



Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

SSA2 SCS ACS HB 89

entitled:

AN ACT

To repeal sections 247.060, 253.090, 386.850, 444.773, 621.250, 643.020, 643.040, 643.050, 643.060, 643.079, 643.080, 643.130, 643.191, 643.225, 643.232, 643.237, 643.240, 643.242, 643.245, 643.250, 643.253, 643.260, 644.036, 644.051, 644.054, 644.071, 701.033, and 701.332, RSMo, and to enact in lieu thereof forty new sections relating to natural resources, with penalty provisions and an emergency clause for certain sections.

WITH SSA1 For SA1, SA Z1 SA 3

EL. ADOPTED

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler  
Secretary of the Senate

MAY 11 2011

SSA 1  
for

0385S12.12S

**SENATE AMENDMENT NO. 1**

Offered by Lager of 17th

#2  
Amend SS/SCS/HCS/House Bill No. 89, Pages 20-21, Section 537.292, Line       ,

2 by striking all of said section from the bill; and

3 Further amend said bill, page 78, section 1, line 21 of said  
4 page, by striking the following: "304.120,"; and further amend  
5 said line, by striking the following: "537.292,"; and

6 Further amend said bill, page 79, section 1, line 1 of said  
7 page, by striking the following: "304.120,"; and further amend  
8 line 2 of said page, by striking the following: "537.292,"; and

9 Further amend the title and enacting clause accordingly.

offered 5-11-11  
adopted 5-11-11

SENATE AMENDMENT NO. 2

Offered by

Clay Ridgeway of ClayAmend <sup>#2</sup> SS/SCS/HCS/House Bill No. 89, Page 10, Section 247.060, Line 6

2 of said page, by inserting after the word "election" the  
3 following: ", or if not a voter or resident of said district,  
4 shall have received service from the district at his or her  
5 primary place of residence one whole year immediately prior to  
6 his or her election".

7  
offered 5-11-11  
adopted 5-11-11

SENATE AMENDMENT NO. 3Offered by McKenna of JeffersonAmend #2 SS/SCS/HCS/House Bill No. 89, Page 21, Section 537.292, Line 16

2 of said page, by inserting after all of said line the following:

3 "620.2300. 1. As used in this section, the following terms  
 4 shall mean;

5 (1) "Department", the Missouri department of economic  
 6 development;

7 (2) "Biomass facility", a biomass renewable energy facility  
 8 or biomass fuel production facility that will not be a major  
 9 source for air quality permitting purposes;

10 (3) "Commission", the Missouri public service commission;

11 (4) "County average wage", the average wages in each county  
 12 as determined by the department for the most recently completed  
 13 full calendar year. However, if the computed county average wage  
 14 is above the statewide average wage, the statewide average wage  
 15 shall be deemed the county average wage for such county for the  
 16 purpose of determining eligibility. The department shall publish  
 17 the county average wage for each county at least annually.  
 18 Notwithstanding the provisions of this subdivision to the  
 19 contrary, for any project that is relocating employees from a  
 20 Missouri county with a higher county average wage, the company  
 21 shall obtain the endorsement of the governing body of the

*offered 5-11-11*  
*adapted 5-11-11*

1 community from which jobs are being relocated or the county  
2 average wage for their project shall be the county average wage  
3 for the county from which the employees are being relocated;

4 (5) "Full-time employee", an employee of the project  
5 facility that is scheduled to work an average of at least  
6 thirty-five hours per week for a twelve-month period, and one for  
7 which the employer offers health insurance and pays at least  
8 fifty percent of such insurance premiums;

9 (6) "Major source", the same meaning as is provided under  
10 40 C.F.R. 70.2;

11 (7) "New job", the number of full-time employees located at  
12 the project facility that exceeds the project facility base  
13 employment less any decrease in the number of full-time employees  
14 at related facilities below the related facility base employment.  
15 An employee that spends less than fifty percent of the employee's  
16 work time at the project facility is still considered to be  
17 located at a facility if the employee receives his or her  
18 directions and control from that facility, is on the facility's  
19 payroll, one hundred percent of the employee's income from such  
20 employment is Missouri income, and the employee is paid at or  
21 above the state average wage;

22 (8) "Park", an area consisting of a parcel or tract of  
23 land, or any combination of parcels or contiguous land that meet  
24 all of the following requirements:

25 (a) The area consists of at least fifty contiguous acres;

26 (b) The property within the area is subject to remediation  
27 under a clean up program supervised by the Missouri department of  
28 natural resources or United States environmental protection  
29 agency;

1       (c) The area contains a manufacturing facility that is  
2 closed, undergoing closure, idle, underutilized, or curtailed and  
3 that at one time employed at least two hundred employees;

4       (d) The development plan for the area includes a biomass  
5 facility; and

6       (e) Property located within the area will be used for the  
7 development of renewable energy and the demonstration of  
8 industrial on-site energy generation;

9       (9) "Project", a cleanfields renewable energy demonstration  
10 project located within a park that will result in the creation of  
11 at least fifty new jobs and the retention of at least fifty  
12 existing jobs;

13       (10) "Project application", an application submitted to the  
14 department, by an owner of all or a portion of a park, on a form  
15 provided by the department, requesting benefits provided under  
16 this section;

17       (11) "Project facility", a biomass facility at which the  
18 new jobs will be located. A project facility may include  
19 separate buildings that are located within fifty miles of each  
20 other or within the same county such that their purpose and  
21 operations are interrelated;

22       (12) "Project facility base employment", the greater of the  
23 number of full-time employees located at the project facility on  
24 the date of the project application or for the twelve-month  
25 period prior to the date of the project application, the average  
26 number of full-time employees located at the project facility.  
27 In the event the project facility has not been in operation for a  
28 full twelve-month period, the average number of full-time  
29 employees for the number of months the project facility has been

1 in operation prior to the date of the project application.

2 2. The owner of a park seeking to establish a project shall  
3 submit a project application to the department for certification  
4 of such project. The department shall review all project  
5 applications received under this section and, in consultation  
6 with the department of natural resources, verify satisfaction of  
7 the requirements of this section. If the department approves a  
8 project application, the department shall forward such  
9 application and approval to the commission.

10 3. Notwithstanding provisions of section 393.1030 to the  
11 contrary, upon receipt of an application and approval from the  
12 department, the commission shall assign double credit to any  
13 electric power, renewable energy, renewable energy credits, or  
14 any successor credit generated from:

15 (1) Renewable energy resources purchased from the biomass  
16 facility located in the park by an electric power supplier;

17 (2) Electric power generated off-site by utilizing biomass  
18 fuel sold by the biomass facility located at the park; or

19 (3) Electric power generated off-site by renewable energy  
20 resources utilizing storage equipment manufactured at the park  
21 that increases the quantity of electricity delivered to the  
22 electric power supplier."; and

23 Further amend said bill, page 80, section B, line 39 of said  
24 page, by inserting immediately after "444.771," the following:  
25 "620.2300,"; and

26 Further amend said bill and section, page 81, line 5 of said  
27 page, by inserting immediately after "444.771," the following:  
28 "620.2300,"; and

29 Further amend the title and enacting clause accordingly.