

Journal of the Senate

FIRST REGULAR SESSION

SIXTY-SIXTH DAY—MONDAY, MAY 13, 2019

The Senate met pursuant to adjournment.

President Kehoe in the Chair.

Reverend Carl Gauck offered the following prayer:

“From the rising of the sun to its setting the name of the Lord is to be praised.” (Psalm 113:3)

Almighty God, we rejoice in this day You have created. We rejoice in the gift it brings and it is pleasant to see the sun and look to the warmer weather that is promised. Let us use this day to serve You and Your people and help us seek You always and delight in Your presence in our lives. May we walk the path You have laid out for us this week as You would desire us to do. In Your Holy Name we pray. Amen.

The Pledge of Allegiance to the Flag was recited.

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

The Journal for Thursday, May 9, 2019 was read in part.

Senator Rowden moved that further reading of the Journal be dispensed with and the same be approved as though having been fully read.

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

SENATE AMENDMENT NO. 1

Amend Journal of the Senate for the First Regular Session Thursday, May 9, 2019, Page 1112, Line 1 of said journal page, by inserting after the word “the” the following: “Missouri State”.

Senator Eigel moved that the above amendment be adopted.

Senator Bernskoetter assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Cierpiot assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

At the request of Senator Eigel, **SA 1** was withdrawn.

Senator Eigel offered **SA 2**, which was read:

SENATE AMENDMENT NO. 2

Amend Journal of the Senate for the First Regular Session Thursday, May 9, 2019, Page 1112, Line 12 of said journal page, by inserting after the word “Flag” the following: “of the United States of America.”

Senator Eigel moved that the above amendment be adopted.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Riddle assumed the Chair.

Senator Rowden assumed the Chair.

President Kehoe assumed the Chair.

Senator Rowden assumed the Chair.

President Kehoe assumed the Chair.

Senator Brown assumed the Chair.

Senator Hough assumed the Chair.

President Pro Tem Schatz assumed the Chair.

Senator Hough assumed the Chair.

At the request of Senator Eigel, **SA 2** was withdrawn.

Senator Hoskins offered **SA 3**, which was read:

SENATE AMENDMENT NO. 3

Amend Journal of the Senate for the First Regular Session Monday, May 9, 2019, Page 1112 , Line 5 of said journal page, by inserting after “President” the following “Mike”.

Senator Hoskins moved that the above amendment be adopted.

President Pro Tem Schatz assumed the Chair.

President Kehoe assumed the Chair.

Senator Crawford assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Hough assumed the Chair.

President Kehoe assumed the Chair.

Senator Eigel offered SA 1 to SA 3, which was read:

SENATE AMENDMENT NO. 1 TO
SENATE AMENDMENT NO. 3

Amend Senate Amendment No. 3 to Journal of the Senate of the First Regular Session, Thursday, May 9, 2019, Page 1, Line 3 of said amendment, by striking the word “Mike” and inserting in lieu thereof the following: “Michael”.

Senator Eigel moved that the above amendment be adopted.

At the request of Senator Hoskins, SA 3 was withdrawn, rendering SA 1 to SA 3 moot.

Senator Rowden renewed his motion that the Journal be approved, which motion prevailed.

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

Present—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	Nasheed	O’Laughlin	Onder
Riddle	Rizzo	Romine	Rowden	Sater	Schatz	Schupp
Sifton	Wallingford	Walsh	White	Wieland	Williams—34	

Absent—Senators—None

Absent with leave—Senators—None

Vacancies—None

The Lieutenant Governor was present.

Senator Rowden announced photographers from The Kansas City Star, St. Louis Post Dispatch, KRCG-TV, KMIZ News, KY3/KSPR and KOMU-8 were given permission to take pictures in the Senate Chamber.

RESOLUTIONS

Senator Rowden offered Senate Resolution No. 932, regarding Dr. Randall Calvin Floyd, which was adopted.

Senator Williams offered Senate Resolution No. 933, regarding William Crow, University City, which was adopted.

Senator Sifton offered Senate Resolution No. 934, regarding Alexandra “Allee” Marshall, Paw Paw, Illinois, which was adopted.

Senator Sifton offered Senate Resolution No. 935, regarding Katie Vogel, Jefferson City, which was

adopted.

Senator Bernskoetter offered Senate Resolution No. 936, regarding Roman Patten, Jefferson City, which was adopted.

Senator Romine offered Senate Resolution No. 937, regarding Sandra Nickelson, Belleview, which was adopted.

Senator Schupp offered Senate Resolution No. 938, regarding Police Chief Richard F. Knox, Olivette, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 939, regarding the One Hundred and Fifty-fifth Anniversary of The Landmark, which was adopted.

Senator Luetkemeyer offered Senate Resolution No. 940, regarding the One Hundred and Seventy-fifth Anniversary of Francis Street First United Methodist Church, St. Joseph, which was adopted.

Senator Cunningham offered Senate Resolution No. 941, regarding Mary Ruth Brooks, Marshfield, which was adopted.

Senator Hoskins offered Senate Resolution No. 942, regarding Cierra Rodenbaugh, Humansville, which was adopted.

Senator Hoskins offered Senate Resolution No. 943, regarding Ciera Smith, Holden, which was adopted.

Senator Romine offered Senate Resolution No. 944, regarding Rebecca Hawthorne, Festus, which was adopted.

Senator Koenig offered Senate Resolution No. 945, regarding Steven L. Mueller, Ballwin, which was adopted.

Senator Crawford offered Senate Resolution No. 946, regarding Paul Campbell, Buffalo, which was adopted.

MESSAGES FROM THE HOUSE

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

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SCS** for **SB 147**, as amended. Representatives: Taylor, Eggleston, Roden, Bangert, Rogers.

Also,

Mr. President: The Speaker of the House of Representatives has appointed the following committee to act with a like committee from the Senate on **HCS** for **SB 202**, as amended. Representatives: Dinkins, Hansen, Shawan, Lavender, McCreery.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **HB 1006**, entitled:

An Act to amend chapter 34, RSMo, by adding thereto one new section relating to prohibiting public

entities from contracting with companies discriminating against Israel.

In which the concurrence of the Senate is respectfully requested.

Read 1st time.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HCS** for **HB 192** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 192**, as amended.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS** for **HB 138** and has taken up and passed **SS** for **HB 138**.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted the Conference Committee Report on **SS** for **SCS** for **HCS** for **HB 397**, as amended, and has taken up and passed **CCS** for **SS** for **SCS** for **HCS** for **HB 397**.

Emergency clause adopted.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SS** for **SB 391**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 184**.

With House Amendment Nos. 1, 2, 3, House Amendment No. 1 to House Amendment No. 4, House Amendment No. 4, as amended, and House Amendment No. 5.

HOUSE AMENDMENT NO. 1

Amend Senate Committee Substitute for Senate Bill No. 184, Page 1, In the Title, Line 3, by deleting the words “job training” and inserting in lieu thereof the words “workforce development”; and

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

HOUSE AMENDMENT NO. 2

Amend Senate Committee Substitute for Senate Bill No. 184, Page 18, Section 620.2475, Line 44, by inserting after all of said section and line the following:

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

(1) “Certificate of approval”, a document issued by the department that indicates a qualified company qualifies for a benefit under this section;

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

(3) “Manufacturing capital investment”, expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing project facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;”

(4) “NAICS”, the same meaning as in section 620.2005;

(5) “New product”, a new model or line of a manufactured good that has not been manufactured in Missouri by a qualified manufacturing company at any time prior to the date of the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned;

(6) “Project facility”, the same meaning as in section 620.2005;

(7) “Notice of intent”, the same meaning as in section 620.2005;

(8) “Qualified manufacturing company”, a company that:

(a) Is a qualified company that manufactures motor vehicles (NAICS group 3361);

(b) Manufactures goods at a facility in Missouri;

(c) Manufactures a new product or has commenced making a manufacturing capital investment to the project facility necessary for the manufacturing of such new product, or modifies or expands the manufacture of an existing product or has commenced making a manufacturing capital investment for the project facility necessary for the modification or expansion of the manufacture of such existing product; and

(d) Continues to satisfy the requirements of paragraphs (a) to (c) of this subdivision for the project period;

2. The department may award tax credits against the company’s state tax liability to a qualified manufacturing company that makes a manufacturing capital investment of at least five hundred million dollars. The department shall issue the credits no later than three years after the execution of an agreement that satisfies the requirements of subsection 9 of this section. However, the tax credits shall be issued no earlier than January 1, 2023, and may be issued each year for a period of five years. A qualified manufacturing company may qualify for an additional five-year period under this subsection if it makes an additional manufacturing capital investment of at least two hundred fifty million dollars within five years of the certificate of approval.

3. The maximum amount of tax credits that any one qualified manufacturing company may receive under this subsection shall not exceed five million dollars per calendar year. The aggregate amount of tax credits awarded to all qualified manufacturing companies under this subsection shall not exceed ten million dollars per calendar year.

4. The company shall immediately cease receiving any benefit awarded under this section for the remainder of the project period and shall forfeit all rights to retain or receive any benefit awarded under this section for the remainder of such period if, at the project facility at any time during the project period, the qualified manufacturing company:

(1) Discontinues the manufacturing of the new product and does not replace it with a subsequent

or additional new product or with a modification or expansion of an existing product;

(2) Discontinues the modification or expansion of an existing product and does not replace it with a new product or a modification or expansion of another existing product; or

(3) Fails to retain ninety percent of the amount of employees employed on the date of the execution of the agreement that meets the requirements of subsection 9 of this section.

5. Notwithstanding any other provision of law to the contrary, any qualified manufacturing company that is awarded benefits under this section shall not simultaneously receive tax credits or exemption under chapter 100, 135, or 620 for the jobs created or retained or capital improvement that qualified for benefits under this section. Subsection 5 of section 285.530 shall not apply to qualified manufacturing companies which are awarded credits under this section.

6. In determining the amount of tax credits to award to a qualified manufacturing company this section, the department shall consider the following factors:

(1) The extent of the qualified company's need for program benefits;

(2) The projected net fiscal benefit to the state if the benefit is awarded and the period in which the net fiscal benefit would occur;

(3) The overall size and quality of the proposed project, including the number of new jobs, new capital investment, manufacturing capital investment, proposed wages, growth potential of the qualified company, potential multiplier effect of the project, and other similar factors;

(4) The financial stability and creditworthiness of the qualified company;

(5) The level of economic distress in the area;

(6) An evaluation of the competitiveness of alternative locations for the project facility, as applicable; and

(7) The percent of local incentives committed.

7. A company may request an opinion from the department on whether it would qualify for a benefit under this section by submitting a written request to the department. The department shall respond to a written request within five business days of such request. The department's response shall contain either a proposal of benefits for the qualified manufacturing company, or a written response refusing to provide such a proposal and stating the reasons for such refusal.

8. A company that intends to seek benefits under the program shall submit to the department a notice of intent. The department may approve the notice of intent by issuing a certificate of approval or reject the notice of intent and inform the company of its action within thirty days. However, that the department may withhold approval or provide a contingent approval if it does not have sufficient documentation to determine eligibility. Failure to respond shall result in the notice of intent being deemed approved.

9. Upon issuing a certificate of approval, the department and the qualified manufacturing company shall enter into a written agreement that covers the applicable project period that memorializes the notice of intent, the requirements of this section, and the consequences for failing to satisfy such requirements. The agreement shall specify, at a minimum:

(1) The manufacturing capital investment and committed percentage of retained jobs for each year during the project period;

(2) The date or time period during which the tax credits shall be issued, consistent with subsection 2 of this section;

(3) Clawback provisions, as may be required by the department;

(4) Financial guarantee provisions as may be required by the department, provided that financial guarantee provisions shall be required by the department for tax credits awarded under this section;

(5) If the amount of capital investment made by the qualified manufacturing company is not made within the two-year period provided for such investment, the qualified manufacturing company shall immediately forfeit all rights to retain or receive any benefit awarded under this section; and

(6) Any other provisions the department may require.

10. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly under chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after the effective date of this section shall be invalid and void.

11. Prior to March first each year, the department shall provide a report to the general assembly including the names of participating qualified manufacturing companies the annual amount of benefits provided, the estimated net state fiscal impact including direct and indirect new state taxes derived, and the number of new jobs created or jobs retained.

12. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall be authorized as of August 28, 2019, and shall expire on December 31, 2031; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; 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

(4) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits."; and

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

HOUSE AMENDMENT NO. 3

Amend Senate Committee Substitute for Senate Bill No. 184, Page 1, Section A, Line 3, by inserting after said section and line the following:

“135.100. As used in sections 135.100 to 135.150 the following terms shall mean:

(1) “Commencement of commercial operations” shall be deemed to occur during the first [taxable] **tax** year for which the new business facility is first available for use by the taxpayer, or first capable of being used by the taxpayer, in the revenue-producing enterprise in which the taxpayer intends to use the new business facility;

(2) “Existing business facility”, any facility in this state which was employed by the taxpayer claiming the credit in the operation of a revenue-producing enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(3) “Facility”, any building used as a revenue-producing enterprise located within the state, including the land on which the facility is located and all machinery, equipment and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(4) “NAICS”, the North American Industrial Classification System as such classifications are defined in the 2007 edition of the North American Industrial Classification System;

(5) “New business facility”, a facility which satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of a revenue-producing enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer’s only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of a revenue-producing enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of a revenue-producing enterprise, the portion employed by the taxpayer in the operation of a revenue-producing enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), (d) and (e) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 1983. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 1983, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 1983, or, if the facility is constructed, erected or installed by or on behalf of the taxpayer, such construction, erection or installation is commenced after December 31, 1983;

(c) If such facility was acquired by the taxpayer from another person or persons and such facility was employed immediately prior to the transfer of title to such facility to the taxpayer, or to the commencement of the term of the lease of such facility to the taxpayer, by any other person or persons in the operation of a revenue-producing enterprise, the operation of the same or a substantially similar revenue-producing enterprise is not continued by the taxpayer at such facility;

(d) Such facility is not a replacement business facility, as defined in subdivision (11) of this section; and

(e) The new business facility investment exceeds one hundred thousand dollars during the tax period in which the credits are claimed;

(6) “New business facility employee”, a person employed by the taxpayer in the operation of a new business facility during the [taxable] **tax** year for which the credit allowed by section 135.110 is claimed,

except that truck drivers and rail and barge vehicle operators shall not constitute new business facility employees. A person shall be deemed to be so employed if such person performs duties in connection with the operation of the new business facility on:

(a) A regular, full-time basis; or

(b) A part-time basis, provided such person is customarily performing such duties an average of at least twenty hours per week; or

(c) A seasonal basis, provided such person performs such duties for at least eighty percent of the season customary for the position in which such person is employed;

(7) "New business facility income", the Missouri taxable income, as defined in chapter 143, derived by the taxpayer from the operation of the new business facility. For the purpose of apportionment as prescribed in this subdivision, the term "Missouri taxable income" means, in the case of insurance companies, direct premiums as defined in chapter 148. If a taxpayer has income derived from the operation of a new business facility as well as from other activities conducted within this state, the Missouri taxable income derived by the taxpayer from the operation of the new business facility shall be determined by multiplying the taxpayer's Missouri taxable income, computed in accordance with chapter 143, or in the case of an insurance company, computed in accordance with chapter 148, by a fraction, the numerator of which is the property factor, as defined in paragraph (a) of this subdivision, plus the payroll factor, as defined in paragraph (b) of this subdivision, and the denominator of which is two:

(a) The property factor is a fraction, the numerator of which is the new business facility investment certified for the tax period, and the denominator of which is the average value of all the taxpayer's real and depreciable tangible personal property owned or rented and used in this state during the tax period. The average value of all such property shall be determined as provided in chapter 32;

(b) The payroll factor is a fraction, the numerator of which is the total amount paid during the tax period by the taxpayer for compensation to persons qualifying as new business facility employees, as determined by subsection 4 of section 135.110, at the new business facility, and the denominator of which is the total amount paid in this state during the tax period by the taxpayer for compensation. The compensation paid in this state shall be determined as provided in chapter 32. For the purpose of this subdivision, "other activities conducted within this state" shall include activities previously conducted at the expanded, acquired or replaced facility at any time during the tax period immediately prior to the tax period in which commencement of commercial operations occurred;

(8) "New business facility investment", the value of [real and depreciable tangible personal] property, acquired by the taxpayer as part of the new business facility, which is used by the taxpayer in the operation of the new business facility, during the [taxable] tax year for which the credit allowed by section 135.110 is claimed, except that trucks, truck-trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft, and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute new business facility investments. **For the purposes of sections 135.100 to 135.150, property may be acquired by the taxpayer by purchase, lease, or license, including the right to use software and hardware via on-demand network access to a shared pool of configurable computing resources as long as the rights are used at the new business facility.** The total value of such property during such [taxable] tax year shall be:

(a) Its original cost if owned by the taxpayer; or

(b) Eight times the net annual rental rate **or license**, if leased **or licensed** by the taxpayer. The net annual rental **or license** rate shall be the annual rental **or license** rate paid by the taxpayer less any annual rental **or license** rate received by the taxpayer from subrentals **or sublicenses**. The new business facility investment shall be determined by dividing by twelve the sum of the total value of such property on the last business day of each calendar month of the [taxable] **tax** year. If the new business facility is in operation for less than an entire [taxable] **tax** year, the new business facility investment shall be determined by dividing the sum of the total value of such property on the last business day of each full calendar month during the portion of such [taxable] **tax** year during which the new business facility was in operation by the number of full calendar months during such period;

(9) “Office”, a regional, national, or international headquarters, a telemarketing operation, a computer operation, an insurance company, a passenger transportation ticket/reservation system, or a credit card billing and processing center. For the purposes of this subdivision, “headquarters” means the administrative management of at least four integrated facilities operated by the taxpayer or related taxpayer. An office, as defined in this subdivision, when established must create and maintain positions for a minimum number of twenty-five new business facility employees as defined in subdivision (6) of this section;

(10) “Related taxpayer” shall mean:

(a) A corporation, partnership, trust, or association controlled by the taxpayer;

(b) An individual, corporation, partnership, trust, or association in control of the taxpayer; or

(c) A corporation, partnership, trust, or association controlled by an individual, corporation, partnership, trust, or association in control of the taxpayer. For the purposes of sections 135.100 to 135.150, “control of a corporation” shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote; “control of a partnership or association” shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association; and “control of a trust” shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust; ownership shall be determined as provided in Section 318 of the U.S. Internal Revenue Code;

(11) “Replacement business facility”, a facility otherwise described in subdivision (3) of this section, hereafter referred to in this subdivision as “new facility”, which replaces another facility, hereafter referred to in this subdivision as “old facility”, located within the state, which the taxpayer or a related taxpayer previously operated but discontinued operating on or before the close of the first [taxable] **tax** year in which the credit allowed by this section is claimed. A new facility shall be deemed to replace an old facility if the following conditions are met:

(a) The old facility was operated by the taxpayer or a related taxpayer during the taxpayer’s or related taxpayer’s [taxable] **tax** period immediately preceding the [taxable] **tax** year in which commencement of commercial operations occurs at the new facility; and

(b) The old facility was employed by the taxpayer or a related taxpayer in the operation of a revenue-producing enterprise and the taxpayer continues the operation of the same or substantially similar revenue-producing enterprise at the new facility.

Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a

replacement business facility if the taxpayer's new business facility investment, as computed in subsection 5 of section 135.110, in the new facility during the tax period in which the credits allowed in sections 135.110, 135.225, and 135.235 and the exemption allowed in section 135.220 are claimed exceed one million dollars or, if less, two hundred percent of the investment in the old facility by the taxpayer or related taxpayer, and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two except that the total number of employees at the new facility exceeds the total number of employees at the old facility by at least twenty-five if an office as defined in subdivision (9) of this section is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of this section;

(12) "Revenue-producing enterprise" means:

- (a) Manufacturing activities classified as NAICS 31-33;
- (b) Agricultural activities classified as NAICS 11;
- (c) Rail transportation terminal activities classified as NAICS 482;
- (d) Motor freight transportation terminal activities classified as NAICS 484 and NAICS 4884;
- (e) Public warehousing and storage activities classified as NAICS 493, miniwarehouse warehousing and warehousing self-storage;
- (f) Water transportation terminal activities classified as NAICS 4832;
- (g) Airports, flying fields, and airport terminal services classified as NAICS 481;
- (h) Wholesale trade activities classified as NAICS 42;
- (i) Insurance carriers activities classified as NAICS 524;
- (j) Research and development activities classified as NAICS 5417;
- (k) Farm implement dealer activities classified as NAICS 42382;
- (l) Interexchange telecommunications services as defined in subdivision (20) of section 386.020 or training activities conducted by an interexchange telecommunications company as defined in subdivision (19) of section 386.020;
- (m) Recycling activities classified as NAICS 42393;
- (n) Office activities as defined in subdivision (9) of this section, notwithstanding NAICS classification;
- (o) Mining activities classified as NAICS 21;
- (p) Computer programming, data processing, and other computer-related activities classified as NAICS 5415;
- (q) The administrative management of any of the foregoing activities; or
- (r) Any combination of any of the foregoing activities;

(13) "Same or substantially similar revenue-producing enterprise", a revenue-producing enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another revenue-

producing enterprise;

(14) “Taxpayer”, an individual proprietorship, corporation described in section 143.441 or 143.471, and partnership or an insurance company subject to the tax imposed by chapter 148, or in the case of an insurance company exempt from the thirty-percent employee requirement of section 135.230, to any obligation imposed [pursuant to] **under** section 375.916.”; and

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

HOUSE AMENDMENT NO. 1 TO
HOUSE AMENDMENT NO. 4

Amend House Amendment No. 4 to Senate Committee Substitute for Senate Bill No. 184, Page 2, Lines 9-12 by deleting all of said lines and renumbering subsequent subdivisions accordingly; and

Further amend said amendment, Page 6, Lines 17-27, by deleting all of said lines and inserting in lieu thereof the following:

“4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs.”; and

Further amend said amendment, Page 6, Lines 38-49, Page 7, Lines 1-49, Page 8, Lines 1-49, and Page 9, Lines 1-14, by deleting all of said lines and inserting in lieu there of the following:

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

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

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

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

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department’s best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall

be provided under this program until the qualified company meets the applicable minimum new job requirements. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

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

10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

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

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

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax

credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

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

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

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

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

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

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

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

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

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

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

17. Under section 23.253 of the Missouri sunset act:"; and

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

HOUSE AMENDMENT NO. 4

Amend Senate Committee Substitute for Senate Bill No. 184, Page 7, Section 620.803, Line 28, by inserting after the word "**created**," the following:

"the potential number of new minority jobs created,"; and

Further amend said bill, Page 17, Section 620.809, Line 253, by inserting after said section and line the following:

620.2005. As used in sections 620.2000 to 620.2020, the following terms mean:

(1) “Average wage”, the new payroll divided by the number of new jobs, or the payroll of the retained jobs divided by the number of retained jobs;

(2) “Commencement of operations”, the starting date for the qualified company’s first new employee, which shall be no later than twelve months from the date of the approval;

(3) “Contractor”, a person, employer, or business entity that enters into an agreement to perform any service or work or to provide a certain product in exchange for valuable consideration. This definition shall include but not be limited to a general contractor, subcontractor, independent contractor, contract employee, project manager, or a recruiting or staffing entity;

[(3)] (4) “County average wage”, the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

[(4)] (5) “Department”, the Missouri department of economic development;

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

[(6)] (7) “Employee”, a person employed by a qualified company, excluding:

(a) Owners of the qualified company unless the qualified company is participating in an employee stock ownership plan; or

(b) Owners of a noncontrolling interest in stock of a qualified company that is publicly traded;

[(7)] (8) “Existing Missouri business”, a qualified company that, for the ten-year period preceding submission of a notice of intent to the department, had a physical location in Missouri and full-time employees who routinely perform job duties within Missouri;

[(8)] (9) “Full-time employee”, an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums. An employee that spends less than fifty percent of the employee’s work time at the facility shall be considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility’s payroll, one hundred percent of the employee’s income from such employment is Missouri income, and the employee is paid at or above the applicable percentage of the county average wage;

(9) (10) “Infrastructure projects”, highways, roads, streets, bridges, sewers, traffic control systems and devices, water distribution and supply systems, curbing, sidewalks, storm water and drainage systems, broadband internet infrastructure, and any other similar public improvements, but in no

case shall infrastructure projects include private structures;

[(10)] (11) “Local incentives”, the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but this term shall not include loans or other funds provided to the qualified company that shall be repaid by the qualified company to the political subdivision;

[(10)] (12) “NAICS” or “NAICS industry classification”, the classification provided by the most recent edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget;

[(11)] (13) “New capital investment”, shall include costs incurred by the qualified company at the project facility after acceptance by the qualified company of the proposal for benefits from the department or the approval notice of intent, whichever occurs first, for real or personal property, and may include the value of finance or capital leases for real or personal property for the term of such lease at the project facility executed after acceptance by the qualified company of the proposal for benefits from the department or the approval of the notice of intent;

[(12)] (14) “New direct local revenue”, the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;

[(13)] (15) “New job”, the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job;

[(14)] (16) “New payroll”, the amount of wages paid for all new jobs, located at the project facility during the qualified company’s tax year that exceeds the project facility base payroll;

[(15)] (17) “Notice of intent”, a form developed by the department and available online, completed by the qualified company, and submitted to the department stating the qualified company’s intent to request benefits under this program. **The notice of intent shall be accompanied with a detailed plan by the qualifying company to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. At a minimum, such plan shall include monitoring the effectiveness of outreach and recruitment strategies in attracting diverse applicants and linking with different or additional referral sources in the event that recruitment efforts fail to produce a diverse pipeline of applicants;**

[(16)] (18) “Percent of local incentives”, the amount of local incentives divided by the amount of new direct local revenue;

[(17)] (19) “Program”, the Missouri works program established in sections 620.2000 to 620.2020;

[(18)] (20) “Project facility”, the building or buildings used by a qualified company at which new or

retained jobs and any new capital investment are or will be located. A project facility may include separate buildings located within sixty miles of each other such that their purpose and operations are interrelated; provided that where the buildings making up the project facility are not located within the same county, the average wage of the new payroll shall exceed the applicable percentage of the highest county average wage among the counties in which the buildings are located. Upon approval by the department, a subsequent project facility may be designated if the qualified company demonstrates a need to relocate to the subsequent project facility at any time during the project period;

[(19)] (21) “Project facility base employment”, the greater of the number of full-time employees located at the project facility on the date of the notice of intent or, for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

[(20)] (22) “Project facility base payroll”, the annualized payroll for the project facility base employment or the total amount of wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(21)] (23) “Project period”, the time period within which benefits are awarded to a qualified company or within which the qualified company is obligated to perform under an agreement with the department, whichever is greater;

[(22)] (24) “Projected net fiscal benefit”, the total fiscal benefit to the state less any state benefits offered to the qualified company, as determined by the department;

[(23)] (25) “Qualified company”, a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, certifies that it offers health insurance to all full-time employees of all facilities located in this state, and certifies that it pays at least fifty percent of such insurance premiums. For the purposes of sections 620.2000 to 620.2020, the term “qualified company” shall not include:

- (a) Gambling establishments (NAICS industry group 7132);
- (b) Store front consumer-based retail trade establishments (under NAICS sectors 44 and 45), except with respect to any company headquartered in this state with a majority of its full-time employees engaged in operations not within the NAICS codes specified in this subdivision;
- (c) Food and drinking places (NAICS subsector 722);
- (d) Public utilities (NAICS 221 including water and sewer services);
- (e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;
- (f) Any company requesting benefits for retained jobs that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy may be a qualified company provided that such company:

a. Certifies to the department that it plans to reorganize and not to liquidate; and

b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

(g) Educational services (NAICS sector 61);

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

(i) Public administration (NAICS sector 92);

(j) Ethanol distillation or production;

(k) Biodiesel production; or

(l) Health care and social services (NAICS sector 62).

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

[(24)] (26) “Related company”, shall mean:

(a) A corporation, partnership, trust, or association controlled by the qualified company;

(b) An individual, corporation, partnership, trust, or association in control of the qualified company; or

(c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust, or association in control of the qualified company. As used in this paragraph, “control of a qualified company” shall mean:

a. Ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote in the case of a qualified company that is a corporation;

b. Ownership of at least fifty percent of the capital or profits interest in such qualified company if it is a partnership or association;

c. Ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such qualified company if it is a trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

[(25)] (27) “Related facility”, a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility or in which operations substantially similar to the operations of the project facility are performed;

[(26)] (28) “Related facility base employment”, the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or, for the twelve-month period prior to the date of

the notice of intent, the average number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

[(27)] (29) “Related facility base payroll”, the annualized payroll of the related facility base payroll or the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

[(28)] (30) “Rural area”, a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

[(29)] (31) “Tax credits”, tax credits issued by the department to offset the state taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

[(30)] (32) “Withholding tax”, the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages; and

[(31)] (33) This section is subject to the provisions of section 196.1127.

620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. **The department shall certify or reject the qualifying company’s plan outlined in their notice of intent as satisfying good faith efforts made to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census.** Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the

department shall apply the definition of project facility under subdivision (19) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

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

3. A qualified company receiving benefits under this program shall provide an annual report of the number of jobs, **along with minority jobs created or retained**, and such other information as may be required by the department to document the basis for program benefits available no later than ninety days prior to the end of the qualified company's tax year immediately following the tax year for which the benefits provided under the program are attributed. In such annual report, if the average wage is below the applicable percentage of the county average wage, the qualified company has not maintained the employee insurance as required, **if the department after a review determines the qualifying company fails to satisfy other aspects of their notice of intent, including failure to make good faith efforts to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census**, or if the number of jobs is below the number required, the qualified company shall not receive tax credits or retain the withholding tax for the balance of the project period. Failure to timely file the annual report required under this section shall result in the forfeiture of tax credits attributable to the year for which the reporting was required and a recapture of withholding taxes retained by the qualified company during such year.

4. The department may withhold the approval of any benefits under this program until it is satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any reduction in full-time employees or payroll. Upon approval by the department, the qualified company may begin the retention of the withholding taxes when it reaches the required number of jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax credits, if any, may be issued upon satisfaction by the department that the qualified company has exceeded the applicable percentage of county average wage and the required number of jobs; **provided that, tax credits awarded under subsection 6 of section 620.2010 may be issued following the qualified company's acceptance of the department's proposal and pursuant to the requirements set forth in the written agreement between the department and the qualified company under subsection 3 of section 620.2010.**

5. Any qualified company approved for benefits under this program shall provide to the department, upon request, any and all information and records reasonably required to monitor compliance with program requirements. This program shall be considered a business recruitment tax credit under subdivision (4) of

subsection 2 of section 135.800, and any qualified company approved for benefits under this program shall be subject to the provisions of sections 135.800 to 135.830.

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

7. **(1)** The maximum amount of tax credits that may be authorized under this program for any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated for that fiscal year under any of the tax credit programs referenced in subsection [13] **14** of this section:

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

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

[(3)] **(c)** For [any] **the** fiscal year beginning on or after July 1, 2015, **but ending on or before June 30, 2020**, no more than one hundred sixteen million dollars in tax credits may be authorized for each fiscal year; **and**

(d) For all fiscal years beginning on or after July 1, 2020, no more than one hundred six million dollars in tax credits may be authorized for each fiscal year. The provisions of this paragraph shall not apply to tax credits issued to qualified companies under a notice of intent filed prior to July 1, 2020.

(2) For all fiscal years beginning on or after July 1, 2020, in addition to the amount of tax credits that may be authorized under paragraph (d) of subdivision (1) of this subsection, an additional ten million dollars in tax credits may be authorized for each fiscal year, provided that such tax credits shall only be authorized for the purpose of the completion of infrastructure projects directly connected with the creation or retention of jobs under the provisions of sections 620.2000 to 620.2020.

8. **For all fiscal years beginning on or after July 1, 2020, the maximum total amount of withholding tax that may be authorized for retention under the provisions of sections 620.2000 to 620.2020 by qualified companies with a project facility base employment of at least fifty shall not exceed seventy-five million dollars for each fiscal year. The provisions of this subsection shall not apply to withholding tax authorized for retention by qualified companies with a project facility base employment of less than fifty.**

9. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program; **provided that, the department may reserve up to twenty-one and one-half percent of the maximum annual amount of tax credits that may be authorized under subsection 7 of this section for award under subsection 6 of section 620.2010.** However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the

duration of the project period. No benefits shall be provided under this program until the qualified company meets the applicable minimum new job requirements **or, for benefits awarded under subsection 6 of section 620.2010, until the qualified company has satisfied the requirements set forth in the written agreement between the department and the qualified company under subsection 3 of section 620.2010.** In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

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

[10.] **11.** Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

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

[12.] **13.** An employee of a qualified company shall receive full credit for the amount of tax withheld as provided in section 143.211.

[13.] **14.** Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such benefits prior to August 28, 2013, under the development tax credit program created under sections 32.100 to 32.125, the rebuilding communities tax credit program created under section 135.535, the enhanced enterprise zone tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875 to 620.1890. The provisions of this subsection shall

not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:

- (1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or
- (2) Receive benefits under the provisions of section 620.1910 for the same jobs.

[14.] **15.** If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

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

- (1) A list of all approved and disapproved applicants for each tax credit;
- (2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;
- (3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;
- (4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and
- (5) The department's response time for each request for a proposed benefit award under this program.

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

[17.] **18.** Under section 23.253 of the Missouri sunset act:

- (1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and
- (2) If such program is reauthorized, the program authorized under this section shall automatically sunset

twelve years after the effective date of this reauthorization of sections 620.2000 to 620.2020; and

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

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

HOUSE AMENDMENT NO. 5

Amend Senate Committee Substitute for Senate Bill No. 184, Page 2, Section 620.800, Line 35, by inserting after the words “employees at” the following:

“the project facility and at”; and

Further amend said bill, Page 17, Section 620.809, Line 253, by inserting after said section and line the following:

“620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (18) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin to accrue. If any qualified company also participates in a job training program utilizing withholding tax, the company shall retain no withholding tax under this program, but the department shall issue a refundable tax credit for the full amount of benefit

allowed under this program. The calendar year annual maximum amount of tax credits which may be issued to a qualifying company that also participates in a job training program shall be increased by an amount equivalent to the withholding tax retained by that company under a jobs training program.

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

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

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

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

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

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

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

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

8. For tax credits for the creation of new jobs under section 620.2010, the department shall allocate the annual tax credits based on the date of the approval, reserving such tax credits based on the department's

best estimate of new jobs and new payroll of the project, and any other applicable factors in determining the amount of benefits available to the qualified company under this program. However, the annual issuance of tax credits shall be subject to annual verification of actual payroll by the department. Any authorization of tax credits shall expire if, within two years from the date of commencement of operations, or approval if applicable, the qualified company has failed to meet the applicable minimum job requirements. The qualified company may retain authorized amounts from the withholding tax under the project once the applicable minimum job requirements have been met for the duration of the project period. No benefits shall be provided under this program until the qualified company meets the applicable minimum new job requirements. In the event the qualified company does not meet the applicable minimum new job requirements, the qualified company may submit a new notice of intent or the department may provide a new approval for a new project of the qualified company at the project facility or other facilities.

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

10. Prior to the issuance of tax credits or the qualified company beginning to retain withholding taxes, the department shall verify through the department of revenue and any other applicable state department that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval, except that any tax credits issued shall be first applied to the delinquency and any amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of insurance, financial institutions and professional registration, or any other state department concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

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

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

13. Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no new benefits shall be authorized for any project that had not received from the department a proposal or approval for such

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

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

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

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

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

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

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

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

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

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

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

17. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of this reauthorization of sections 620.2000 to 620.2020; and

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

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

In which the concurrence of the Senate is respectfully requested.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 101**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 1**.

Bill ordered enrolled.

Also,

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and adopted **SS**, as amended for **SCS** for **HCS** for **HB 220** and has taken up and passed **SS** for **SCS** for **HCS** for **HB 220**, as amended.

CONFERENCE COMMITTEE APPOINTMENTS

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SCS** for **SB 147** with **HCS**, as amended: Senators Sater, Libla, Brown, Holsman and Williams.

President Pro Tem Schatz appointed the following conference committee to act with a like committee from the House on **SB 202**, with **HCS**, as amended: Senators Romine, Libla, Wallingford, Sifton and Holsman.

REFERRALS

President Pro Tem Schatz referred **HB 1237**, with **SCS** and **HB 637**, with **SCS**, to the Committee on Fiscal Oversight.

President Pro Tem Schatz assumed the Chair.

REPORTS OF STANDING COMMITTEES

Senator Cunningham, Chairman of the Committee on Fiscal Oversight, submitted the following reports:

Mr. President: Your Committee on Fiscal Oversight, to which were referred **SS No. 2** for **HB 219**; **SCS** for **HCS** for **HB 447**; **SS** for **HCS No. 2** for **HB 499**; and **SS** for **SCS** for **HCS** for **HB 399**, begs leave to report that it has considered the same and recommends that the bills do pass.

Senator Luetkemeyer, Chairman of the Committee on the Judiciary and Civil and Criminal

Jurisprudence, submitted the following report:

Mr. President: Your Committee on the Judiciary and Civil and Criminal Jurisprudence, to which was referred **HB 523**, begs leave to report that it has considered the same and recommends that the Senate Committee Substitute, hereto attached, do pass.

President Kehoe assumed the Chair.

PRIVILEGED MOTIONS

Senator Hough moved that **SB 68**, with **HCS**, as amended, be taken up for 3rd reading and final passage, which motion prevailed.

HCS for SB 68, entitled:

HOUSE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 68

An Act to repeal sections 620.511, 620.800, 620.803, 620.806, 620.809, 620.2005, 620.2010, 620.2020, and 620.2475, RSMo, and to enact in lieu thereof nine new sections relating to workforce development.

Was taken up.

Senator Hough moved that **HCS for SB 68**, as amended, be adopted, which motion prevailed, by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Hegeman	Holsman	Hough	Libla	Luetkemeyer	May	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Wallingford
Walsh	White	Wieland	Williams—25			

NAYS—Senators

Burlison	Eigel	Emery	Hoskins	Koenig	O’Laughlin	Onder
Schupp—8						

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hough, **HCS for SB 68**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Hegeman	Holsman	Hough	Libla	Luetkemeyer	May	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Sifton	Wallingford
Walsh	White	Wieland	Williams—25			

NAYS—Senators

Burlison	Eigel	Emery	Hoskins	Koenig	O’Laughlin	Onder
Schupp—8						

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Hough, title to the bill was agreed to.

Senator Hough moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Bill ordered enrolled.

HOUSE BILLS ON THIRD READING

Senator Schatz moved that **SS** for **HCS No. 2** for **HB 499** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **HCS No. 2** for **HB 499** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Cierpiot	Crawford	Cunningham	Curls
Emery	Hegeman	Holsman	Hoskins	Hough	Koenig	Libla
Luetkemeyer	May	O’Laughlin	Onder	Riddle	Rizzo	Romine
Rowden	Sater	Schatz	Sifton	Wallingford	Walsh	White
Wieland	Williams—30					

NAYS—Senators

Burlison	Eigel	Schupp—3
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Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Schatz, title to the bill was agreed to.

Senator Schatz moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Riddle moved that **SCS** for **HCS** for **HB 447**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SCS for **HCS** for **HB 447**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
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Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

On motion of Senator Riddle, title to the bill was agreed to.

Senator Riddle moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Hoskins moved that **SS** for **SCS** for **HCS** for **HB 399** be called from the Informal Calendar and again taken up for 3rd reading and final passage, which motion prevailed.

SS for **SCS** for **HCS** for **HB 399** was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O'Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton

Wallingford Walsh White Wieland Williams—33
NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Hoskins, title to the bill was agreed to.

Senator Hoskins moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

Senator Sater moved that **SS No. 2** for **HB 219**, as amended, be called from the Informal Calendar and again taken up for 3rd reading and final passaged, which motion prevailed.

SS No. 2 for **HB 219**, as amended, was read the 3rd time and passed by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

The President declared the bill passed.

The emergency clause was adopted by the following vote:

YEAS—Senators

Arthur	Bernskoetter	Brown	Burlison	Cierpiot	Crawford	Cunningham
Curls	Eigel	Emery	Hegeman	Holsman	Hoskins	Hough
Koenig	Libla	Luetkemeyer	May	O’Laughlin	Onder	Riddle
Rizzo	Romine	Rowden	Sater	Schatz	Schupp	Sifton
Wallingford	Walsh	White	Wieland	Williams—33		

NAYS—Senators—None

Absent—Senator Nasheed—1

Absent with leave—Senators—None

Vacancies—None

On motion of Senator Sater, title to the bill was agreed to.

Senator Sater moved that the vote by which the bill passed be reconsidered.

Senator Rowden moved that motion lay on the table, which motion prevailed.

PRIVILEGED MOTIONS

Senator Cunningham moved that the conferees be allowed to exceed the differences on **HA 1** to **HA 2** to **SCS** for **SB 83** relating to grandparent visitation to make the language consistent with what the Senate Committee adopted in **SCS** for **HCS** for **HB 700**, which motion prevailed.

Senator Riddle moved that the Senate refuse to concur in **HCS** for **SB 36**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Crawford moved that the Senate refuse to concur in **HCS** for **SB 54**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

Senator Crawford moved that the Senate refuse to concur in **HCS** for **SCS** for **SB 174**, as amended, and request the House to recede from its position or, failing to do so, grant the Senate a conference thereon, which motion prevailed.

MESSAGES FROM THE HOUSE

The following message was received from the House of Representatives through its Chief Clerk:

Mr. President: I am instructed by the House of Representatives to inform the Senate that the House has taken up and passed **SCS** for **SB 90**.

Bill ordered enrolled.

HOUSE BILLS ON SECOND READING

The following Bills were read the 2nd time and referred to the Committees indicated:

HCS for **HB 744**—Education.

HB 535—General Laws.

HCS for **HB 420**—Health and Pensions.

HCS for **HB 1158**—Agriculture, Food Production and Outdoor Resources.

HCS for **HB 215**—Commerce, Consumer Protection, Energy and the Environment.

HB 345—General Laws.

INTRODUCTIONS OF GUESTS

Senator Cierpiot introduced to the Senate, the Physician of the Day, Dr. Marc Taormina, Lee's Summit.

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

SENATE CALENDAR

SIXTY-SEVENTH DAY—WEDNESDAY, MAY 15, 2019

FORMAL CALENDAR

HOUSE BILLS ON SECOND READING

HB 1006-Rehder

THIRD READING OF SENATE BILLS

SCS for SB 465-Burlison (In Fiscal Oversight)

SB 255-Bernskoetter

SENATE BILLS FOR PERFECTION

- | | |
|-------------------------------|----------------------------------|
| 1. SB 430-Libla | 17. SB 286-Hough |
| 2. SB 186-Hegeman | 18. SB 325-Crawford, with SCS |
| 3. SB 302-Wallingford | 19. SBs 8 & 74-Emery, with SCS |
| 4. SB 347-Burlison | 20. SB 386-O'Laughlin, with SCS |
| 5. SB 439-Brown | 21. SB 272-Emery, with SCS |
| 6. SB 303-Riddle, with SCS | 22. SB 265-Luetkemeyer, with SCS |
| 7. SB 376-Riddle | 23. SB 135-Sifton, with SCS |
| 8. SB 82-Cunningham, with SCS | 24. SB 342-Curls and Nasheed |
| 9. SB 161-Cunningham | 25. SB 424-Luetkemeyer |
| 10. SB 144-Burlison, with SCS | 26. SB 367-Burlison |
| 11. SJR 20-Koenig, with SCS | 27. SB 22-Nasheed, with SCS |
| 12. SB 208-Wallingford | 28. SJR 25-Libla, with SCS |
| 13. SB 189-Crawford, with SCS | 29. SB 140-Koenig, with SCS |
| 14. SB 385-Bernskoetter | 30. SJR 21-May |
| 15. SB 409-Wieland, et al | 31. SB 308-Onder |
| 16. SB 437-Hoskins | |

HOUSE BILLS ON THIRD READING

- | | |
|--|------------------------------|
| 1. HB 485-Dogan, with SCS (Emery)
(In Fiscal Oversight) | 2. HB 214-Trent (Hough) |
| | 3. HCS for HB 1088 (Hoskins) |

4. HB 355-Plocher, with SCS (Wallingford)
5. HCS for HB 160, with SCS (White)
6. HB 584-Knight, with SCS (Wallingford)
7. HB 599-Bondon, with SCS (Cunningham)
8. HB 1029-Bondon (Brown)
9. HB 257-Stephens (Sater)
10. HB 563-Wiemann (Wallingford)
11. HCS for HB 266, with SCS (Hoskins)
12. HCS for HB 959, with SCS (Cierpiot)
13. HCS for HB 333, with SCS (Crawford)
14. HB 461-Pfautsch (Brown)
15. HCS for HB 824 (Hoskins)
16. HB 587-Rone (Crawford)
17. HCS for HB 346 (Wallingford)
18. HB 1061-Patterson (Hoskins)
19. HB 470-Grier, with SCS (O'Laughlin)
20. HB 186-Trent, with SCS (Burlison)
21. HCS for HB 466, with SCS (Riddle)
(In Fiscal Oversight)
22. HCS for HB 229, with SCS (Wallingford)
23. HB 646-Rowland (Sater)
24. HCS for HBs 161 & 401, with SCS
(Cunningham)
25. HB 321-Solon (Luetkemeyer)
26. HCS for HB 67, with SCS (Luetkemeyer)
27. HB 240-Schroer, with SCS (Luetkemeyer)
28. HB 337-Swan (Wallingford)
29. HB 267-Baker (Emery)
30. HB 757-Bondon (Wieland)
31. HB 942-Wiemann (Brown)
32. HB 815-Black (137) (Hough)
33. HB 705-Helms, with SCS (Riddle)
34. HCS for HB 301, with SCS (Burlison)
35. HB 600-Bondon (Cunningham)
36. HB 943-McGill (Hoskins)
37. HB 372-Trent (Wallingford)
38. HCS for HB 438 (Brown)
39. HCS for HB 1127 (Riddle)
40. HCS for HB 400 (White)
41. HB 966-Gregory (Onder)
42. HB 1062-Hansen, with SCS (Hoskins)
43. HJR 54-Plocher (Walsh) (In Fiscal Oversight)
44. HB 191 & HB 873-Kolkmeier, with SCS
(Hoskins)
45. HCS#2 for HB 626 (Brown)
(In Fiscal Oversight)
46. HCS for HB 207 (White) (In Fiscal Oversight)
47. HB 756-Pfautsch (Schupp)
48. HB 83-Hill (O'Laughlin)
49. HB 758-Bondon, with SCS (Onder)
(In Fiscal Oversight)
50. HCS for HJRs 48, 46 & 47 (Rowden)
(In Fiscal Oversight)
51. HCS for HB 937, with SCS (Wieland)
52. HCS for HB 703, with SCS (Luetkemeyer)
53. HB 761-Pfautsch, with SCS (Cierpiot)
54. HCS for HB 844 (Sater)
55. HB 637-Shawan, with SCS (Eigel)
(In Fiscal Oversight)
56. HB 1237-Fitzwater, with SCS (Bernskoetter)
(In Fiscal Oversight)
57. HCS for HB 700, with SCS (Cunningham)
58. HCS for HBs 746 & 722 (Cunningham)
59. HCS for HB 842 (Bernskoetter)
60. HB 523-Roden, with SCS (Wieland)

INFORMAL CALENDAR

SENATE BILLS FOR PERFECTION

SB 4-Sater

SB 5-Sater, et al, with SCS

SB 10-Cunningham, with SCS & SA 1 (pending)

SB 14-Wallingford

SB 16-Romine, with SCS, SS for SCS, SA 3
& point of order (pending)
SB 19-Libla, with SA 1 (pending)
SB 31-Wieland
SB 39-Onder
SB 44-Hoskins, with SCS & SS#3 for SCS
(pending)
SBs 46 & 50-Koenig, with SCS, SS for SCS
& SA 6 (pending)
SB 49-Rowden, with SCS
SB 52-Eigel, with SCS
SB 56-Cierpiot, with SCS, SS for SCS &
SA 1 (pending)
SB 57-Cierpiot
SB 62-Burlison, with SCS
SB 65-White, with SS (pending)
SB 69-Hough
SB 76-Sater, with SCS (pending)
SB 78-Sater
SB 97-Hegeman, with SCS
SB 100-Riddle, with SS (pending)
SB 118-Cierpiot, with SCS
SB 132-Emery, with SCS
SB 141-Koenig
SB 150-Koenig, with SCS
SBs 153 & 117-Sifton, with SCS
SB 154-Luetkemeyer, with SS & SA 2 (pending)
SB 155-Luetkemeyer
SB 160-Koenig, with SCS, SS for SCS &
SA 2 (pending)
SB 168-Wallingford, with SCS
SB 201-Romine
SB 205-Arthur, with SCS
SB 211-Wallingford

SB 222-Hough
SB 225-Curls
SB 234-White
SB 252-Wieland, with SCS
SB 259-Romine, with SS & SA 3 (pending)
SB 276-Rowden, with SCS
SB 278-Wallingford, with SCS
SBs 279, 139 & 345-Onder, with SCS,
SS for SCS, SA 1 & SA 1 to SA 1 (pending)
SB 292-Eigel, with SCS &
SS#2 for SCS (pending)
SB 293-Hough, with SCS
SB 296-Cierpiot, with SCS
SB 298-White, with SCS
SB 300-Eigel
SB 312-Eigel
SB 316-Burlison
SB 318-Burlison
SB 328-Burlison, with SCS
SB 332-Brown
SB 336-Schupp
SB 343-Eigel, with SCS
SB 344-Eigel, with SCS
SB 349-O'Laughlin, with SCS
SB 350-O'Laughlin
SB 354-Cierpiot, with SCS
SB 412-Holsman
SB 426-Williams
SB 431-Schatz, with SCS
SJR 1-Sater and Onder, with SS#2 & SA 1
(pending)
SJR 13-Holsman, with SCS, SS for SCS &
SA 1 (pending)
SJR 18-Cunningham

HOUSE BILLS ON THIRD READING

HB 113-Smith, with SCS (Emery)
HB 126-Schroer, with SCS (Koenig)
HCS for HB 169, with SCS (Romine)

HB 188-Rehder (Luetkemeyer)
HCS for HB 225, with SCS, SS for SCS &
SA 1 (pending) (Romine)

HCS for HBs 243 & 544, with SCS (Arthur)
 HCS for HB 255, with SS & SA 5 (pending)
 (Cierpiot)
 HB 332-Lynch, with SCS (Wallingford)
 HCS for HB 469 (Wallingford)

SCS for HCS for HB 547 (Bernskoetter)
 HCS for HB 564, with SCS (Koenig)
 HCS for HB 604, with SCS & SS for SCS
 (pending) (Hoskins)
 HCS for HB 678, with SCS (Williams)

SENATE BILLS WITH HOUSE AMENDMENTS

SS for SCS for SB 28-Hegeman, with HCS,
 as amended
 SCS for SB 131-Emery, with HCS, as amended
 SCS for SB 184-Wallingford with HA 1, HA 2,
 HA 3, HA 4, as amended & HA 5

SS for SB 210-May, with HCS, as amended
 SS for SB 306-White, with HA 1, HA 2 & HA 3

BILLS IN CONFERENCE AND BILLS CARRYING REQUEST MESSAGES

In Conference

SB 17-Romine, with HA 1, HA 2, HA 3, HA 4
 & HA 5
 SB 53-Crawford, with HCS, as amended
 SCS for SB 83-Cunningham, with HA 1 &
 HA 2, as amended
 SB 133-Cunningham, with HCS
 (Senate adopted CCR and passed CCS)
 SCS for SB 147-Sater, with HCS, as amended
 SB 182-Cierpiot, et al, with HCS, as amended

SB 202-Romine, with HCS, as amended
 SS for SCS for SB 230-Crawford, with HA 1,
 HA 2, HA 3, as amended, HA 4, HA 5 & HA 6
 SB 368-Hough, with HA 1, HA 2, HA 3, HA 4,
 HA 5, HA 6, HA 7 & HA 8
 (Senate adopted CCR and passed CCS)
 HCS for HB 397, with SS for SCS, as amended
 (Riddle)
 (House adopted CCR and passed CCS)

Requests to Recede or Grant Conference

SB 36-Riddle, with HCS, as amended
 (Senate requests House recede or grant
 conference)
 SB 54-Crawford, with HCS, as amended
 (Senate requests House recede or grant
 conference)

SCS for SB 174-Crawford, with HCS, as amended
 (Senate requests House recede or grant
 conference)

RESOLUTIONS

SR 20-Holsman

SR 731-Hoskins

Reported from Committee

SCR 8-Holsman

SCR 15-Burlison

SCR 19-Eigel

SCR 21-May

SCR 22-Holsman

SCR 23-Luetkemeyer

SCR 24-Hegeman and Luetkemeyer

SCR 26-Bernskoetter

HCR 6-Chipman (Brown)

HCS for HCR 16 (Hoskins)

HCR 18-Spencer (Eigel)

HCR 34-Riggs (Curls)

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