. All other laws to the contrary notwithstanding, the assessor or the assessor's deputies in all counties of this state including the city of St. Louis shall annually make a list of all real and tangible personal property taxable in the assessor's city, county, town or district. Except as otherwise provided in subsection 3 of this section and section 137.078, the assessor shall annually assess all personal property at thirty-three and one-third percent of its true value in money as of January first of each calendar year. The assessor shall annually assess all real property, including any new construction and improvements to real property, and possessory interests in real property at the percent of its true value in money set in subsection 5 of this section. The true value in money of any possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the

preceding odd-numbered year. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

2. Assessors in each county of this state and the city of St. Louis may send personal property assessment forms through the mail.

3. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131, RSMo, and aircraft which are at least twenty-five years old and which are used solely for noncommercial purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (6) of section 135.200, RSMo, twenty-five percent.

4. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

5. All subclasses of real property, as such subclasses are established in section 4(b) of article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

- (1) For real property in subclass (1), nineteen percent;
- (2) For real property in subclass (2), twelve percent; and
- (3) For real property in subclass (3), thirty-two percent.

6. Manufactured homes, as defined in section 700.010, RSMo, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. **For purposes of this section,** a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. **For purposes of this section,** a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

7. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home [has been converted to] is real [property in compliance with section 700.111, RSMo] **estate as defined in subsection 7 of section 442.015** and assessed as a realty improvement to the existing real estate parcel.

8. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home owner unless the manufactured home [has been converted to] **is real [property in compliance with section 700.111, RSMo] estate as defined in subsection 7 of section 442.015,** in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

9. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

10. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

11. If a physical inspection is required, pursuant to subsection 10 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

12. A physical inspection, as required by subsection 10 of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection 11 of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

13. The provisions of subsections 11 and 12 of this section shall only apply in any county with a charter form of government with more than one million inhabitants.

14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer

for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100, RSMo, as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

16. The governing body of any city of the third classification with more than twenty-six thousand three hundred but fewer than twenty-six thousand seven hundred inhabitants located in any county that has exercised its authority to opt out under subsection 15 of this section may levy separate and differing tax rates for real and personal property only if such city bills and collects its own property taxes or satisfies the entire cost of the billing and collection of such separate and differing tax rates. Such separate and differing rates shall not exceed such city's tax rate ceiling.]; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 2, Section 135.969, Page 25, Line 137, by inserting the following after all of said line:

"137.106. 1. This section [may] **shall** be known and may be cited as "The Missouri Homestead Preservation Act".

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

(1) "Department", the department of revenue;

(2) "Director", the director of revenue;

(3) "Disabled", as such term is defined in section 135.010, RSMo;

(4) "Eligible owner", any individual owner of property who is sixty-five years old or older as of January first of the tax year in which the individual is claiming the credit or who is disabled, and who had an income of equal to or less than the maximum upper limit in the year prior to completing an application pursuant to this section; or

(a) In the case of a married couple owning property either jointly or as tenants by the entirety, or where only one spouse owns the property, such couple shall be considered an eligible taxpayer if both spouses have reached the age of sixty-five or if one spouse is disabled, or if one spouse is at least sixty-five years old and the other spouse is at least

sixty years old, and the combined income of the couple in the year prior to completing an application pursuant to this section did not exceed the maximum upper limit; or

(b) In the case of joint ownership by unmarried persons or ownership by tenancy in common by two or more unmarried persons, such owners shall be considered an eligible owner if each person with an ownership interest individually satisfies the eligibility requirements for an individual eligible owner under this section and the combined income of all individuals with an interest in the property is equal to or less than the maximum upper limit in the year prior to completing an application under this section. If any individual with an ownership interest in the property fails to satisfy the eligibility requirements of an individual eligible owner or if the combined income of all individuals with interest in the property exceeds the maximum upper limit, then all individuals with an ownership interest in such property shall be deemed ineligible owners regardless of such other individual's ability to individually meet the eligibility requirements; or

(c) In the case of property held in trust, the eligible owner and recipient of the tax credit shall be the trust itself provided the previous owner of the homestead or the previous owner's spouse: is the settlor of the trust with respect to the homestead; currently resides in such homestead; and but for the transfer of such property would have satisfied the age, ownership, and maximum upper limit requirements for income as defined in subdivisions (7) and (8) of this subsection;

No individual shall be an eligible owner if the individual has not paid [their] **the individual's** property tax liability, if any, in full by the payment due date in any of the three prior tax years, except that a late payment of a property tax liability in any prior year shall not disqualify a potential eligible owner if such owner paid in full the tax liability and any and all penalties, additions and interest that arose as a result of such late payment; no individual shall be an eligible owner if such person filed a valid claim for the senior citizens property tax relief credit pursuant to sections 135.010 to 135.035, RSMo;

(5) "Homestead", as such term is defined pursuant to section 135.010, RSMo, except as limited by provisions of this section to the contrary. No property shall be considered a homestead if such property was improved since the most recent annual assessment by more than five percent of the prior year appraised value, except where an eligible owner of the property has made such improvements to accommodate a disabled person;

(6) "Homestead exemption limit", a percentage increase, rounded to the nearest hundredth of a percent, which shall be equal to the percentage increase to tax liability, not including improvements, of a homestead from one tax year to the next that exceeds a certain percentage set pursuant to subsection 10 of this section. For applications filed in 2005 or 2006, the homestead exemption limit shall be based on the increase to tax liability from 2004 to 2005. For applications filed between April 1, 2005, and September 30, 2006, an eligible owner, who otherwise satisfied the requirements of this section, shall not apply for the homestead exemption credit more than once during such period. For applications filed after 2006, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For applications filed between December 31, 2008, and December 31, 2011, the homestead exemption limit shall be based on the increase in tax liability from the base year to the year prior to the application year. For applications filed on or after January 1, 2012, the homestead exemption limit shall be based on the increase to tax liability from two years prior to application to the year immediately prior to application. For purposes of this subdivision, the term "base year" means the year prior to the first year in which the eligible owner's application was approved, or 2006, whichever is later;

(7) "Income", federal adjusted gross income, and in the case of ownership of the homestead by trust, the income of the settlor applicant shall be imputed to the income of the trust for purposes of determining eligibility with regards to the maximum upper limit;

(8) "Maximum upper limit", in the calendar year 2005, the income sum of seventy thousand dollars; in each successive calendar year this amount shall be raised by the incremental increase in the general price level, as defined pursuant to article X, section 17 of the Missouri Constitution.

3. Pursuant to article X, section 6(a) of the Constitution of Missouri, if in the prior tax year, the property tax liability on any parcel of subclass (1) real property increased by more than the homestead exemption limit, without regard for any prior credit received due to the provisions of this section, then any eligible owner of the property shall receive a homestead exemption credit to be applied in the current tax year property tax liability to offset the prior year increase to tax liability that exceeds the homestead exemption limit, except as eligibility for the credit is limited by the provisions of this section. The amount of the credit shall be listed separately on each taxpayer's tax bill for the current tax year, or on a document enclosed with the taxpayer's bill. The homestead exemption credit shall not affect the process of setting the tax rate as required pursuant to article X, section 22 of the Constitution of Missouri and section 137.073 in any prior, current, or subsequent tax year.

4. If application is made in 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application through their local assessor's office. Applications may be completed between April first and September thirtieth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided to the assessor's office by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property; and
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value. The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the two prior tax years.

5. If application is made in 2005, the assessor, upon request for an application, shall:

- (1) Certify the parcel number and owner of record as of January first of the homestead, including verification of the acreage classified as residential on the assessor's property record card;
- (2) Obtain appropriate prior tax year levy codes for each homestead from the county clerks for inclusion on the form;
- (3) Record on the application the assessed valuation of the homestead for the current tax year, and any new construction or improvements for the current tax year; and
- (4) Sign the application, certifying the accuracy of the assessor's entries.

6. If application is made after 2005, any potential eligible owner may apply for the homestead exemption credit by completing an application. Applications may be completed between April first and October fifteenth of any tax year in order for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the homestead exemption credit application was completed. The application shall be on forms provided by the department. Forms also shall be made available on the department's Internet site and at all permanent branch offices and all full-time, temporary, or fee offices maintained by the department of revenue. The applicant shall attest under penalty of perjury:

- (1) To the applicant's age;
- (2) That the applicant's prior year income was less than the maximum upper limit;
- (3) To the address of the homestead property;
- (4) That any improvements made to the homestead, not made to accommodate a disabled person, did not total more than five percent of the prior year appraised value; and

[(5)]

The applicant shall also include with the application copies of receipts indicating payment of property tax by the applicant for the homestead property for the three prior tax years.

7. Each applicant shall send the application to the department by October fifteenth of each year for the taxpayer to be eligible for the homestead exemption credit in the tax year next following the calendar year in which the application was completed.

8. If application is made in 2005, upon receipt of the applications, the department shall calculate the tax liability, adjusted to exclude new construction or improvements, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant has also filed a valid application for the senior citizens property tax credit, pursuant to sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit, and provide a list of all verified eligible owners to the county collectors or county clerks in counties with a township form of government by December fifteenth of each year. By January fifteenth, the county collectors or county clerks in counties with a township form of government shall provide a list to the department of any verified eligible owners who failed to pay the property tax due for the tax year that ended immediately prior. Such eligible owners shall be disqualified from receiving the credit in the current tax year.

9. If application is made after 2005, upon receipt of the applications, the department shall calculate the tax liability, verify compliance with the maximum income limit, verify the age of the applicants, and make adjustments to these numbers as necessary on the applications. The department also shall disallow any application where the applicant also has filed a valid application for the senior citizens property tax credit under sections 135.010 to 135.035, RSMo. Once adjusted tax liability, age, and income are verified, the director shall determine eligibility for the credit and provide a list of all verified eligible owners to the county assessors or county clerks in counties with a township form of

government by December fifteenth of each year. By January fifteenth, the county assessors shall provide a list to the department of any verified eligible owners who made improvements not for accommodation of a disability to the homestead and the dollar amount of the assessed value of such improvements. If the dollar amount of the assessed value of such improvements totaled more than five percent of the prior year appraised value, such eligible owners shall be disqualified from receiving the credit in the current tax year.

10. The director shall calculate the level of appropriation necessary to set the homestead exemption limit at five percent when based on a year of general reassessment or at two and one-half percent when based on a year without general reassessment for the homesteads of all verified eligible owners, and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the office of budget and planning in the office of administration by January thirty-first of each year.

11. For applications made in 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall, by July thirty-first of such year, set the homestead exemption limit. The limit shall be a single, statewide percentage increase to tax liability, rounded to the nearest hundredth of a percent, which, if applied to all homesteads of verified eligible owners who applied for the homestead exemption credit in the immediately prior tax year, would cause all but one-quarter of one percent of the amount of the appropriation, minus any withholding by the governor, to be distributed during that fiscal year. The remaining one-quarter of one percent shall be distributed to the county assessment funds of each county on a proportional basis, based on the number of eligible owners in each county; such one-quarter percent distribution shall be delineated in any such appropriation as a separate line item in the total appropriation. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

12. After setting the homestead exemption limit for applications made in 2005, the director shall apply the limit to the homestead of each verified eligible owner and calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation and assessment fund allocation to the county collector's funds of each county or the treasurer ex officio collector's fund in counties with a township form of government where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued, plus the one-quarter of one percent distribution for the county assessment funds. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section plus the one-quarter of one percent distribution for the county assessment funds. Funds, at the direction of the county collector or the treasurer ex officio collector in counties with a township form of government, shall be deposited in the county collector's fund of a county or the treasurer ex officio collector's fund or may be sent by mail to the collector of a county, or the treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued. In counties with a township form of government, the county clerk shall provide the treasurer ex officio collector a summary of the homestead exemption credit for each township for the purpose of distributing the total homestead exemption credit to each township collector in a particular county.

13. If, in any given year after 2005, the general assembly shall make an appropriation for the funding of the homestead exemption credit that is signed by the governor, then the director shall determine the apportionment percentage by equally apportioning the appropriation among all eligible applicants on a percentage basis. If no appropriation is made by the general assembly during any tax year or no funds are actually distributed pursuant to any appropriation therefor, then no homestead preservation credit shall apply in such year.

14. After determining the apportionment percentage, the director shall calculate the credit to be associated with each verified eligible owner's homestead, if any. The director shall send a list of those eligible owners who are to receive the homestead exemption credit, including the amount of each credit, the certified parcel number of the homestead, and the address of the homestead property, to the county collectors or county clerks in counties with a township form of government by August thirty-first. Pursuant to such calculation, the director shall instruct the state treasurer as to how to distribute the appropriation to the county collector's fund of each county where recipients of the homestead exemption credit are located, so as to exactly offset each homestead exemption credit being issued. As a result of the appropriation, in no case shall a political subdivision receive more money than it would have received absent the provisions of this section. Funds, at the direction of the collector of the county or treasurer ex officio collector in counties with a township

form of government, shall be deposited in the county collector's fund of a county or may be sent by mail to the collector of a county, or treasurer ex officio collector in counties with a township form of government, not later than October first in any year a homestead exemption credit is appropriated as a result of this section and shall be distributed as moneys in such funds are commonly distributed from other property tax revenues by the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government, so as to exactly offset each homestead exemption credit being issued.

15. The department shall promulgate rules for implementation 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, 2004, shall be invalid and void. Any rule promulgated by the department shall in no way impact, affect, interrupt, or interfere with the performance of the required statutory duties of any county elected official, more particularly including the county collector when performing such duties as deemed necessary for the distribution of any homestead appropriation and the distribution of all other real and personal property taxes.

16. In the event that an eligible owner dies or transfers ownership of the property after the homestead exemption limit has been set in any given year, but prior to January first of the year in which the credit would otherwise be applied, the credit shall be void and any corresponding moneys, pursuant to subsection 12 of this section, shall lapse to the state to be credited to the general revenue fund. In the event the collector of the county or the treasurer ex officio collector of the county in counties with a township form of government determines prior to issuing the credit that the individual is not an eligible owner because the individual did not pay the prior three years' property tax liability in full, the credit shall be void and any corresponding moneys, under subsection 11 of this section, shall lapse to the state to be credited to the general revenue fund.

17. This section shall apply to all tax years beginning on or after January 1, 2005. This subsection shall become effective June 28, 2004.

18. [In accordance with the provisions of sections 23.250 to 23.298, RSMo, and unless otherwise authorized pursuant to section 23.253, RSMo:

(1) Any new program authorized under the provisions of this section shall automatically sunset six years after the effective date of this section; and

(2) This section shall terminate on September first of the year following the year in which any new program authorized under this section is sunset, and the revisor of statutes shall designate such sections and this section in a revision bill for repeal.] **Under section 23.253 of the Missouri sunset act:**

(1) The provisions of the new program authorized under this section shall automatically sunset on December 31, 2016, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset on December 31, 2022; and

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

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

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

AYES: 133

Allen	Aull	Biermann	Bivins	Black
Brandom	Bringer	Brown 30	Brown 149	Bruns
Burlison	Burnett	Calloway	Casey	Chappelle-Nadal
Colona	Conway	Corcoran	Cox	Cunningham
Davis	Day	Deeken	Denison	Dethrow
Dieckhaus	Diehl	Dixon	Dougherty	Dugger
Dusenberg	Emery	Ervin	Faith	Fallert
Fisher 125	Flanigan	Flook	Frame	Franz
Funderburk	Gatschenberger	Grill	Grisamore	Guernsey

Guest	Harris	Hobbs	Hodges	Hoskins 80
Hoskins 121	Hummel	Icet	Jones 89	Jones 117
Kander	Keeney	Kelly	Kirkton	Koenig
Komo	Kratky	Kraus	Lair	Lampe
Largent	Leara	LeBlanc	LeVota	Liese
Lipke	Loehner	Low	McClanahan	McDonald
McGhee	McNeil	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Nieves	Nolte
Norr	Pace	Parkinson	Parson	Pollock
Pratt	Quinn	Riddle	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Smith 14	Smith 150
Spreng	Stevenson	Still	Storch	Stream
Swinger	Talboy	Thomson	Todd	Tracy
Vogt	Wallace	Walsh	Wasson	Webb
Wells	Weter	Wilson 119	Witte	Wright
Yaeger	Zerr	Mr Speaker		

NOES: 009

Atkins	Ayres	Brown 50	Carter	Jones 63
Kuessner	Newman	Sutherland	Whitehead	

PRESENT: 002

Oxford	Roorda
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ABSENT WITH LEAVE: 018

Cooper	Curls	Englund	Holsman	Hughes
Kingery	McNary	Morris	Rucker	Sater
Silvey	Skaggs	Tilley	Viebrock	Walton Gray
Webber	Wilson 130	Zimmerman		

VACANCIES: 001

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 2, Page 1, In the Title, Lines 2 and 3, by deleting all of said lines and inserting in lieu thereof the following:

"To amend chapter 620, RSMo, by adding thereto one new section relating"; and

Further amend said bill, Page 1, Section A, Lines 1 to 4, by deleting all of said lines and inserting in lieu thereof the following:

"Section A. Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.1910, to read as"; and

Further amend said bill, Page 1, Section 67.1461, Lines 1 to 113, by deleting all of said section; and

Further amend said bill, Page 4, Section 67.2050, Lines 1 to 68, by deleting all of said section; and

Further amend said bill, Page 6, Section 135.950, Lines 1 to 205, by deleting all of said section; and

Further amend said bill, Page 12, Section 135.953, Lines 1 to 51, by deleting all of said section; and

Further amend said bill, Page 13, Section 135.957, Lines 1 to 33, by deleting all of said section; and

Further amend said bill, Page 14, Section 135.960, Lines 1 to 68, by deleting all of said section; and

Further amend said bill, Page 16, Section 135.963, Lines 1 to 46, by deleting all of said section; and

Further amend said bill, Page 18, Section 135.967, Lines 1 to 131, by deleting all of said section; and

Further amend said bill, Page 22, Section 135.969, Lines 1 to 137, by deleting all of said section; and

Further amend said bill, Page 25, Section 137.115, Lines 1 to 176, by deleting all of said section; and

Further amend said bill, Page 30, Section 144.054, Lines 1 to 47, by deleting all of said section; and

Further amend said bill, Page 32, Section 144.810, Lines 1 to 159, by deleting all of said section; and

Further amend said bill, Page 36, Section 620.1881, Lines 1 to 257, by deleting all of said section; and

Further amend said bill, Page 45, Section 620.1910, Line 35, by deleting the number "**336**" and inserting in lieu thereof the following: "**33611**"; and

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

Representative Salva moved that **House Amendment No. 3** be adopted.

Which motion was defeated.

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

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 2, Pages 36 through 49, Sections 620.1881 and 620.1910, by removing said sections from the bill; and

Further amend said bill, Page 49, Line 173, by inserting after said line the following:

“Section 1. The Missouri General Assembly and the Governor hereby urge the Missouri congressional delegation and the President of the United States to adopt an anti-piracy program that eliminates the need for the use of tax credits and incentives by states that create competition among states to attract businesses to relocate in another state. Upon passage and signature of the Governor of this act, the Governor shall deliver a copy of this section to the Missouri congressional delegation, the President of the United States, and National Governor’s Association.”; and

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

Representative Oxford moved that **House Amendment No. 4** be adopted.

Which motion was defeated.

On motion of Representative Nolte, **HCS HB 2, as amended**, was adopted.

On motion of Representative Nolte, **HCS HB 2, as amended**, was ordered perfected and printed.

HCS HB 1, relating to public retirement systems, was taken up by Representative Viebrock.

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

House Amendment No. 1

AMEND House Committee Substitute for House Bill No. 1, Page 1 in the Title, Line 3, by inserting directly after the word “retirement” the words “, with an emergency clause for certain sections”; and

Further amend said bill, Page 26, Section 1, Line 4, by inserting after all of said section and line the following:

“Section B. Because immediate action is necessary to address the current fiscal crisis, the enactment of Sections 104.405 and 104.406 of section A of this act is deemed necessary for the immediate preservation of the public health, welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of the constitution, and the enactment of Sections 104.405 and 104.406 of section A of this act shall be in full force and effect upon its passage and approval.”; and

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

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

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

House Amendment No. 2

AMEND House Committee Substitute for House Bill No. 1, Page 12, Section 104.1091, Lines 62 to 65, by deleting all of said lines; and

Further amend said section and page, Line 67, by deleting the words, “**and interest credited thereon**”; and

Further amend said section and page, Line 73, by deleting the words, “**and interest credited thereon**”; and

Further amend said section, Page 13, Line 94, by deleting the words, “**or, with respect to interest credits**”;
and

Further amend said section by renumbering accordingly; and

Further amend said bill, Page 22, Section 476.521, Lines 57 to 59, by deleting all of said lines; and

Further amend said section and page, Line 61, by deleting the words, “**and interest credited thereon**”; and

Further amend said section, Page 23, Lines 66 to 67, by deleting the words, “**and interest credited thereon**”;
and

Further amend said section and page, Line 86, by deleting the words, “**or, with respect to interest credits**”;
and

Further amend said section by renumbering accordingly; and

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

Representative Leara moved that **House Amendment No. 2** be adopted.

Which motion was defeated by the following vote:

AYES: 044

Allen	Ayres	Brown 30	Burlison	Cooper
Cox	Denison	Dethrow	Dieckhaus	Diehl
Dougherty	Dugger	Dusenberg	Emery	Faith
Fisher 125	Flanigan	Franz	Gatschenberger	Grisamore
Guernsey	Icet	Jones 89	Keeney	Kraus
Lair	Largent	Leara	McDonald	Nieves
Parson	Pollock	Pratt	Ruestman	Scharnhorst
Schlottach	Schoeller	Stream	Thomson	Tracy
Viebrock	Wells	Zerr	Mr Speaker	

NOES: 100

Atkins	Aull	Biermann	Bivins	Black
Brandom	Bringer	Brown 50	Brown 149	Bruns
Burnett	Carter	Casey	Chappelle-Nadal	Colona
Conway	Corcoran	Cunningham	Davis	Day
Deeken	Dixon	Ervin	Fallert	Flook
Frame	Funderburk	Grill	Guest	Harris
Hobbs	Hodges	Hoskins 80	Hoskins 121	Hummel
Jones 63	Jones 117	Kander	Kelly	Kirkton
Koenig	Komo	Kratky	Kuessner	Lampe
LeBlanc	LeVota	Liese	Lipke	Loehner
Low	McClanahan	McGhee	McNeil	Meadows
Meiners	Molendorp	Munzlinger	Nance	Nasheed
Newman	Nolte	Norr	Oxford	Pace
Parkinson	Quinn	Riddle	Roorda	Ruzicka
Salva	Sander	Scavuzzo	Schad	Schieffer
Schoemehl	Schupp	Self	Shively	Smith 14
Smith 150	Spreng	Stevenson	Still	Storch
Sutherland	Swinger	Talboy	Todd	Wallace
Walsh	Wasson	Webb	Webber	Weter
Whitehead	Wilson 119	Witte	Wright	Yaeger

PRESENT: 000

ABSENT WITH LEAVE: 018

Calloway	Curls	Englund	Holsman	Hughes
Kingery	McNary	Morris	Rucker	Sater
Schaaf	Silvey	Skaggs	Tilley	Vogt
Walton Gray	Wilson 130	Zimmerman		

VACANCIES: 001

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

House Amendment No. 3

AMEND House Committee Substitute for House Bill No. 1, Page 10, Section 104.1091, Line 3, by inserting after the word, “**section**” the following words, “, **except that each person who first becomes an employee as a member of the**

general assembly on or after January 1, 2011, shall be a member of the year 2000 plan subject to the provisions of this section”; and

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

On motion of Representative Walsh, **House Amendment No. 3** was adopted by the following vote:

AYES: 135

Allen	Atkins	Aull	Ayres	Biermann
Bivins	Black	Brandom	Bringer	Brown 30
Brown 50	Brown 149	Bruns	Burlison	Burnett
Calloway	Carter	Chappelle-Nadal	Colona	Conway
Cooper	Cunningham	Curls	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dugger	Dusenberg	Emery	Ervin	Faith
Fallert	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Guernsey
Guest	Harris	Hobbs	Hodges	Hoskins 80
Hoskins 121	Hummel	Ice	Jones 63	Jones 117
Kander	Keeney	Kelly	Kirkton	Koenig
Komo	Kratky	Kraus	Kuessner	Lair
Lampe	Largent	Leara	LeBlanc	LeVota
Liese	Lipke	Loehner	Low	McClanahan
McDonald	McGhee	McNeil	Meadows	Meiners
Molendorp	Munzlinger	Nance	Nasheed	Newman
Nolte	Norr	Oxford	Pace	Parkinson
Parson	Pollock	Pratt	Quinn	Riddle
Roorda	Ruestman	Ruzicka	Salva	Sander
Scavuzzo	Schaaf	Schad	Scharnhorst	Schieffer
Schlottach	Schoeller	Schoemehl	Schupp	Self
Shively	Smith 14	Smith 150	Spreng	Still
Storch	Swinger	Talboy	Thomson	Todd
Viebrock	Wallace	Walsh	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 002

Cox	Stevenson
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PRESENT: 000

ABSENT WITH LEAVE: 025

Casey	Corcoran	Diehl	Dougherty	Englund
Grisamore	Holsman	Hughes	Jones 89	Kingery
McNary	Morris	Nieves	Rucker	Sater
Silvey	Skaggs	Stream	Sutherland	Tilley
Tracy	Vogt	Walton Gray	Wilson 130	Zimmerman

VACANCIES: 001

Representative Smith (150) offered **House Amendment No. 4.**

House Amendment No. 4

AMEND House Committee Substitute for House Bill No. 1, Page 14, Section 104.1091, Line 141, by inserting after all of said line the following:

“105.676. 1. As used in this section, the following terms mean:

(1) "Business ties", owning or controlling property or assets located in, having employees or facilities located in, providing goods or services to, obtaining goods or services from, having distribution agreements with, issuance of credit or loans to, purchasing bonds or commercial paper issued by, investing in or having equity ties to or with any country designated by the United States Department of State as state sponsors of terrorism or any company domiciled in any country designated by the United States Department of State as a state sponsor of terrorism or their affiliates thereof;

(2) "Company", any entity capable of affecting commerce, including but not limited to a government, government agency, natural person, legal person, sole proprietorship, partnership, firm, corporation, subsidiary, affiliate, franchisor, franchisee, joint venture, trade association, financial institution, utility, public franchise, provider of financial services, trust, or enterprise or any association thereof;

(3) "Independent research provider", a private United States company that has submitted an affidavit to the state treasurer averring that:

(a) It specializes in identifying and assessing companies that are exposed to global security risk;

(b) It offers credible research on corporate ties to any country designated by the United States Department of State as a state sponsor of terrorism that has been maintained and provided to the market for a minimum of two calendar years; and

(c) It does not have the potential for conflicts of interest stemming from investment banking and corporate finance activities;

(4) Any country designated by the United States Department of State as a state sponsor of terrorism.

2. Notwithstanding any provision of law to the contrary, any asset manager that invests in international equities of publicly-traded foreign companies on behalf of the plan shall attest semiannually in a written statement to the board that they do not hold on behalf of the plan the stock of any foreign company that, according to a reputable independent research provider specializing in global security risk assessment, has active business ties to any country designated by the United States Department of State as a state sponsor of terrorism that are nonhumanitarian in nature. The provisions of this section shall expire with respect to each individual country, irrespective of the countries that still remain prohibited, at such time that the President of the United States affirmatively and unambiguously states by means of, but not limited to, enacted legislation, executive order, or written certification from the President to the United States Congress that the United States Department of State no longer recognizes certain countries as state sponsors of terrorism.

3. Notwithstanding any law to the contrary, the plan and the board shall be exempt from any conflicting statutory obligations, including any such obligations with respect to choice of asset managers, investment funds, or investments for the plan's securities portfolios with respect to actions taken in compliance with this section, including all good faith determinations regarding companies as required by this section.”; and

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

On motion of Representative Smith (150), **House Amendment No. 4** was adopted.

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

Representative Smith (150) raised a point of order that **House Amendment No. 5** goes beyond the scope of the bill.

The Chair ruled the point of order well taken.

Representative Koenig offered **House Amendment No. 6**.

House Amendment No. 6

AMEND House Committee Substitute for House Bill No. 1, Pages 10 to 14, Section 104.1091, Lines 1 to 141, by deleting all of said lines and inserting in lieu thereof the following:

"104.1220. 1. Notwithstanding any provision of law to the contrary, each person who first becomes an employee on or after February 1, 2011, shall not be eligible to receive a benefit as provided in this chapter but shall be eligible to receive a benefit as provided in subsection 2 of this section upon retirement.

2. The employer shall contribute three percent but not more than eleven percent of the employee's salary to be credited to the employee's individual account. The amount contributed shall be determined by the employer, except as provided in section 105.668, if applicable. There shall be no cap as to the amount the employee may contribute to the plan; however, the annual amount contributed by the employer and employee shall not exceed the maximum annual contribution amount provided by federal law."; and

Further amend said bill, Pages 21 to 23, Section 476.521, Lines 1 to 88, by deleting all of said lines and inserting in lieu thereof the following:

"476.700. 1. Notwithstanding any provision of chapter 476 to the contrary, each person who first becomes a judge on or after February 1, 2011, shall not be eligible to receive a retirement benefit as provided in this chapter but shall be eligible to receive a retirement benefit as provided in subsection 2 of this section.

2. The board of trustees of the Missouri retirement system shall contribute three percent but not more than eleven percent of the judge's salary to be credited to the judge's individual account. The amount contributed shall be determined by such board, except as provided in section 105.668, if applicable. Notwithstanding any provision of law to the contrary, there shall be no cap as to the amount the judge may contribute; however, the annual amount contributed by such board and the judge shall not exceed the maximum annual contribution amount provided by federal law."; and

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

Representative Koenig moved that **House Amendment No. 6** be adopted.

Which motion was defeated by the following vote:

AYES: 008

Allen	Burlison	Diehl	Emery	Funderburk
Koenig	McNary	Stevenson		

NOES: 135

Atkins	Aull	Ayes	Biermann	Bivins
Black	Brandom	Bringer	Brown 30	Brown 50
Brown 149	Bruns	Burnett	Calloway	Casey
Chappelle-Nadal	Colona	Conway	Cooper	Corcoran
Cox	Cunningham	Curls	Davis	Deeken
Denison	Dethrow	Dieckhaus	Dixon	Dougherty
Dugger	Dusenberg	Ervin	Faith	Fallert
Fisher 125	Flanigan	Flook	Frame	Franz
Gatschenberger	Grill	Grisamore	Guernsey	Guest
Harris	Hobbs	Hodges	Hoskins 80	Hoskins 121
Hummel	Ice	Jones 63	Jones 89	Jones 117
Kander	Keeney	Kelly	Kirkton	Komo
Kratky	Kraus	Kuessner	Lair	Lampe
Largent	Leara	LeBlanc	Liese	Loehner
Low	McClanahan	McDonald	McGhee	McNeil
Meadows	Meiners	Molendorp	Munzlinger	Nance

Nasheed	Newman	Nieves	Nolte	Norr
Oxford	Pace	Parson	Pollock	Pratt
Quinn	Riddle	Roorda	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Smith 14	Smith 150
Spreng	Still	Storch	Stream	Sutherland
Swinger	Talboy	Thomson	Todd	Viebrock
Vogt	Wallace	Walsh	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Witte	Wright	Yaeger	Zerr	Mr Speaker

PRESENT: 001

Lipke

ABSENT WITH LEAVE: 018

Carter	Day	Englund	Holsman	Hughes
Kingery	LeVota	Morris	Parkinson	Rucker
Sater	Silvey	Skaggs	Tilley	Tracy
Walton Gray	Wilson 130	Zimmerman		

VACANCIES: 001

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

House Amendment No. 7

AMEND House Committee Substitute for House Bill No. 1, Section 104.1091, Page 10, Line 6, by deleting the word "**ten**" and inserting in lieu thereof the word "**five**"; and

Further amend said section, Page 11, Line 11, by deleting the word "**ten**" and inserting in lieu thereof the word "**five**"; and

Further amend said section and page, Line 21, by deleting the word "**ten**" and inserting in lieu thereof the word "**five**"; and

Further amend said section and page, Line 28, by deleting the word "**ten**" and inserting in lieu thereof the word "**five**"; and

Further amend said section and page, Line 33, by deleting the word "**ten**" and inserting in lieu thereof the word "**five**"; and

Further amend said section and page, Lines 37 to 39, by deleting all of said lines and inserting in lieu thereof the following:

"7. The normal and early retirement eligibility requirements in this section shall"; and

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

On motion of Representative Kirkton, **House Amendment No. 7** was adopted by the following vote:

AYES: 080

Atkins	Aull	Biermann	Bivins	Black
Bringer	Brown 50	Bruns	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Conway
Corcoran	Curls	Day	Deeken	Dixon
Dougherty	Fallert	Frame	Funderburk	Grill
Harris	Hodges	Hoskins 80	Hoskins 121	Hummel
Jones 63	Jones 117	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	Largent
LeBlanc	LeVota	Liese	Loehner	Low
McClanahan	McDonald	McGhee	McNeil	Meadows
Meiners	Nasheed	Newman	Norr	Oxford
Pace	Quinn	Riddle	Roorda	Salva
Scavuzzo	Schad	Schieffer	Schoemehl	Schupp
Shively	Spreng	Still	Storch	Swinger
Talboy	Todd	Vogt	Walsh	Webb
Webber	Whitehead	Witte	Wright	Yaeger

NOES: 068

Allen	Ayres	Brandom	Brown 30	Brown 149
Burlison	Cooper	Cox	Cunningham	Davis
Denison	Dethrow	Dieckhaus	Diehl	Dugger
Dusenberg	Emery	Ervin	Faith	Fisher 125
Flanigan	Flook	Franz	Gatschenberger	Grisamore
Guernsey	Guest	Hobbs	Icet	Jones 89
Keeney	Koenig	Kraus	Lair	Leara
Lipke	McNary	Molendorp	Munzlinger	Nance
Nieves	Nolte	Parkinson	Parson	Pollock
Pratt	Ruestman	Ruzicka	Sander	Schaaf
Scharnhorst	Schlottach	Schoeller	Self	Smith 14
Smith 150	Stevenson	Stream	Thomson	Tracy
Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Zerr	Mr Speaker		

PRESENT: 000

ABSENT WITH LEAVE: 014

Englund	Holsman	Hughes	Kingery	Morris
Rucker	Sater	Silvey	Skaggs	Sutherland
Tilley	Walton Gray	Wilson 130	Zimmerman	

VACANCIES: 001

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

House Amendment No. 8

AMEND House Committee Substitute for House Bill No. 1, Pages 11 and 12, Section 104.1091, Lines 41 through 44, by deleting all of said lines and inserting in lieu thereof the following:

“8. A member shall be required to contribute a percent of the member’s pay to the retirement system based on a sliding scale as follows;

(1) A members contribute rate on pay from one dollar to twenty thousand dollars will be two percent of the members pay;

(2) A member will contribute three and twenty-five-hundredths percent of the members pay on the next ten thousand dollars of pay from twenty thousand and one dollars to thirty thousand dollars;

(3) A member will contribute four and one-half percent of the members pay on the next ten thousand dollars of pay from thirty thousand and one dollars to forty thousand dollars;

(4) A member will contribute six percent of the members pay on the next ten thousand dollars of pay from forty thousand and one dollars to fifty thousand dollars;

(5) A member will contribute eight percent of the members pay on the next ten thousand dollars of pay from fifty thousand and one dollars to sixty thousand dollars;

(6) A member will contribute ten percent of the members pay on any amount earned over sixty thousand dollars;

9. The contribution amount contributed in subsection 8 of this section shall stand to the member's credit in his or her individual account with the system, together with investment credits thereon, for purposes of funding retirement benefits payable under the year 2000 plan, subject to the following provisions:"; and

Further amend said section by renumbering accordingly; and

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

Representative Schupp moved that **House Amendment No. 8** be adopted.

Which motion was defeated by the following vote:

AYES: 071

Atkins	Aull	Biermann	Black	Bringer
Brown 50	Bruns	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Curls	Deeken	Dougherty	Fallert	Frame
Grill	Harris	Hodges	Hoskins 80	Hummel
Jones 63	Jones 117	Kander	Kelly	Kirkton
Komo	Kratky	Kuessner	Lampe	LeBlanc
LeVota	Liese	Loehner	Low	McClanahan
McDonald	McGhee	McNeil	Meadows	Meiners
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Roorda	Salva	Scavuzzo	Schieffer
Schoemehl	Schupp	Shively	Spreng	Still
Storch	Swinger	Talboy	Todd	Vogt
Walsh	Webb	Webber	Whitehead	Witte
Yaeger				

NOES: 074

Allen	Ayres	Bivins	Brandom	Brown 30
Brown 149	Burlison	Cooper	Cox	Cunningham
Davis	Day	Denison	Dethrow	Dieckhaus
Dixon	Dugger	Dusenberg	Emery	Ervin
Faith	Fisher 125	Flanigan	Flook	Franz
Funderburk	Gatschenberger	Grisamore	Guest	Hobbs
Hoskins 121	Icet	Jones 89	Keeney	Koenig
Kraus	Lair	Largent	Leara	Lipke
McNary	Molendorp	Munzlinger	Nance	Nieves
Nolte	Parkinson	Parson	Pollock	Pratt
Riddle	Ruestman	Ruzicka	Sander	Schaaf
Schad	Scharnhorst	Schlottach	Schoeller	Self
Smith 14	Smith 150	Stevenson	Stream	Tracy

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Viebrock	Wallace	Wasson	Wells	Weter
Wilson 119	Wright	Zerr	Mr Speaker	

PRESENT: 000

ABSENT WITH LEAVE: 017

Diehl	Englund	Guernsey	Holsman	Hughes
Kingery	Morris	Rucker	Sater	Silvey
Skaggs	Sutherland	Thomson	Tilley	Walton Gray
Wilson 130	Zimmerman			

VACANCIES: 001

Representative Burnett offered **House Amendment No. 9.**

House Amendment No. 9

AMEND House Committee Substitute for House Bill No. 1, Pages 21 to 26, Sections 476.521, 476.527 and 476.529, by removing all of said sections from the bill; and

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

Representative Burnett moved that **House Amendment No. 9** be adopted.

Which motion was defeated by the following vote:

AYES: 070

Atkins	Aull	Bivins	Black	Brandom
Brown 30	Brown 50	Bruns	Burnett	Calloway
Carter	Casey	Chappelle-Nadal	Colona	Cooper
Corcoran	Cox	Curls	Diehl	Dougherty
Fallert	Flook	Grill	Hodges	Hoskins 80
Hummel	Jones 63	Jones 89	Kander	Kirkton
Komo	Kratky	Lampe	LeBlanc	LeVota
Liese	Low	McDonald	McNeil	Meadows
Nasheed	Newman	Norr	Oxford	Pace
Quinn	Riddle	Roorda	Salva	Sander
Scavuzzo	Schieffer	Schoemehl	Schupp	Shively
Smith 150	Spreng	Stevenson	Still	Storch
Swinger	Talboy	Todd	Vogt	Walsh
Webb	Webber	Whitehead	Witte	Yaeger

NOES: 075

Allen	Ayres	Biermann	Bringer	Brown 149
Burlison	Conway	Cunningham	Davis	Day
Deeken	Denison	Dethrow	Dieckhaus	Dixon
Dugger	Dusenberg	Emery	Ervin	Faith
Fisher 125	Flanigan	Frame	Franz	Funderburk
Gatschenberger	Grisamore	Guernsey	Guest	Harris
Hobbs	Hoskins 121	Icet	Jones 117	Keeney
Koenig	Kraus	Kuessner	Lair	Largent
Leara	Loehner	McClanahan	McGhee	McNary
Meiners	Molendorp	Munzlinger	Nance	Nieves

Nolte	Parkinson	Parson	Pollock	Pratt
Ruestman	Ruzicka	Schaaf	Scharnhorst	Schlottach
Schoeller	Self	Smith 14	Stream	Thomson
Tracy	Viebrock	Wallace	Wasson	Wells
Weter	Wilson 119	Wright	Zerr	Mr Speaker

PRESENT: 003

Kelly	Lipke	Sutherland
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ABSENT WITH LEAVE: 014

Englund	Holsman	Hughes	Kingery	Morris
Rucker	Sater	Schad	Silvey	Skaggs
Tilley	Walton Gray	Wilson 130	Zimmerman	

VACANCIES: 001

On motion of Representative Viebrock, **HCS HB 1, as amended**, was adopted.

On motion of Representative Viebrock, **HCS HB 1, as amended**, was ordered perfected and printed.

REFERRAL OF HOUSE BILL

The following House Bill was referred to the Committee indicated:

HCS HB 2 - Fiscal Review (Fiscal Note)

RECESS

On motion of Representative Self, the House recessed until such time as **HCS HB 1** and **HCS HB 2** of the First Extraordinary Session of the 95th General Assembly are printed and distributed and the Committee on Fiscal Review completes an executive session.

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

COMMITTEE REPORT

Committee on Fiscal Review, Chairman Faith reporting:

Mr. Speaker: Your Committee on Fiscal Review, to which was referred **HCS HB 2** (Fiscal Note), begs leave to report it has examined the same and recommends that it **Do Pass**.

SUPPLEMENTAL CALENDAR
June 29, 2010
HOUSE BILLS FOR THIRD READING

HCS HB 1, E.C. - Viebrock

HCS HB 2 - Nolte

THIRD READING OF HOUSE BILLS

HCS HB 2, relating to economic development, was taken up by Representative Nolte.

On motion of Representative Nolte, **HCS HB 2** was read the third time and passed by the following vote:

AYES: 125

Allen	Atkins	Aull	Biermann	Bivins
Black	Brandom	Brown 30	Brown 50	Brown 149
Bruns	Burlison	Burnett	Calloway	Carter
Casey	Chappelle-Nadal	Colona	Conway	Corcoran
Cox	Cunningham	Day	Denison	Dieckhaus
Dixon	Dougherty	Dugger	Ervin	Faith
Fallert	Fisher 125	Flanigan	Flook	Frame
Franz	Funderburk	Gatschenberger	Grill	Grisamore
Guest	Hobbs	Hodges	Hoskins 80	Hoskins 121
Hummel	Jones 63	Jones 89	Kander	Kelly
Kirkton	Koenig	Komo	Kratky	Kuessner
Lair	Lampe	Largent	Leara	LeBlanc
LeVota	Liese	Lipke	Low	McDonald
McNary	McNeil	Meadows	Meiners	Molendorp
Munzlinger	Nance	Nasheed	Newman	Nieves
Nolte	Norr	Pace	Parson	Pollock
Quinn	Riddle	Roorda	Ruestman	Ruzicka
Salva	Sander	Scavuzzo	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Shively	Smith 14	Spreng
Stevenson	Still	Storch	Stream	Sutherland
Swinger	Talboy	Todd	Tracy	Viebrock
Vogt	Wallace	Walsh	Wasson	Webb
Webber	Wells	Weter	Whitehead	Wilson 119
Witte	Wright	Yaeger	Zerr	Mr Speaker

NOES: 019

Bringer	Cooper	Davis	Deeken	Dethrow
Dusenberg	Emery	Guernsey	Harris	Icet

Jones 117	Keeney	Kraus	Loehner	McClanahan
Oxford	Parkinson	Pratt	Thomson	

PRESENT: 001

McGhee

ABSENT WITH LEAVE: 017

Ayres	Curls	Diehl	Englund	Holsman
Hughes	Kingery	Morris	Rucker	Sater
Silvey	Skaggs	Smith 150	Tilley	Walton Gray
Wilson 130	Zimmerman			

VACANCIES: 001

HCS HB 1, relating to public retirement systems, was taken up by Representative Viebrock.

Representative Burnett raised a point of order that **HCS HB 1** is out of order pursuant to Section 105.670.

The Chair ruled the point of order not well taken.

Representative Viebrock again moved that **HCS HB 1** be third read and passed.

Which motion was adopted by the following vote:

AYES: 092

Allen	Aull	Bivins	Black	Brandom
Brown 30	Brown 50	Burlison	Casey	Colona
Conway	Cooper	Corcoran	Cox	Cunningham
Curls	Davis	Denison	Dethrow	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fallert	Fisher 125	Flanigan	Flook	Frame
Franz	Gatschenberger	Grisamore	Guest	Hobbs
Icet	Jones 63	Kander	Keeney	Kelly
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Leara	LeBlanc	Liese
McDonald	McGhee	McNary	McNeil	Meadows
Meiners	Nance	Newman	Nolte	Parkinson
Pratt	Quinn	Roorda	Rucker	Ruestman
Ruzicka	Salva	Sander	Schaaf	Schad
Scharnhorst	Schieffer	Schlottach	Schoeller	Schoemehl
Schupp	Self	Smith 150	Spreng	Stevenson
Storch	Stream	Swinger	Talboy	Viebrock
Wallace	Wasson	Weter	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 054

Atkins	Biermann	Bringer	Brown 149	Bruns
Burnett	Calloway	Carter	Chappelle-Nadal	Day
Deeken	Dieckhaus	Dixon	Funderburk	Grill

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Guernsey	Harris	Hodges	Hoskins 80	Hoskins 121
Hummel	Jones 89	Jones 117	Kirkton	Largent
LeVota	Loehner	Low	McClanahan	Molendorp
Munzlinger	Nasheed	Nieves	Norr	Oxford
Pace	Parson	Pollock	Riddle	Scavuzzo
Shively	Smith 14	Still	Sutherland	Thomson
Todd	Tracy	Walsh	Webb	Webber
Wells	Whitehead	Wilson 119	Witte	

PRESENT: 002

Lipke	Vogt
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ABSENT WITH LEAVE: 014

Ayres	Diehl	Englund	Holsman	Hughes
Kingery	Morris	Sater	Silvey	Skaggs
Tilley	Walton Gray	Wilson 130	Zimmerman	

VACANCIES: 001

Speaker Richard declared the bill passed.

The emergency clause was defeated by the following vote:

AYES: 092

Allen	Atkins	Aull	Bivins	Black
Brandom	Brown 30	Brown 50	Burlison	Casey
Colona	Conway	Corcoran	Cox	Cunningham
Curls	Deeken	Denison	Dethrow	Dougherty
Dugger	Dusenberg	Emery	Ervin	Faith
Fallert	Fisher 125	Flanigan	Flook	Frame
Franz	Gatschenberger	Grisamore	Guest	Hobbs
Iceet	Jones 63	Kander	Keeney	Kelly
Koenig	Komo	Kratky	Kraus	Kuessner
Lair	Lampe	Leara	LeBlanc	Liese
Lipke	McDonald	McGhee	McNary	McNeil
Meadows	Meiners	Nance	Newman	Nolte
Parkinson	Pratt	Quinn	Roorda	Rucker
Ruestman	Ruzicka	Salva	Sander	Schaaf
Schad	Scharnhorst	Schieffer	Schlottach	Schoeller
Schoemehl	Self	Smith 150	Stevenson	Storch
Stream	Swinger	Talboy	Thomson	Viebrock
Wallace	Wasson	Weter	Wright	Yaeger
Zerr	Mr Speaker			

NOES: 056

Biermann	Bringer	Brown 149	Bruns	Burnett
Calloway	Carter	Chappelle-Nadal	Cooper	Davis
Day	Dieckhaus	Dixon	Funderburk	Grill
Guernsey	Harris	Hodges	Hoskins 80	Hoskins 121
Hummel	Jones 89	Jones 117	Kirkton	Largent
LeVota	Loehner	Low	McClanahan	Molendorp
Munzlinger	Nasheed	Nieves	Norr	Oxford
Pace	Parson	Pollock	Riddle	Scavuzzo

Schupp	Shively	Smith 14	Spreng	Still
Sutherland	Todd	Tracy	Vogt	Walsh
Webb	Webber	Wells	Whitehead	Wilson 119
Witte				

PRESENT: 000

ABSENT WITH LEAVE: 014

Ayres	Diehl	Englund	Holsman	Hughes
Kingery	Morris	Sater	Silvey	Skaggs
Tilley	Walton Gray	Wilson 130	Zimmerman	

VACANCIES: 001

ADJOURNMENT

On motion of Representative Self, the House adjourned until 10:00 a.m., Wednesday, July 7, 2010.

CORRECTION TO THE HOUSE JOURNAL

Correct House Journal, Fifth day, Monday, June 28, 2010, Page 12, Line 28, by inserting after the name "Brandom", the name "Brown (50)".

COMMITTEE MEETINGS

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Wednesday, June 30, 2010, 4:00 p.m. Senate Lounge.

4CSR 240-20.100 Dept. of Economic Development, PSC, Electric Utilities-Electric Utility Renewable Energy Requirements, 4CSR 240-3.156 Department of Economic Development, PCS, Electric Utilities etc.