

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 549

99TH GENERAL ASSEMBLY

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Reported from the Committee on Economic Development, February 1, 2018, with recommendation that the Senate Committee Substitute do pass.

4475S.02C

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal sections 620.809 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to financial incentives for job creation.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 620.809 and 620.2020, RSMo, are repealed and two  
2 new sections enacted in lieu thereof, to be known as sections 620.809 and  
3 620.2020, to read as follows:

620.809. 1. The Missouri community college job training program fund,  
2 formerly established in the state treasury by section 178.896, shall now be known  
3 as the "Missouri Works Community College New Jobs Training Fund" and shall  
4 be administered by the department for the training program. The department of  
5 revenue shall credit to the fund, as received, all new jobs credits. The fund shall  
6 also consist of any gifts, contributions, grants, or bequests received from federal,  
7 private, or other sources. The general assembly, however, shall not provide for  
8 any transfer of general revenue funds into the fund. Moneys in the fund shall be  
9 disbursed to the department under regular appropriations by the general  
10 assembly. The department shall disburse such appropriated funds in a timely  
11 manner into the special funds established by community college districts for  
12 training projects, which funds shall be used to pay training project costs. Such  
13 disbursements shall be made to the special fund for each training project as  
14 provided under subsection 5 of this section. All moneys remaining in the fund at  
15 the end of any fiscal year shall not lapse to the general revenue fund, as provided  
16 in section 33.080, but shall remain in the fund.

17 2. The Missouri community college job retention training program fund,

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 formerly established in the state treasury by section 178.764, shall now be known  
19 as the "Missouri Works Community College Job Retention Training Fund" and  
20 shall be administered by the department for the Missouri works training  
21 program. The department of revenue shall credit to the fund, as received, all  
22 retained jobs credits. The fund shall also consist of any gifts, contributions,  
23 grants, or bequests received from federal, private, or other sources. The general  
24 assembly, however, shall not provide for any transfer of general revenue funds  
25 into the fund. Moneys in the fund shall be disbursed to the department under  
26 regular appropriations by the general assembly. The department shall disburse  
27 such appropriated funds in a timely manner into the special funds established by  
28 community college districts for projects, which funds shall be used to pay training  
29 program costs, including the principal, premium, and interest on certificates  
30 issued by the district to finance or refinance, in whole or in part, a project. Such  
31 disbursements by the department shall be made to the special fund for each  
32 project as provided under subsection 5 of this section. All moneys remaining in  
33 the fund at the end of any fiscal year shall not lapse to the general revenue fund,  
34 as provided in section 33.080, but shall remain in the fund.

35           3. The department of revenue shall develop such forms as are necessary  
36 to demonstrate accurately each qualified company's new jobs credit paid into the  
37 Missouri works community college new jobs training fund or retained jobs credit  
38 paid into the Missouri works community college job retention training fund. The  
39 new or retained jobs credits shall be accounted as separate from the normal  
40 withholding tax paid to the department of revenue by the qualified  
41 company. Reimbursements made by all qualified companies to the Missouri  
42 works community college new jobs training fund and the Missouri works  
43 community college job retention training fund shall be no less than all allocations  
44 made by the department to all community college districts for all projects. The  
45 qualified company shall remit the amount of the new or retained jobs credit, as  
46 applicable, to the department of revenue in the same manner as provided in  
47 sections 143.191 to 143.265.

48           4. A community college district, with the approval of the department in  
49 consultation with the office of administration, may enter into an agreement to  
50 establish a training project and provide training project services to a qualified  
51 company. As soon as possible after initial contact between a community college  
52 district and a potential qualified company regarding the possibility of entering  
53 into an agreement, the district shall inform the department of the potential

54 training project. The department shall evaluate the proposed training project  
55 within the overall job training efforts of the state to ensure that the training  
56 project will not duplicate other job training programs. The department shall have  
57 fourteen days from receipt of a notice of intent to approve or disapprove a  
58 training project. If no response is received by the qualified company within  
59 fourteen days, the training project shall be deemed approved. Disapproval of any  
60 training project shall be made in writing and state the reasons for such  
61 disapproval. If an agreement is entered into, the district and the qualified  
62 company shall notify the department of revenue within fifteen calendar days. In  
63 addition to any provisions required under subsection 6 of this section for a  
64 qualified company applying to receive a retained job credit, an agreement may  
65 provide, but shall not be limited to:

66 (1) Payment of training project costs, which may be paid from one or a  
67 combination of the following sources:

68 (a) Funds appropriated by the general assembly to the Missouri works  
69 community college new jobs training program fund or Missouri works community  
70 college job retention training program fund, as applicable, and disbursed by the  
71 department for the purposes consistent with sections 620.800 to 620.809;

72 (b) Funds appropriated by the general assembly from the general revenue  
73 fund and disbursed by the department for the purposes consistent with sections  
74 620.800 to 620.809;

75 (c) Tuition, student fees, or special charges fixed by the board of trustees  
76 to defray training project costs in whole or in part;

77 (2) Payment of training project costs which shall not be deferred for a  
78 period longer than eight years;

79 (3) Costs of on-the-job training for employees which shall include wages  
80 or salaries of participating employees. Payments for on-the-job training shall not  
81 exceed the average of fifty percent of the total wages paid by the qualified  
82 company to each participant during the period of training. Payment for  
83 on-the-job training may continue for up to six months from the date the training  
84 begins;

85 (4) A provision which fixes the minimum amount of new or retained jobs  
86 credits, general revenue fund appropriations, or tuition and fee payments which  
87 shall be paid for training project costs; and

88 (5) Any payment required to be made by a qualified company. This  
89 payment shall constitute a lien upon the qualified company's business property

90 until paid, shall have equal priority with ordinary taxes and shall not be divested  
91 by a judicial sale. Property subject to such lien may be sold for sums due and  
92 delinquent at a tax sale, with the same forfeitures, penalties, and consequences  
93 as for the nonpayment of ordinary taxes. The purchasers at tax sale shall obtain  
94 the property subject to the remaining payments.

95           5. (1) For projects that are funded exclusively under paragraph (a) of  
96 subdivision (1) of subsection 4 of this section, the department shall disburse such  
97 funds to the special fund for each training project in the same proportion as the  
98 new jobs or retained jobs credits remitted by the qualified company participating  
99 in such project bears to the total new jobs or retained jobs credits from  
100 withholding remitted by all qualified companies participating in projects during  
101 the period for which the disbursement is made.

102           (2) Subject to appropriation, for projects that are funded through a  
103 combination of funds under paragraphs (a) and (b) of subdivision (1) of subsection  
104 4 of this section, the department shall disburse funds appropriated under  
105 paragraph (b) of subdivision (1) of subsection 4 of this section to the special fund  
106 for each training project upon commencement of the project. The department  
107 shall disburse funds appropriated under paragraph (a) of subdivision (1) of  
108 subsection 4 of this section to the special fund for each training project in the  
109 same proportion as the new jobs or retained jobs credits remitted by the qualified  
110 company participating in such project bears to the total new jobs or retained jobs  
111 credits from withholding remitted by all qualified companies participating in  
112 projects during the period for which the disbursement is made, reduced by the  
113 amount of funds appropriated under paragraph (b) of subdivision (1) of subsection  
114 4 of this section.

115           6. Any qualified company that submits a notice of intent for retained job  
116 credits shall enter into an agreement, providing that the qualified company has:

117           (1) Maintained at least one hundred full-time employees per year at the  
118 project facility for the calendar year preceding the year in which the application  
119 is made;

120           (2) Retained, at the project facility, the same number of employees that  
121 existed in the taxable year immediately preceding the year in which application  
122 is made; and

123           (3) Made or agrees to make a new capital investment of greater than five  
124 times the amount of any award under this training program at the project facility  
125 over a period of two consecutive calendar years, as certified by the qualified

126 company and:

127 (a) Has made substantial investment in new technology requiring the  
128 upgrading of employee skills; or

129 (b) Is located in a border county of the state and represents a potential  
130 risk of relocation from the state; or

131 (c) Has been determined to represent a substantial risk of relocation from  
132 the state by the director of the department of economic development.

133 7. If an agreement provides that all or part of the training program costs  
134 are to be met by receipt of new or retained jobs credit, such new or retained jobs  
135 credit from withholding shall be determined and paid as follows:

136 (1) New or retained jobs credit shall be based upon the wages paid to the  
137 employees in the new or retained jobs;

138 (2) A portion of the total payments made by the qualified companies under  
139 sections 143.191 to 143.265 shall be designated as the new or retained jobs credit  
140 from withholding. Such portion shall be an amount equal to two and one-half  
141 percent of the gross wages paid by the qualified company for each of the first one  
142 hundred jobs included in the project and one and one-half percent of the gross  
143 wages paid by the qualified company for each of the remaining jobs included in  
144 the project. If business or employment conditions cause the amount of the new  
145 or retained jobs credit from withholding to be less than the amount projected in  
146 the agreement for any time period, then other withholding tax paid by the  
147 qualified company under sections 143.191 to 143.265 shall be credited to the  
148 applicable fund by the amount of such difference. The qualified company shall  
149 remit the amount of the new or retained jobs credit to the department of revenue  
150 in the manner prescribed in sections 143.191 to 143.265. When all training  
151 program costs have been paid, the new or retained jobs credits shall cease;

152 (3) The community college district participating in a project shall  
153 establish a special fund for and in the name of the training project. All funds  
154 appropriated by the general assembly from the funds established under  
155 subsections 1 and 2 of this section and disbursed by the department for the  
156 training project and other amounts received by the district for training project  
157 costs as required by the agreement shall be deposited in the special  
158 fund. Amounts held in the special fund shall be used and disbursed by the  
159 district only to pay training project costs for such training project. The special  
160 fund may be divided into such accounts and subaccounts as shall be provided in  
161 the agreement, and amounts held therein may be invested in the same manner

162 as the district's other funds;

163 (4) Any disbursement for training project costs received from the  
164 department under sections 620.800 to 620.809 and deposited into the training  
165 project's special fund may be irrevocably pledged by a community college district  
166 for the payment of the principal, premium, and interest on the certificate issued  
167 by a community college district to finance or refinance, in whole or in part, such  
168 training project;

169 (5) The qualified company shall certify to the department of revenue that  
170 the new or retained jobs credit is in accordance with an agreement and shall  
171 provide other information the department of revenue may require;

172 (6) An employee participating in a training project shall receive full credit  
173 under section 143.211 for the amount designated as a new or retained jobs credit;

174 (7) If an agreement provides that all or part of training program costs are  
175 to be met by receipt of new or retained jobs credit, the provisions of this  
176 subsection shall also apply to any successor to the original qualified company  
177 until the principal and interest on the certificates have been paid.

178 8. To provide funds for the present payment of the training project costs  
179 of new or retained jobs training project through the training program, a  
180 community college district may borrow money and issue and sell certificates  
181 payable from a sufficient portion of the future receipts of payments authorized by  
182 the agreement including disbursements from the Missouri works community  
183 college new jobs training fund or the Missouri works community college job  
184 retention training fund, to the special fund established by the district for each  
185 project. The total amount of outstanding certificates sold by all community  
186 college districts shall not exceed the total amount authorized under law as of  
187 January 1, 2013, unless an increased amount is authorized in writing by a  
188 majority of members of the committee. The certificates shall be marketed  
189 through financial institutions authorized to do business in Missouri. The receipts  
190 shall be pledged to the payment of principal of and interest on the  
191 certificates. Certificates may be sold at public sale or at private sale at par,  
192 premium, or discount of not less than ninety-five percent of the par value thereof,  
193 at the discretion of the board of trustees, and may bear interest at such rate or  
194 rates as the board of trustees shall determine, notwithstanding the provisions of  
195 section 108.170 to the contrary. However, the provisions of chapter 176 shall not  
196 apply to the issuance of such certificates. Certificates may be issued with respect  
197 to a single project or multiple projects and may contain terms or conditions as the

198 board of trustees may provide by resolution authorizing the issuance of the  
199 certificates.

200 9. Certificates issued to refund other certificates may be sold at public  
201 sale or at private sale as provided in this section, with the proceeds from the sale  
202 to be used for the payment of the certificates being refunded. The refunding  
203 certificates may be exchanged in payment and discharge of the certificates being  
204 refunded, in installments at different times or an entire issue or series at one  
205 time. Refunding certificates may be sold or exchanged at any time on, before, or  
206 after the maturity of the outstanding certificates to be refunded. They may be  
207 issued for the purpose of refunding a like, greater, or lesser principal amount of  
208 certificates and may bear a rate of interest that is higher, lower, or equivalent to  
209 that of the certificates being renewed or refunded.

210 10. Before certificates are issued, the board of trustees shall publish once  
211 a notice of its intention to issue the certificates, stating the amount, the purpose,  
212 and the project or projects for which the certificates are to be issued. A person  
213 with standing may, within fifteen days after the publication of the notice, by  
214 action in the circuit court of a county in the district, appeal the decision of the  
215 board of trustees to issue the certificates. The action of the board of trustees in  
216 determining to issue the certificates shall be final and conclusive unless the  
217 circuit court finds that the board of trustees has exceeded its legal authority. An  
218 action shall not be brought which questions the legality of the certificates, the  
219 power of the board of trustees to issue the certificates, the effectiveness of any  
220 proceedings relating to the authorization of the project, or the authorization and  
221 issuance of the certificates from and after fifteen days from the publication of the  
222 notice of intention to issue.

223 11. The board of trustees shall make a finding based on information  
224 supplied by the qualified company that revenues provided in the agreement are  
225 sufficient to secure the faithful performance of obligations in the agreement.

226 12. Certificates issued under this section shall not be deemed to be an  
227 indebtedness of the state, the community college district, or any other political  
228 subdivision of the state, and the principal and interest on any certificates shall  
229 be payable only from the sources provided in subdivision (1) of subsection 4 of  
230 this section which are pledged in the agreement.

231 13. Pursuant to section 23.253 of the Missouri sunset act:

232 (1) The [new] program authorized under sections 620.800 to 620.809 shall  
233 [automatically sunset July 1, 2019, unless reauthorized by an act of the general

234 assembly] **be reauthorized as of the effective date of this act and shall**  
235 **expire on August 28, 2030;** and

236 (2) If such program is reauthorized, the program authorized under  
237 sections 620.800 to 620.809 shall automatically sunset twelve years after the  
238 effective date of the reauthorization of sections 620.800 to 620.809; and

239 (3) Sections 620.800 to 620.809 shall terminate on September first of the  
240 calendar year immediately following the calendar year in which a program  
241 authorized under sections 620.800 to 620.809 is sunset.

620.2020. 1. The department shall respond to a written request, by or on  
2 behalf of a qualified company, for a proposed benefit award under the provisions  
3 of this program within five business days of receipt of such request. Such  
4 response shall contain either a proposal of benefits for the qualified company, or  
5 a written response refusing to provide such a proposal and stating the reasons for  
6 such refusal. A qualified company that intends to seek benefits under the  
7 program shall submit to the department a notice of intent. The department shall  
8 respond within thirty days to a notice of intent with an approval or a rejection,  
9 provided that the department may withhold approval or provide a contingent  
10 approval until it is satisfied that proper documentation of eligibility has been  
11 provided. Failure to respond on behalf of the department shall result in the  
12 notice of intent being deemed approved. A qualified company receiving approval  
13 for program benefits may receive additional benefits for subsequent new jobs at  
14 the same facility after the full initial project period if the applicable minimum job  
15 requirements are met. There shall be no limit on the number of project periods  
16 a qualified company may participate in the program, and a qualified company  
17 may elect to file a notice of intent to begin a new project period concurrent with  
18 an existing project period if the applicable minimum job requirements are  
19 achieved, the qualified company provides the department with the required  
20 annual reporting, and the qualified company is in compliance with this program  
21 and any other state programs in which the qualified company is currently or has  
22 previously participated. However, the qualified company shall not receive any  
23 further program benefits under the original approval for any new jobs created  
24 after the date of the new notice of intent, and any jobs created before the new  
25 notice of intent shall not be included as new jobs for purposes of the benefit  
26 calculation for the new approval. When a qualified company has filed and  
27 received approval of a notice of intent and subsequently files another notice of  
28 intent, the department shall apply the definition of project facility under

29 subdivision (18) of section 620.2005 to the new notice of intent as well as all  
30 previously approved notices of intent and shall determine the application of the  
31 definitions of new job, new payroll, project facility base employment, and project  
32 facility base payroll accordingly.

33         2. Notwithstanding any provision of law to the contrary, the benefits  
34 available to the qualified company under any other state programs for which the  
35 company is eligible and which utilize withholding tax from the new or retained  
36 jobs of the company shall first be credited to the other state program before the  
37 withholding retention level applicable under this program will begin to accrue.  
38 If any qualified company also participates in a job training program utilizing  
39 withholding tax, the company shall retain no withholding tax under this program,  
40 but the department shall issue a refundable tax credit for the full amount of  
41 benefit allowed under this program. The calendar year annual maximum amount  
42 of tax credits which may be issued to a qualifying company that also participates  
43 in a job training program shall be increased by an amount equivalent to the  
44 withholding tax retained by that company under a jobs training program.

45         3. A qualified company receiving benefits under this program shall  
46 provide an annual report of the number of jobs and such other information as  
47 may be required by the department to document the basis for program benefits  
48 available no later than ninety days prior to the end of the qualified company's tax  
49 year immediately following the tax year for which the benefits provided under the  
50 program are attributed. In such annual report, if the average wage is below the  
51 applicable percentage of the county average wage, the qualified company has not  
52 maintained the employee insurance as required, or if the number of jobs is below  
53 the number required, the qualified company shall not receive tax credits or retain  
54 the withholding tax for the balance of the project period. Failure to timely file  
55 the annual report required under this section shall result in the forfeiture of tax  
56 credits attributable to the year for which the reporting was required and a  
57 recapture of withholding taxes retained by the qualified company during such  
58 year.

59         4. The department may withhold the approval of any benefits under this  
60 program until it is satisfied that proper documentation has been provided, and  
61 shall reduce the benefits to reflect any reduction in full-time employees or  
62 payroll. Upon approval by the department, the qualified company may begin the  
63 retention of the withholding taxes when it reaches the required number of jobs  
64 and the average wage meets or exceeds the applicable percentage of county

65 average wage. Tax credits, if any, may be issued upon satisfaction by the  
66 department that the qualified company has exceeded the applicable percentage  
67 of county average wage and the required number of jobs.

68         5. Any qualified company approved for benefits under this program shall  
69 provide to the department, upon request, any and all information and records  
70 reasonably required to monitor compliance with program requirements. This  
71 program shall be considered a business recruitment tax credit under subdivision  
72 (4) of subsection 2 of section 135.800, and any qualified company approved for  
73 benefits under this program shall be subject to the provisions of sections 135.800  
74 to 135.830.

75         6. Any taxpayer who is awarded benefits under this program who  
76 knowingly hires individuals who are not allowed to work legally in the United  
77 States shall immediately forfeit such benefits and shall repay the state an  
78 amount equal to any state tax credits already redeemed and any withholding  
79 taxes already retained.

80         7. The maximum amount of tax credits that may be authorized under this  
81 program for any fiscal year shall be limited as follows, less the amount of any tax  
82 credits previously obligated for that fiscal year under any of the tax credit  
83 programs referenced in subsection 13 of this section:

84             (1) For the fiscal year beginning on July 1, 2013, but ending on or before  
85 June 30, 2014, no more than one hundred six million dollars in tax credits may  
86 be authorized;

87             (2) For the fiscal year beginning on July 1, 2014, but ending on or before  
88 June 30, 2015, no more than one hundred eleven million dollars in tax credits  
89 may be authorized; and

90             (3) For any fiscal year beginning on or after July 1, 2015, no more than  
91 one hundred sixteen million dollars in tax credits may be authorized for each  
92 fiscal year.

93         8. For tax credits for the creation of new jobs under section 620.2010, the  
94 department shall allocate the annual tax credits based on the date of the  
95 approval, reserving such tax credits based on the department's best estimate of  
96 new jobs and new payroll of the project, and any other applicable factors in  
97 determining the amount of benefits available to the qualified company under this  
98 program. However, the annual issuance of tax credits shall be subject to annual  
99 verification of actual payroll by the department. Any authorization of tax credits  
100 shall expire if, within two years from the date of commencement of operations, or

101 approval if applicable, the qualified company has failed to meet the applicable  
102 minimum job requirements. The qualified company may retain authorized  
103 amounts from the withholding tax under the project once the applicable minimum  
104 job requirements have been met for the duration of the project period. No  
105 benefits shall be provided under this program until the qualified company meets  
106 the applicable minimum new job requirements. In the event the qualified  
107 company does not meet the applicable minimum new job requirements, the  
108 qualified company may submit a new notice of intent or the department may  
109 provide a new approval for a new project of the qualified company at the project  
110 facility or other facilities.

111 9. Tax credits provided under this program may be claimed against taxes  
112 otherwise imposed by chapters 143 and 148, and may not be carried forward, but  
113 shall be claimed within one year of the close of the taxable year for which they  
114 were issued. Tax credits provided under this program may be transferred, sold,  
115 or assigned by filing a notarized endorsement thereof with the department that  
116 names the transferee, the amount of tax credit transferred, and the value received  
117 for the credit, as well as any other information reasonably requested by the  
118 department. For a qualified company with flow-through tax treatment to its  
119 members, partners, or shareholders, the tax credit shall be allowed to members,  
120 partners, or shareholders in proportion to their share of ownership on the last  
121 day of the qualified company's tax period.

122 10. Prior to the issuance of tax credits or the qualified company beginning  
123 to retain withholding taxes, the department shall verify through the department  
124 of revenue and any other applicable state department that the tax credit  
125 applicant does not owe any delinquent income, sales, or use tax or interest or  
126 penalties on such taxes, or any delinquent fees or assessments levied by any state  
127 department and through the department of insurance, financial institutions and  
128 professional registration that the applicant does not owe any delinquent  
129 insurance taxes or other fees. Such delinquency shall not affect the approval,  
130 except that any tax credits issued shall be first applied to the delinquency and  
131 any amount issued shall be reduced by the applicant's tax delinquency. If the  
132 department of revenue, the department of insurance, financial institutions and  
133 professional registration, or any other state department concludes that a taxpayer  
134 is delinquent after June fifteenth but before July first of any year and the  
135 application of tax credits to such delinquency causes a tax deficiency on behalf of  
136 the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the

137 deficiency in which interest, penalties, and additions to tax shall be tolled. After  
138 applying all available credits toward a tax delinquency, the administering agency  
139 shall notify the appropriate department and that department shall update the  
140 amount of outstanding delinquent tax owed by the applicant. If any credits  
141 remain after satisfying all insurance, income, sales, and use tax delinquencies,  
142 the remaining credits shall be issued to the applicant, subject to the restrictions  
143 of other provisions of law.

144         11. The director of revenue shall issue a refund to the qualified company  
145 to the extent that the amount of tax credits allowed under this program exceeds  
146 the amount of the qualified company's tax liability under chapter 143 or 148.

147         12. An employee of a qualified company shall receive full credit for the  
148 amount of tax withheld as provided in section 143.211.

149         13. Notwithstanding any provision of law to the contrary, beginning  
150 August 28, 2013, no new benefits shall be authorized for any project that had not  
151 received from the department a proposal or approval for such benefits prior to  
152 August 28, 2013, under the development tax credit program created under  
153 sections 32.100 to 32.125, the rebuilding communities tax credit program created  
154 under section 135.535, the enhanced enterprise zone tax credit program created  
155 under sections 135.950 to 135.973, and the Missouri quality jobs program created  
156 under sections 620.1875 to 620.1890. The provisions of this subsection shall not  
157 be construed to limit or impair the ability of any administering agency to  
158 authorize or issue benefits for any project that had received an approval or a  
159 proposal from the department under any of the programs referenced in this  
160 subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any  
161 such tax credits or to retain any withholding tax under an approval issued prior  
162 to that date. The provisions of this subsection shall not be construed to limit or  
163 in any way impair the ability of any governing authority to provide any local  
164 abatement or designate a new zone under the enhanced enterprise zone program  
165 created by sections 135.950 to 135.963. Notwithstanding any provision of law to  
166 the contrary, no qualified company that is awarded benefits under this program  
167 shall:

168             (1) Simultaneously receive benefits under the programs referenced in this  
169 subsection at the same capital investment; or

170             (2) Receive benefits under the provisions of section 620.1910 for the same  
171 jobs.

172         14. If any provision of sections 620.2000 to 620.2020 or application thereof

173 to any person or circumstance is held invalid, the invalidity shall not affect other  
174 provisions or application of these sections which can be given effect without the  
175 invalid provisions or application, and to this end, the provisions of sections  
176 620.2000 to 620.2020 are hereby declared severable.

177 15. By no later than January 1, 2014, and the first day of each calendar  
178 quarter thereafter, the department shall present a quarterly report to the general  
179 assembly detailing the benefits authorized under this program during the  
180 immediately preceding calendar quarter to the extent such information may be  
181 disclosed under state and federal law. The report shall include, at a minimum:

182 (1) A list of all approved and disapproved applicants for each tax credit;

183 (2) A list of the aggregate amount of new or retained jobs that are directly  
184 attributable to the tax credits authorized;

185 (3) A statement of the aggregate amount of new capital investment  
186 directly attributable to the tax credits authorized;

187 (4) Documentation of the estimated net state fiscal benefit for each  
188 authorized project and, to the extent available, the actual benefit realized upon  
189 completion of such project or activity; and

190 (5) The department's response time for each request for a proposed benefit  
191 award under this program.

192 16. The department may adopt such rules, statements of policy,  
193 procedures, forms, and guidelines as may be necessary to carry out the provisions  
194 of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is  
195 defined in section 536.010, that is created under the authority delegated in this  
196 section shall become effective only if it complies with and is subject to all of the  
197 provisions of chapter 536 and, if applicable, section 536.028. This section and  
198 chapter 536 are nonseverable and if any of the powers vested with the general  
199 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
200 disapprove and annul a rule are subsequently held unconstitutional, then the  
201 grant of rulemaking authority and any rule proposed or adopted after August 28,  
202 2013, shall be invalid and void.

203 17. Under section 23.253 of the Missouri sunset act:

204 (1) The provisions of the [new] program authorized under sections  
205 620.2000 to 620.2020 shall [automatically sunset six years after August 28, 2013,  
206 unless reauthorized by an act of the general assembly] **be reauthorized as of  
207 the effective date of this act and shall expire on August 28, 2030;** and

208 (2) If such program is reauthorized, the program authorized under this

209 section shall automatically sunset twelve years after the effective date of this  
210 reauthorization of sections 620.2000 to 620.2020; and

211 (3) Sections 620.2000 to 620.2020 shall terminate on September first of  
212 the calendar year immediately following the calendar year in which the program  
213 authorized under sections 620.2000 to 620.2020 is sunset.

✓

Unofficial

Bill

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