

SEP 10 2012

EXECUTIVE ORDER  
12-09SECRETARY OF STATE  
COMMISSIONS DIVISION

WHEREAS, Executive Order 12-06 was issued on June 29, 2012, activating the Missouri State Emergency Operations Center in response to the severe drought affecting the State of Missouri and to assist residents and communities in addressing the hazards associated with this extreme weather pattern; and

WHEREAS, Executive Order 12-07 was issued on July 23, 2012, declaring a State of Emergency relating to the ongoing drought conditions; and

WHEREAS, the drought conditions have made access to adequate water supplies difficult for Missouri agricultural producers; and

WHEREAS, the State of Missouri has been proactive in addressing these challenges confronting Missouri agricultural producers; and

WHEREAS, pursuant to the powers granted under Chapter 44, RSMo, to be exercised during a State of Emergency, Executive Order 12-08 was issued on July 23, 2012, establishing an Emergency Cost-Share Program for water source development and/or water distribution practices to alleviate immediate water shortages being experienced by Missouri agricultural producers; and

WHEREAS, Executive Order 12-08 established specific criteria that must be satisfied in order to participate in the Emergency Cost-Share Program including that the proposed project would provide an immediate material benefit to the well-being of the landowner's livestock or crop; and

WHEREAS, the extraordinary need for water source and water distribution practices by Missouri agricultural producers is demonstrated by the more than 11,000 applications received by the State and the more than 5,800 approved projects; and

WHEREAS, hard work by well-drillers, electrical workers, other contractors and suppliers has resulted in more than 4,400 projects completed, started or scheduled; and

WHEREAS, Executive Order 12-08 required that projects under the Emergency Cost-Share Program be completed within sixty days of July 23, 2012; and

WHEREAS, the extraordinary response to this program necessitates that additional time be permitted to allow landowners to engage contractors and suppliers to complete all approved projects.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and laws of the State of Missouri, including Chapter 44, RSMo, do hereby extend the deadline for completion of approved projects under the Emergency Cost-Share Program.

In order to be eligible for this extension, a landowner with an approved project must make diligent efforts to engage the services of contractors and/or necessary suppliers and complete the project by the earliest possible date. Because this program, necessitated by the drought that resulted in the State of Emergency contained in Executive Order 12-07, is narrowly designed to alleviate the impact of the drought on Missouri agricultural producers, it shall be further required that projects completed under this extension must continue to satisfy the criteria for the Emergency Cost-Share Program contained in Executive Order 12-08. Specifically, the following conditions must be met at the time project construction commences:

- 1) The landowner is still experiencing a water shortage caused directly by the current drought;
- 2) The water shortage being experienced by the landowner continues to severely impact the well-being of the landowner's livestock or crop production;
- 3) The water source development or water distribution practice will provide an immediate material benefit to the well-being of the landowner's livestock or crop production; and

- 4) The water source development or water distribution practice will not adversely affect a public water supply.

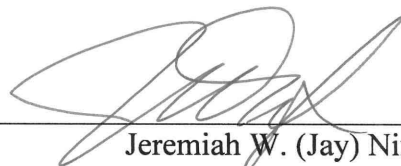
I further order the establishment of a Program Audit and Compliance Team which will report directly to the State Budget Director. The Program Audit and Compliance Team will inspect a sample of completed projects to confirm adherence to the Emergency Cost-Share Program criteria established in Executive Order 12-08 and in this Order. The Program Audit and Compliance Team will also verify that each reviewed project was completed in a manner consistent with the approved contract.

Executive Order 12-08 is hereby extended to effectuate this Order.

Executive Order 12-07 establishing a drought-related State of Emergency is hereby extended until November 15, 2012 unless extended by subsequent Order.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 10<sup>th</sup> day of September, 2012.

  
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Jeremiah W. (Jay) Nixon  
Governor

ATTEST:

  
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Robin Carnahan  
Secretary of State