

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 549

AN ACT

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

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 620.809 and 620.2020, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 620.809 and 620.2020, to read as follows:  
4           620.809. 1. The Missouri community college job training  
5 program fund, formerly established in the state treasury by  
6 section 178.896, shall now be known as the "Missouri Works  
7 Community College New Jobs Training Fund" and shall be  
8 administered by the department for the training program. The  
9 department of revenue shall credit to the fund, as received, all  
10 new jobs credits. The fund shall also consist of any gifts,  
11 contributions, grants, or bequests received from federal,  
12 private, or other sources. The general assembly, however, shall  
13 not provide for any transfer of general revenue funds into the  
14 fund. Moneys in the fund shall be disbursed to the department  
15 under regular appropriations by the general assembly. The  
16 department shall disburse such appropriated funds in a timely

1 manner into the special funds established by community college  
2 districts for training projects, which funds shall be used to pay  
3 training project costs. Such disbursements shall be made to the  
4 special fund for each training project as provided under  
5 subsection 5 of this section. All moneys remaining in the fund  
6 at the end of any fiscal year shall not lapse to the general  
7 revenue fund, as provided in section 33.080, but shall remain in  
8 the fund.

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

1 All moneys remaining in the fund at the end of any fiscal year  
2 shall not lapse to the general revenue fund, as provided in  
3 section 33.080, but shall remain in the fund.

4 3. The department of revenue shall develop such forms as  
5 are necessary to demonstrate accurately each qualified company's  
6 new jobs credit paid into the Missouri works community college  
7 new jobs training fund or retained jobs credit paid into the  
8 Missouri works community college job retention training fund.  
9 The new or retained jobs credits shall be accounted as separate  
10 from the normal withholding tax paid to the department of revenue  
11 by the qualified company. Reimbursements made by all qualified  
12 companies to the Missouri works community college new jobs  
13 training fund and the Missouri works community college job  
14 retention training fund shall be no less than all allocations  
15 made by the department to all community college districts for all  
16 projects. The qualified company shall remit the amount of the  
17 new or retained jobs credit, as applicable, to the department of  
18 revenue in the same manner as provided in sections 143.191 to  
19 143.265.

20 4. A community college district, with the approval of the  
21 department in consultation with the office of administration, may  
22 enter into an agreement to establish a training project and  
23 provide training project services to a qualified company. As  
24 soon as possible after initial contact between a community  
25 college district and a potential qualified company regarding the  
26 possibility of entering into an agreement, the district shall  
27 inform the department of the potential training project. The  
28 department shall evaluate the proposed training project within

1 the overall job training efforts of the state to ensure that the  
2 training project will not duplicate other job training programs.  
3 The department shall have fourteen days from receipt of a notice  
4 of intent to approve or disapprove a training project. If no  
5 response is received by the qualified company within fourteen  
6 days, the training project shall be deemed approved. Disapproval  
7 of any training project shall be made in writing and state the  
8 reasons for such disapproval. If an agreement is entered into,  
9 the district and the qualified company shall notify the  
10 department of revenue within fifteen calendar days. In addition  
11 to any provisions required under subsection 6 of this section for  
12 a qualified company applying to receive a retained job credit, an  
13 agreement may provide, but shall not be limited to:

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

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

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

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

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

1 (3) Costs of on-the-job training for employees which shall  
2 include wages or salaries of participating employees. Payments  
3 for on-the-job training shall not exceed the average of fifty  
4 percent of the total wages paid by the qualified company to each  
5 participant during the period of training. Payment for  
6 on-the-job training may continue for up to six months from the  
7 date the training begins;

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

12 (5) Any payment required to be made by a qualified company.  
13 This payment shall constitute a lien upon the qualified company's  
14 business property until paid, shall have equal priority with  
15 ordinary taxes and shall not be divested by a judicial sale.  
16 Property subject to such lien may be sold for sums due and  
17 delinquent at a tax sale, with the same forfeitures, penalties,  
18 and consequences as for the nonpayment of ordinary taxes. The  
19 purchasers at tax sale shall obtain the property subject to the  
20 remaining payments.

21 5. (1) For projects that are funded exclusively under  
22 paragraph (a) of subdivision (1) of subsection 4 of this section,  
23 the department shall disburse such funds to the special fund for  
24 each training project in the same proportion as the new jobs or  
25 retained jobs credits remitted by the qualified company  
26 participating in such project bears to the total new jobs or  
27 retained jobs credits from withholding remitted by all qualified  
28 companies participating in projects during the period for which

1 the disbursement is made.

2 (2) Subject to appropriation, for projects that are funded  
3 through a combination of funds under paragraphs (a) and (b) of  
4 subdivision (1) of subsection 4 of this section, the department  
5 shall disburse funds appropriated under paragraph (b) of  
6 subdivision (1) of subsection 4 of this section to the special  
7 fund for each training project upon commencement of the project.  
8 The department shall disburse funds appropriated under paragraph  
9 (a) of subdivision (1) of subsection 4 of this section to the  
10 special fund for each training project in the same proportion as  
11 the new jobs or retained jobs credits remitted by the qualified  
12 company participating in such project bears to the total new jobs  
13 or retained jobs credits from withholding remitted by all  
14 qualified companies participating in projects during the period  
15 for which the disbursement is made, reduced by the amount of  
16 funds appropriated under paragraph (b) of subdivision (1) of  
17 subsection 4 of this section.

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

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

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

27 (3) Made or agrees to make a new capital investment of  
28 greater than five times the amount of any award under this

1 training program at the project facility over a period of two  
2 consecutive calendar years, as certified by the qualified company  
3 and:

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

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

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

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

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

17 (2) A portion of the total payments made by the qualified  
18 companies under sections 143.191 to 143.265 shall be designated  
19 as the new or retained jobs credit from withholding. Such  
20 portion shall be an amount equal to two and one-half percent of  
21 the gross wages paid by the qualified company for each of the  
22 first one hundred jobs included in the project and one and  
23 one-half percent of the gross wages paid by the qualified company  
24 for each of the remaining jobs included in the project. If  
25 business or employment conditions cause the amount of the new or  
26 retained jobs credit from withholding to be less than the amount  
27 projected in the agreement for any time period, then other  
28 withholding tax paid by the qualified company under sections

1 143.191 to 143.265 shall be credited to the applicable fund by  
2 the amount of such difference. The qualified company shall remit  
3 the amount of the new or retained jobs credit to the department  
4 of revenue in the manner prescribed in sections 143.191 to  
5 143.265. When all training program costs have been paid, the new  
6 or retained jobs credits shall cease;

7 (3) The community college district participating in a  
8 project shall establish a special fund for and in the name of the  
9 training project. All funds appropriated by the general assembly  
10 from the funds established under subsections 1 and 2 of this  
11 section and disbursed by the department for the training project  
12 and other amounts received by the district for training project  
13 costs as required by the agreement shall be deposited in the  
14 special fund. Amounts held in the special fund shall be used and  
15 disbursed by the district only to pay training project costs for  
16 such training project. The special fund may be divided into such  
17 accounts and subaccounts as shall be provided in the agreement,  
18 and amounts held therein may be invested in the same manner as  
19 the district's other funds;

20 (4) Any disbursement for training project costs received  
21 from the department under sections 620.800 to 620.809 and  
22 deposited into the training project's special fund may be  
23 irrevocably pledged by a community college district for the  
24 payment of the principal, premium, and interest on the  
25 certificate issued by a community college district to finance or  
26 refinance, in whole or in part, such training project;

27 (5) The qualified company shall certify to the department  
28 of revenue that the new or retained jobs credit is in accordance

1 with an agreement and shall provide other information the  
2 department of revenue may require;

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

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

11 8. To provide funds for the present payment of the training  
12 project costs of new or retained jobs training project through  
13 the training program, a community college district may borrow  
14 money and issue and sell certificates payable from a sufficient  
15 portion of the future receipts of payments authorized by the  
16 agreement including disbursements from the Missouri works  
17 community college new jobs training fund or the Missouri works  
18 community college job retention training fund, to the special  
19 fund established by the district for each project. The total  
20 amount of outstanding certificates sold by all community college  
21 districts shall not exceed the total amount authorized under law  
22 as of January 1, 2013, unless an increased amount is authorized  
23 in writing by a majority of members of the committee. The  
24 certificates shall be marketed through financial institutions  
25 authorized to do business in Missouri. The receipts shall be  
26 pledged to the payment of principal of and interest on the  
27 certificates. Certificates may be sold at public sale or at  
28 private sale at par, premium, or discount of not less than

1 ninety-five percent of the par value thereof, at the discretion  
2 of the board of trustees, and may bear interest at such rate or  
3 rates as the board of trustees shall determine, notwithstanding  
4 the provisions of section 108.170 to the contrary. However, the  
5 provisions of chapter 176 shall not apply to the issuance of such  
6 certificates. Certificates may be issued with respect to a  
7 single project or multiple projects and may contain terms or  
8 conditions as the board of trustees may provide by resolution  
9 authorizing the issuance of the certificates.

10 9. Certificates issued to refund other certificates may be  
11 sold at public sale or at private sale as provided in this  
12 section, with the proceeds from the sale to be used for the  
13 payment of the certificates being refunded. The refunding  
14 certificates may be exchanged in payment and discharge of the  
15 certificates being refunded, in installments at different times  
16 or an entire issue or series at one time. Refunding certificates  
17 may be sold or exchanged at any time on, before, or after the  
18 maturity of the outstanding certificates to be refunded. They  
19 may be issued for the purpose of refunding a like, greater, or  
20 lesser principal amount of certificates and may bear a rate of  
21 interest that is higher, lower, or equivalent to that of the  
22 certificates being renewed or refunded.

23 10. Before certificates are issued, the board of trustees  
24 shall publish once a notice of its intention to issue the  
25 certificates, stating the amount, the purpose, and the project or  
26 projects for which the certificates are to be issued. A person  
27 with standing may, within fifteen days after the publication of  
28 the notice, by action in the circuit court of a county in the

1 district, appeal the decision of the board of trustees to issue  
2 the certificates. The action of the board of trustees in  
3 determining to issue the certificates shall be final and  
4 conclusive unless the circuit court finds that the board of  
5 trustees has exceeded its legal authority. An action shall not  
6 be brought which questions the legality of the certificates, the  
7 power of the board of trustees to issue the certificates, the  
8 effectiveness of any proceedings relating to the authorization of  
9 the project, or the authorization and issuance of the  
10 certificates from and after fifteen days from the publication of  
11 the notice of intention to issue.

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

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

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

23 (1) The [new] program authorized under sections 620.800 to  
24 620.809 shall [automatically sunset July 1, 2019, unless  
25 reauthorized by an act of the general assembly] be reauthorized  
26 as of the effective date of this act and shall expire on August  
27 28, 2030; and

28 (2) If such program is reauthorized, the program authorized

1 under sections 620.800 to 620.809 shall automatically sunset  
2 twelve years after the effective date of the reauthorization of  
3 sections 620.800 to 620.809; and

4 (3) Sections 620.800 to 620.809 shall terminate on  
5 September first of the calendar year immediately following the  
6 calendar year in which a program authorized under sections  
7 620.800 to 620.809 is sunset.

8 620.2020. 1. The department shall respond to a written  
9 request, by or on behalf of a qualified company, for a proposed  
10 benefit award under the provisions of this program within five  
11 business days of receipt of such request. Such response shall  
12 contain either a proposal of benefits for the qualified company,  
13 or a written response refusing to provide such a proposal and  
14 stating the reasons for such refusal. A qualified company that  
15 intends to seek benefits under the program shall submit to the  
16 department a notice of intent. The department shall respond  
17 within thirty days to a notice of intent with an approval or a  
18 rejection, provided that the department may withhold approval or  
19 provide a contingent approval until it is satisfied that proper  
20 documentation of eligibility has been provided. Failure to  
21 respond on behalf of the department shall result in the notice of  
22 intent being deemed approved. A qualified company receiving  
23 approval for program benefits may receive additional benefits for  
24 subsequent new jobs at the same facility after the full initial  
25 project period if the applicable minimum job requirements are  
26 met. There shall be no limit on the number of project periods a  
27 qualified company may participate in the program, and a qualified  
28 company may elect to file a notice of intent to begin a new

1 project period concurrent with an existing project period if the  
2 applicable minimum job requirements are achieved, the qualified  
3 company provides the department with the required annual  
4 reporting, and the qualified company is in compliance with this  
5 program and any other state programs in which the qualified  
6 company is currently or has previously participated. However,  
7 the qualified company shall not receive any further program  
8 benefits under the original approval for any new jobs created  
9 after the date of the new notice of intent, and any jobs created  
10 before the new notice of intent shall not be included as new jobs  
11 for purposes of the benefit calculation for the new approval.  
12 When a qualified company has filed and received approval of a  
13 notice of intent and subsequently files another notice of intent,  
14 the department shall apply the definition of project facility  
15 under subdivision (18) of section 620.2005 to the new notice of  
16 intent as well as all previously approved notices of intent and  
17 shall determine the application of the definitions of new job,  
18 new payroll, project facility base employment, and project  
19 facility base payroll accordingly.

20 2. Notwithstanding any provision of law to the contrary,  
21 the benefits available to the qualified company under any other  
22 state programs for which the company is eligible and which  
23 utilize withholding tax from the new or retained jobs of the  
24 company shall first be credited to the other state program before  
25 the withholding retention level applicable under this program  
26 will begin to accrue. If any qualified company also participates  
27 in a job training program utilizing withholding tax, the company  
28 shall retain no withholding tax under this program, but the

1 department shall issue a refundable tax credit for the full  
2 amount of benefit allowed under this program. The calendar year  
3 annual maximum amount of tax credits which may be issued to a  
4 qualifying company that also participates in a job training  
5 program shall be increased by an amount equivalent to the  
6 withholding tax retained by that company under a jobs training  
7 program.

8 3. A qualified company receiving benefits under this  
9 program shall provide an annual report of the number of jobs and  
10 such other information as may be required by the department to  
11 document the basis for program benefits available no later than  
12 ninety days prior to the end of the qualified company's tax year  
13 immediately following the tax year for which the benefits  
14 provided under the program are attributed. In such annual  
15 report, if the average wage is below the applicable percentage of  
16 the county average wage, the qualified company has not maintained  
17 the employee insurance as required, or if the number of jobs is  
18 below the number required, the qualified company shall not  
19 receive tax credits or retain the withholding tax for the balance  
20 of the project period. Failure to timely file the annual report  
21 required under this section shall result in the forfeiture of tax  
22 credits attributable to the year for which the reporting was  
23 required and a recapture of withholding taxes retained by the  
24 qualified company during such year.

25 4. The department may withhold the approval of any benefits  
26 under this program until it is satisfied that proper  
27 documentation has been provided, and shall reduce the benefits to  
28 reflect any reduction in full-time employees or payroll. Upon

1 approval by the department, the qualified company may begin the  
2 retention of the withholding taxes when it reaches the required  
3 number of jobs and the average wage meets or exceeds the  
4 applicable percentage of county average wage. Tax credits, if  
5 any, may be issued upon satisfaction by the department that the  
6 qualified company has exceeded the applicable percentage of  
7 county average wage and the required number of jobs.

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

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

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

27 (1) For the fiscal year beginning on July 1, 2013, but  
28 ending on or before June 30, 2014, no more than one hundred six

1 million dollars in tax credits may be authorized;

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

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

8 8. For tax credits for the creation of new jobs under  
9 section 620.2010, the department shall allocate the annual tax  
10 credits based on the date of the approval, reserving such tax  
11 credits based on the department's best estimate of new jobs and  
12 new payroll of the project, and any other applicable factors in  
13 determining the amount of benefits available to the qualified  
14 company under this program. However, the annual issuance of tax  
15 credits shall be subject to annual verification of actual payroll  
16 by the department. Any authorization of tax credits shall expire  
17 if, within two years from the date of commencement of operations,  
18 or approval if applicable, the qualified company has failed to  
19 meet the applicable minimum job requirements. The qualified  
20 company may retain authorized amounts from the withholding tax  
21 under the project once the applicable minimum job requirements  
22 have been met for the duration of the project period. No  
23 benefits shall be provided under this program until the qualified  
24 company meets the applicable minimum new job requirements. In  
25 the event the qualified company does not meet the applicable  
26 minimum new job requirements, the qualified company may submit a  
27 new notice of intent or the department may provide a new approval  
28 for a new project of the qualified company at the project

1 facility or other facilities.

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

16 10. Prior to the issuance of tax credits or the qualified  
17 company beginning to retain withholding taxes, the department  
18 shall verify through the department of revenue and any other  
19 applicable state department that the tax credit applicant does  
20 not owe any delinquent income, sales, or use tax or interest or  
21 penalties on such taxes, or any delinquent fees or assessments  
22 levied by any state department and through the department of  
23 insurance, financial institutions and professional registration  
24 that the applicant does not owe any delinquent insurance taxes or  
25 other fees. Such delinquency shall not affect the approval,  
26 except that any tax credits issued shall be first applied to the  
27 delinquency and any amount issued shall be reduced by the  
28 applicant's tax delinquency. If the department of revenue, the

1 department of insurance, financial institutions and professional  
2 registration, or any other state department concludes that a  
3 taxpayer is delinquent after June fifteenth but before July first  
4 of any year and the application of tax credits to such  
5 delinquency causes a tax deficiency on behalf of the taxpayer to  
6 arise, then the taxpayer shall be granted thirty days to satisfy  
7 the deficiency in which interest, penalties, and additions to tax  
8 shall be tolled. After applying all available credits toward a  
9 tax delinquency, the administering agency shall notify the  
10 appropriate department and that department shall update the  
11 amount of outstanding delinquent tax owed by the applicant. If  
12 any credits remain after satisfying all insurance, income, sales,  
13 and use tax delinquencies, the remaining credits shall be issued  
14 to the applicant, subject to the restrictions of other provisions  
15 of law.

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

20 12. An employee of a qualified company shall receive full  
21 credit for the amount of tax withheld as provided in section  
22 143.211.

23 13. Notwithstanding any provision of law to the contrary,  
24 beginning August 28, 2013, no new benefits shall be authorized  
25 for any project that had not received from the department a  
26 proposal or approval for such benefits prior to August 28, 2013,  
27 under the development tax credit program created under sections  
28 32.100 to 32.125, the rebuilding communities tax credit program

1 created under section 135.535, the enhanced enterprise zone tax  
2 credit program created under sections 135.950 to 135.973, and the  
3 Missouri quality jobs program created under sections 620.1875 to  
4 620.1890. The provisions of this subsection shall not be  
5 construed to limit or impair the ability of any administering  
6 agency to authorize or issue benefits for any project that had  
7 received an approval or a proposal from the department under any  
8 of the programs referenced in this subsection prior to August 28,  
9 2013, or the ability of any taxpayer to redeem any such tax  
10 credits or to retain any withholding tax under an approval issued  
11 prior to that date. The provisions of this subsection shall not  
12 be construed to limit or in any way impair the ability of any  
13 governing authority to provide any local abatement or designate a  
14 new zone under the enhanced enterprise zone program created by  
15 sections 135.950 to 135.963. Notwithstanding any provision of  
16 law to the contrary, no qualified company that is awarded  
17 benefits under this program shall:

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

20 (2) Receive benefits under the provisions of section  
21 620.1910 for the same jobs.

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

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

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

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

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

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

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

20           16. The department may adopt such rules, statements of  
21 policy, procedures, forms, and guidelines as may be necessary to  
22 carry out the provisions of sections 620.2000 to 620.2020. Any  
23 rule or portion of a rule, as that term is defined in section  
24 536.010, that is created under the authority delegated in this  
25 section shall become effective only if it complies with and is  
26 subject to all of the provisions of chapter 536 and, if  
27 applicable, section 536.028. This section and chapter 536 are  
28 nonseverable and if any of the powers vested with the general

1 assembly pursuant to chapter 536 to review, to delay the  
2 effective date, or to disapprove and annul a rule are  
3 subsequently held unconstitutional, then the grant of rulemaking  
4 authority and any rule proposed or adopted after August 28, 2013,  
5 shall be invalid and void.

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

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

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

16 (3) Sections 620.2000 to 620.2020 shall terminate on  
17 September first of the calendar year immediately following the  
18 calendar year in which the program authorized under sections  
19 620.2000 to 620.2020 is sunset.