

House

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Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

**SS HB 2400** \_\_\_\_\_ entitled:

**AN ACT**

To repeal sections 285.730 and 620.2020, RSMo, and to enact in lieu thereof two new sections relating to business entities.

With SA 1, SA 2, SA 3, SA 4, SA 5, SA 6, SA 7, SA 8, SA 9, SA 11

In which the concurrence of the House is respectfully requested.

Respectfully,

*Adriane D. Crouse*

Adriane D. Crouse  
Secretary of the Senate

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MAY 06 2022  
BY: \_\_\_\_\_

# SENATE AMENDMENT NO. 1

Offered by Burlison of 20

Amend SS/House Bill No. 2400, Page 5, Section 285.730, Line 143,

2 by inserting after all of said line the following:

3 "407.475. 1. Except when specifically required or  
4 authorized by federal law, no state agency or state official  
5 shall impose any additional annual filing or reporting  
6 requirements on an organization regulated or specifically  
7 exempted from regulation under sections 407.450 to 407.478  
8 that are more stringent, restrictive, or expansive than the  
9 requirements authorized under section 407.462.

10 2. This section shall not apply to state grants or  
11 contracts, nor investigations under section 407.472 and  
12 shall not restrict enforcement actions against specific  
13 charitable organizations. This section shall not apply to  
14 labor organizations, as that term is defined in section  
15 105.500.

16 3. This section shall not apply when an organization  
17 regulated or specifically exempted from regulation under  
18 sections 407.450 to 407.475 is providing any report or  
19 disclosure required by state law to be filed with the  
20 secretary of state."; and

21 Further amend the title and enacting clause accordingly.

*Offered 5/4/22*  
*Adopted "*

**SENATE AMENDMENT NO. 2**

Offered by Koenig of 15th

Amend SS/House Bill No. 2400, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "130.029. 1. Nothing herein contained shall be

4 construed to prohibit any corporation organized under any

5 general or special law of this state, or any other state or

6 by an act of the Congress of the United States or any labor

7 organization, cooperative association or mutual association

8 from making any contributions or expenditures, provided:

9 (1) That the board of directors of any corporation by

10 resolution has authorized contributions or expenditures, or

11 by resolution has authorized a designated officer to make

12 such contributions or expenditures; or

13 (2) That the members of any labor organization,

14 cooperative association or mutual association have

15 authorized contributions or expenditures by a majority vote

16 of the members present at a duly called meeting of any such

17 labor organization, cooperative association or mutual

18 association or by such vote has authorized a designated

19 officer to make such contributions or expenditures.

20 2. No provision of this section shall be construed to

21 authorize contributions or expenditures otherwise prohibited

22 by, or to change any necessary percentage of vote otherwise

23 required by, the articles of incorporation or association or

24 bylaws of such labor organization, corporation, cooperative

25 or mutual association.

*Offered 5/4/22*  
*Adopted "*

26           3. Authority to make contributions or expenditures as  
27 authorized by this section shall be adopted by general or  
28 specific resolution. This resolution shall state the total  
29 amount of contributions or expenditures authorized, the  
30 purposes of such contributions or expenditures and the time  
31 period within which such authority shall exist.

32           4. (1) Any limited liability company that is duly  
33 registered pursuant to chapter 347 and that has not elected  
34 to be classified as a corporation under the federal tax code  
35 may make contributions to any committee if the limited  
36 liability company has:

37           (a) Been in existence for at least one year prior to  
38 such contribution; and

39           (b) Electronically filed with the Missouri ethics  
40 commission indicating that the limited liability company is  
41 a legitimate business with a legitimate business interest  
42 and is not created for the sole purpose of making campaign  
43 contributions.

44           (2) The Missouri ethics commission shall develop a  
45 method for limited liability companies to use for purposes  
46 of paragraph (b) of subdivision (1) of this subsection. The  
47 commission shall post all information submitted pursuant to  
48 this subdivision on its website on a public page in a  
49 searchable format.

50           143.081. 1. A resident individual, resident estate,  
51 and resident trust shall be allowed a credit against the tax  
52 otherwise due pursuant to sections 143.005 to 143.998 for  
53 the amount of any income tax imposed for the taxable year by  
54 another state of the United States (or a political  
55 subdivision thereof) or the District of Columbia on income  
56 derived from sources therein and which is also subject to  
57 tax pursuant to sections 143.005 to 143.998. For purposes  
58 of this subsection, the phrase "income tax imposed" shall be

59 that amount of tax before any income tax credit allowed by  
60 such other state or the District of Columbia if the other  
61 state or the District of Columbia authorizes a reciprocal  
62 benefit for residents of this state.

63 2. The credit provided pursuant to this section shall  
64 not exceed an amount which bears the same ratio to the tax  
65 otherwise due pursuant to sections 143.005 to 143.998 as the  
66 amount of the taxpayer's Missouri adjusted gross income  
67 derived from sources in the other taxing jurisdiction bears  
68 to the taxpayer's Missouri adjusted gross income derived  
69 from all sources. In applying the limitation of the  
70 previous sentence to an estate or trust, Missouri taxable  
71 income shall be substituted for Missouri adjusted gross  
72 income. If the tax of more than one other taxing  
73 jurisdiction is imposed on the same item of income, the  
74 credit shall not exceed the limitation that would result if  
75 the taxes of all the other jurisdictions applicable to the  
76 item were deemed to be of a single jurisdiction.

77 3. (1) For the purposes of this section, in the case  
78 of an S corporation, each resident S shareholder shall be  
79 considered to have paid a tax imposed on the shareholder in  
80 an amount equal to the shareholder's pro rata share of any  
81 net income tax paid by the S corporation to a state which  
82 does not measure the income of shareholders on an S  
83 corporation by reference to the income of the S corporation  
84 or where a composite return and composite payments are made  
85 in such state on behalf of the S shareholders by the S  
86 corporation.

87 (2) A resident S shareholder shall be eligible for a  
88 credit issued pursuant to this section in an amount equal to  
89 the shareholder's pro rata share of any income tax imposed  
90 pursuant to chapter 143 on income derived from sources in  
91 another state of the United States, or a political

92 subdivision thereof, or the District of Columbia, and which  
93 is subject to tax pursuant to chapter 143 but is not subject  
94 to tax in such other jurisdiction.

95 4. For purposes of subsection 3 of this section, in  
96 the case of an S corporation that is a bank chartered by a  
97 state, the Office of Thrift Supervision, or the comptroller  
98 of currency, each Missouri resident S shareholder of such  
99 out-of-state bank shall qualify for the shareholder's pro  
100 rata share of any net tax paid, including a bank franchise  
101 tax based on the income of the bank, by such S corporation  
102 where bank payment of taxes are made in such state on behalf  
103 of the S shareholders by the S bank to the extent of the tax  
104 paid.

105 143.436. 1. This section shall be known and may be  
106 cited as the "SALT Parity Act".

107 2. For the purposes of this section, the following  
108 terms shall mean:

109 (1) "Affected business entity", any partnership or S  
110 corporation that elects to be subject to tax pursuant to  
111 subsection 10 of this section;

112 (2) "Direct member", a member that holds an interest  
113 directly in an affected business entity;

114 (3) "Indirect member", a member that itself holds an  
115 interest, through a direct or indirect member that is a  
116 partnership or an S corporation, in an affected business  
117 entity;

118 (4) "Member":

119 (a) A shareholder of an S corporation;

120 (b) A partner in a general partnership, a limited  
121 partnership, or a limited liability partnership; or

122 (c) A member of a limited liability company that is  
123 treated as a partnership or S corporation for federal income  
124 tax purposes;

125           (5) "Partnership", the same meaning as provided in 26  
126 U.S.C. Section 7701(a)(2). The term "partnership" shall  
127 include a limited liability company that is treated as a  
128 partnership for federal income tax purposes;

129           (6) "S corporation", a corporation or limited  
130 liability company that is treated as an S corporation for  
131 federal income tax purposes;

132           (7) "Tax year", the tax year of a partnership or S  
133 corporation for federal income tax purposes.

134           3. (1) Notwithstanding any provision of law to the  
135 contrary, a tax is hereby imposed on each affected business  
136 entity that is a partnership and that is doing business in  
137 this state. Such affected business entity shall, at the  
138 time that the affected business entity's return is due, pay  
139 a tax in an amount equal to the sum of the separately and  
140 nonseparately computed items, as described in 26 U.S.C.  
141 Section 702(a), of the affected business entity, to the  
142 extent derived from or connected with sources within this  
143 state, as determined pursuant to section 143.455, decreased  
144 by the deduction allowed under 26 U.S.C. Section 199A  
145 computed as if such deduction was allowed to be taken by the  
146 affected business entity for federal tax purposes, and  
147 increased or decreased by any modification made pursuant to  
148 section 143.471 that relates to an item of the affected  
149 business entity's income, gain, loss, or deduction, to the  
150 extent derived from or connected with sources within this  
151 state, as determined pursuant to section 143.455, with such  
152 sum multiplied by the highest rate of tax used to determine  
153 a Missouri income tax liability for an individual pursuant  
154 to section 143.011. An affected entity paying the tax  
155 pursuant to this subsection shall include with the payment  
156 of such taxes each report provided to a member pursuant to  
157 subsection 7 of this section.

158           (2) If the amount calculated pursuant to subdivision  
159           (1) of this section results in a net loss, such net loss may  
160           be carried forward to succeeding tax years for which the  
161           affected business entity elects to be subject to tax  
162           pursuant to subsection 11 of this section until fully used.

163           4. (1) Notwithstanding any provision of law to the  
164           contrary, a tax is hereby imposed on each affected business  
165           entity that is an S corporation and that is doing business  
166           in this state. Such affected business entity shall, at the  
167           time that the affected business entity's return is due, pay  
168           a tax in an amount equal to the sum of the separately and  
169           nonseparately computed items, as described in 26 U.S.C.  
170           Section 1366, of the affected business entity, to the extent  
171           derived from or connected with sources within this state, as  
172           determined pursuant to section 143.455, decreased by the  
173           deduction allowed under 26 U.S.C. Section 199A computed as  
174           if such deduction was allowed to be taken by the affected  
175           business entity for federal tax purposes, and increased or  
176           decreased by any modification made pursuant to section  
177           143.471 that relates to an item of the affected business  
178           entity's income, gain, loss, or deduction, to the extent  
179           derived from or connected with sources within this state, as  
180           determined pursuant to section 143.455, with such sum  
181           multiplied by the highest rate of tax used to determine a  
182           Missouri income tax liability for an individual pursuant to  
183           section 143.011. An affected entity paying the tax pursuant  
184           to this subsection shall include with the payment of such  
185           taxes each report provided to a member pursuant to  
186           subsection 7 of this section.

187           (2) If the amount calculated pursuant to subdivision  
188           (1) of this section results in a net loss, such net loss may  
189           be carried forward to succeeding tax years for which the



190 affected business entity elects to be subject to tax  
191 pursuant to subsection 11 of this section until fully used.

192 5. If an affected business entity is a direct or  
193 indirect member of another affected business entity, the  
194 member affected business entity shall, when calculating its  
195 net income or loss pursuant to subsections 3 or 4 of this  
196 section, subtract its distributive share of income or add  
197 its distributive share of loss from the affected business  
198 entity in which it is a direct or indirect member to the  
199 extent that the income or loss was derived from or connected  
200 with sources within this state, as determined pursuant to  
201 section 143.455.

202 6. A nonresident individual who is a member shall not  
203 be required to file an income tax return pursuant to this  
204 chapter for a tax year if, for such tax year, the only  
205 source of income derived from or connected with sources  
206 within the state for such member, or the member and the  
207 member's spouse if a joint federal income tax return is or  
208 shall be filed, is from one or more affected business  
209 entities and such affected business entity or entities file  
210 and pay the tax due under this section.

211 7. Each partnership and S corporation shall report to  
212 each of its members, for each tax year, such member's direct  
213 pro rata share of the tax imposed pursuant to this section  
214 on such partnership or S corporation if it is an affected  
215 business entity and its indirect pro rata share of the tax  
216 imposed on any affected business entity in which such  
217 affected business entity is a direct or indirect member.

218 8. (1) Each member that is subject to the tax imposed  
219 pursuant to section 143.011 shall be entitled to a credit  
220 against the tax imposed pursuant to section 143.011. Such  
221 credit shall be in an amount equal to such member's direct  
222 and indirect pro rata share of the tax paid pursuant to this

223 section by any affected business entity of which such member  
224 is directly or indirectly a member.

225 (2) If the amount of the credit authorized by this  
226 subsection exceeds such member's tax liability for the tax  
227 imposed pursuant to section 143.011, the excess amount shall  
228 not be refunded but may be carried forward to each  
229 succeeding tax year until such credit is fully taken.

230 9. (1) Each member that is subject to the tax imposed  
231 pursuant to section 143.011 as a resident or part-year  
232 resident of this state shall be entitled to a credit against  
233 the tax imposed pursuant to section 143.011 for such  
234 member's direct and indirect pro rata share of taxes paid to  
235 another state of the United States or to the District of  
236 Columbia, on income of any partnership or S corporation of  
237 which such person is a member that is derived therefrom,  
238 provided the taxes paid to another state of the United  
239 States or to the District of Columbia results from a tax  
240 that the director of revenue determines is substantially  
241 similar to the tax imposed pursuant to this section. Any  
242 such credit shall be calculated in a manner to be prescribed  
243 by the director of revenue, provided such calculation is  
244 consistent with the provisions of this section, and further  
245 provided that the limitations provided in subsection 2 of  
246 section 143.081 shall apply to the credit authorized by this  
247 subsection.

248 (2) If the amount of the credit authorized by this  
249 subsection exceeds such member's tax liability for the tax  
250 imposed pursuant to section 143.011, the excess amount shall  
251 not be refunded and shall not be carried forward.

252 10. (1) Each corporation that is subject to the tax  
253 imposed pursuant to section 143.071 and that is a member  
254 shall be entitled to a credit against the tax imposed  
255 pursuant to section 143.071. Such credit shall be in an

256 amount equal to such corporation's direct and indirect pro  
257 rata share of the tax paid pursuant to this section by any  
258 affected business entity of which such corporation is  
259 directly or indirectly a member. Such credit shall be  
260 applied after all other credits.

261 (2) If the amount of the credit authorized by this  
262 subsection exceeds such corporation's tax liability for the  
263 tax imposed pursuant to section 143.071, the excess amount  
264 shall not be refunded but may be carried forward to each  
265 succeeding tax year until such credit is fully taken.

266 11. A partnership or an S corporation may elect to  
267 become an affected business entity that is required to pay  
268 the tax pursuant to this section in any tax year. A  
269 separate election shall be made for each taxable year. Such  
270 election shall be made on such form and in such manner as  
271 the director of revenue may prescribe by rule. An election  
272 made pursuant to this subsection shall be signed by:

273 (1) Each member of the electing entity who is a member  
274 at the time the election is filed; or

275 (2) Any officer, manager, or member of the electing  
276 entity who is authorized to make the election and who  
277 attests to having such authorization under penalty of  
278 perjury.

279 12. The provisions of sections 143.425 and 143.601  
280 shall apply to any modifications made to an affected  
281 business entity's federal return, and such affected business  
282 entity shall pay any resulting underpayment of tax to the  
283 extent not already paid pursuant to section 143.425.

284 13. (1) With respect to an action required or  
285 permitted to be taken by an affected business entity  
286 pursuant to this section, a proceeding under section 143.631  
287 for reconsideration by the director of revenue, an appeal to  
288 the administrative hearing commission, or a review by the

289 judiciary with respect to such action, the affected business  
290 entity shall designate an affected business entity  
291 representative for the tax year, and such affected business  
292 entity representative shall have the sole authority to act  
293 on behalf of the affected business entity, and the affected  
294 business entity's members shall be bound by those actions.

295 (2) The department of revenue may establish reasonable  
296 qualifications and procedures for designating a person to be  
297 the affected business entity representative.

298 (3) The affected business entity representative shall  
299 be considered an authorized representative of the affected  
300 business entity and its members under section 32.057 for the  
301 purposes of compliance with this section, or participating  
302 in a proceeding described in subdivision (1) of this  
303 subsection.

304 14. The provisions of this section shall only apply to  
305 tax years ending on or after December 31, 2022.

306 15. The department of revenue may promulgate rules to  
307 implement the provisions of this section. Any rule or  
308 portion of a rule, as that term is defined in section  
309 536.010, that is created under the authority delegated in  
310 this section shall become effective only if it complies with  
311 and is subject to all of the provisions of chapter 536 and,  
312 if applicable, section 536.028. This section and chapter  
313 536 are nonseverable and if any of the powers vested with  
314 the general assembly pursuant to chapter 536 to review, to  
315 delay the effective date, or to disapprove and annul a rule  
316 are subsequently held unconstitutional, then the grant of  
317 rulemaking authority and any rule proposed or adopted after  
318 August 28, 2022, shall be invalid and void.

319 144.010. 1. The following words, terms, and phrases  
320 when used in sections 144.010 to 144.525 have the meanings

321 ascribed to them in this section, except when the context  
322 indicates a different meaning:

323 (1) "Admission" includes seats and tables, reserved or  
324 otherwise, and other similar accommodations and charges made  
325 therefor and amount paid for admission, exclusive of any  
326 admission tax imposed by the federal government or by  
327 sections 144.010 to 144.525;

328 (2) "Business" includes any activity engaged in by any  
329 person, or caused to be engaged in by him, with the object  
330 of gain, benefit or advantage, either direct or indirect,  
331 and the classification of which business is of such  
332 character as to be subject to the terms of sections 144.010  
333 to 144.525. A person is "engaging in business" in this  
334 state for purposes of sections 144.010 to 144.525 if such  
335 person engages in business activities within this state or  
336 maintains a place of business in this state under section  
337 144.605. The isolated or occasional sale of tangible  
338 personal property, service, substance, or thing, by a person  
339 not engaged in such business, does not constitute engaging  
340 in business within the meaning of sections 144.010 to  
341 144.525 unless the total amount of the gross receipts from  
342 such sales, exclusive of receipts from the sale of tangible  
343 personal property by persons which property is sold in the  
344 course of the partial or complete liquidation of a  
345 household, farm or nonbusiness enterprise, exceeds three  
346 thousand dollars in any calendar year. The provisions of  
347 this subdivision shall not be construed to make any sale of  
348 property which is exempt from sales tax or use tax on June  
349 1, 1977, subject to that tax thereafter;

350 (3) "Captive wildlife", includes but is not limited to  
351 exotic partridges, gray partridge, northern bobwhite quail,  
352 ring-necked pheasant, captive waterfowl, captive white-  
353 tailed deer, captive elk, and captive furbearers held under

354 permit issued by the Missouri department of conservation for  
355 hunting purposes. The provisions of this subdivision shall  
356 not apply to sales tax on a harvested animal;

357 (4) "Gross receipts", except as provided in section  
358 144.012, means the total amount of the sale price of the  
359 sales at retail including any services other than charges  
360 incident to the extension of credit that are a part of such  
361 sales made by the businesses herein referred to, capable of  
362 being valued in money, whether received in money or  
363 otherwise; except that, the term gross receipts shall not  
364 include the sale price of property returned by customers  
365 when the full sale price thereof is refunded either in cash  
366 or by credit. In determining any tax due under sections  
367 144.010 to 144.525 on the gross receipts, charges incident  
368 to the extension of credit shall be specifically exempted.  
369 For the purposes of sections 144.010 to 144.525 the total  
370 amount of the sale price above mentioned shall be deemed to  
371 be the amount received. It shall also include the lease or  
372 rental consideration where the right to continuous  
373 possession or use of any article of tangible personal  
374 property is granted under a lease or contract and such  
375 transfer of possession would be taxable if outright sale  
376 were made and, in such cases, the same shall be taxable as  
377 if outright sale were made and considered as a sale of such  
378 article, and the tax shall be computed and paid by the  
379 lessee upon the rentals paid. The term gross receipts shall  
380 not include usual and customary delivery charges that are  
381 stated separately from the sale price;

382 (5) "Instructional class", includes any class, lesson,  
383 or instruction intended or used for teaching;

384 (6) "Livestock", cattle, calves, sheep, swine, ratite  
385 birds, including but not limited to, ostrich and emu,  
386 aquatic products as described in section 277.024, llamas,

387 alpaca, buffalo, bison, elk documented as obtained from a  
388 legal source and not from the wild, goats, horses, other  
389 equine, honey bees, or rabbits raised in confinement for  
390 human consumption;

391 (7) "Motor vehicle leasing company" shall be a company  
392 obtaining a permit from the director of revenue to operate  
393 as a motor vehicle leasing company. Not all persons renting  
394 or leasing trailers or motor vehicles need to obtain such a  
395 permit; however, no person failing to obtain such a permit  
396 may avail itself of the optional tax provisions of  
397 subsection 5 of section 144.070, as hereinafter provided;

398 (8) "Person" includes any individual, firm,  
399 copartnership, joint adventure, association, corporation,  
400 municipal or private, and whether organized for profit or  
401 not, state, county, political subdivision, state department,  
402 commission, board, bureau or agency, except the state  
403 transportation department, estate, trust, business trust,  
404 receiver or trustee appointed by the state or federal court,  
405 syndicate, or any other group or combination acting as a  
406 unit, and the plural as well as the singular number;

407 (9) "Product which is intended to be sold ultimately  
408 for final use or consumption" means tangible personal  
409 property, or any service that is subject to state or local  
410 sales or use taxes, or any tax that is substantially  
411 equivalent thereto, in this state or any other state;

412 (10) "Purchaser" means a person who purchases tangible  
413 personal property or to whom are rendered services, receipts  
414 from which are taxable under sections 144.010 to 144.525;

415 (11) "Research or experimentation activities" are the  
416 development of an experimental or pilot model, plant  
417 process, formula, invention or similar property, and the  
418 improvement of existing property of such type. Research or  
419 experimentation activities do not include activities such as

420 ordinary testing or inspection of materials or products for  
421 quality control, efficiency surveys, advertising promotions  
422 or research in connection with literary, historical or  
423 similar projects;

424 (12) "Sale" or "sales" includes installment and credit  
425 sales, and the exchange of properties as well as the sale  
426 thereof for money, every closed transaction constituting a  
427 sale, and means any transfer, exchange or barter,  
428 conditional or otherwise, in any manner or by any means  
429 whatsoever, of tangible personal property for valuable  
430 consideration and the rendering, furnishing or selling for a  
431 valuable consideration any of the substances, things and  
432 services herein designated and defined as taxable under the  
433 terms of sections 144.010 to 144.525;

434 (13) "Sale at retail" means any transfer made by any  
435 person engaged in business as defined herein of the  
436 ownership of, or title to, tangible personal property to the  
437 purchaser, for use or consumption and not for resale in any  
438 form as tangible personal property, for a valuable  
439 consideration; except that, for the purposes of sections  
440 144.010 to 144.525 and the tax imposed thereby: (i)  
441 purchases of tangible personal property made by duly  
442 licensed physicians, dentists, optometrists and  
443 veterinarians and used in the practice of their professions  
444 shall be deemed to be purchases for use or consumption and  
445 not for resale; and (ii) the selling of computer printouts,  
446 computer output or microfilm or microfiche and computer-  
447 assisted photo compositions to a purchaser to enable the  
448 purchaser to obtain for his or her own use the desired  
449 information contained in such computer printouts, computer  
450 output on microfilm or microfiche and computer-assisted  
451 photo compositions shall be considered as the sale of a  
452 service and not as the sale of tangible personal property.



453 Where necessary to conform to the context of sections  
454 144.010 to 144.525 and the tax imposed thereby, the term  
455 sale at retail shall be construed to embrace:

456 (a) Sales of admission tickets, cash admissions,  
457 charges and fees to or in places of amusement, entertainment  
458 and recreation, games and athletic events, except amounts  
459 paid for any instructional class;

460 (b) Sales of electricity, electrical current, water  
461 and gas, natural or artificial, to domestic, commercial or  
462 industrial consumers, except as provided in subdivision (12)  
463 of subsection 1 of section 144.011;

464 (c) Sales of local and long distance  
465 telecommunications service to telecommunications subscribers  
466 and to others through equipment of telecommunications  
467 subscribers for the transmission of messages and  
468 conversations, and the sale, rental or leasing of all  
469 equipment or services pertaining or incidental thereto;

470 (d) Sales of service for transmission of messages by  
471 telegraph companies;

472 (e) Sales or charges for all rooms, meals and drinks  
473 furnished at any hotel, motel, tavern, inn, restaurant,  
474 eating house, drugstore, dining car, tourist camp, tourist  
475 cabin, or other place in which rooms, meals or drinks are  
476 regularly served to the public;

477 (f) Sales of tickets by every person operating a  
478 railroad, sleeping car, dining car, express car, boat,  
479 airplane, and such buses and trucks as are licensed by the  
480 division of motor carrier and railroad safety of the  
481 department of economic development of Missouri, engaged in  
482 the transportation of persons for hire;

483 (14) "Seller" means a person selling or furnishing  
484 tangible personal property or rendering services, on the

485 receipts from which a tax is imposed pursuant to section  
486 144.020;

487 (15) The noun "tax" means either the tax payable by  
488 the purchaser of a commodity or service subject to tax, or  
489 the aggregate amount of taxes due from the vendor of such  
490 commodities or services during the period for which he or  
491 she is required to report his or her collections, as the  
492 context may require; and

493 (16) "Telecommunications service", for the purpose of  
494 this chapter, the transmission of information by wire,  
495 radio, optical cable, coaxial cable, electronic impulses, or  
496 other similar means. As used in this definition,  
497 "information" means knowledge or intelligence represented by  
498 any form of writing, signs, signals, pictures, sounds, or  
499 any other symbols. Telecommunications service does not  
500 include the following if such services are separately stated  
501 on the customer's bill or on records of the seller  
502 maintained in the ordinary course of business:

503 (a) Access to the internet, access to interactive  
504 computer services or electronic publishing services, except  
505 the amount paid for the telecommunications service used to  
506 provide such access;

507 (b) Answering services and one-way paging services;

508 (c) Private mobile radio services which are not two-  
509 way commercial mobile radio services such as wireless  
510 telephone, personal communications services or enhanced  
511 specialized mobile radio services as defined pursuant to  
512 federal law; or

513 (d) Cable or satellite television or music services.

514 2. For purposes of the taxes imposed under sections  
515 144.010 to 144.525, and any other provisions of law  
516 pertaining to sales or use taxes which incorporate the  
517 provisions of sections 144.010 to 144.525 by reference, the

518 term manufactured homes shall have the same meaning given it  
519 in section 700.010.

520 3. Sections 144.010 to 144.525 may be known and quoted  
521 as the "Sales Tax Law".

522 144.011. 1. For purposes of this chapter, and the  
523 taxes imposed thereby, the definition of "retail sale" or  
524 "sale at retail" shall not be construed to include any of  
525 the following:

526 (1) The transfer by one corporation of substantially  
527 all of its tangible personal property to another corporation  
528 pursuant to a merger or consolidation effected under the  
529 laws of the state of Missouri or any other jurisdiction;

530 (2) The transfer of tangible personal property  
531 incident to the liquidation or cessation of a taxpayer's  
532 trade or business, conducted in proprietorship, partnership  
533 or corporate form, except to the extent any transfer is made  
534 in the ordinary course of the taxpayer's trade or business;

535 (3) The transfer of tangible personal property to a  
536 corporation solely in exchange for its stock or securities;

537 (4) The transfer of tangible personal property to a  
538 corporation by a shareholder as a contribution to the  
539 capital of the transferee corporation;

540 (5) The transfer of tangible personal property to a  
541 partnership solely in exchange for a partnership interest  
542 therein;

543 (6) The transfer of tangible personal property by a  
544 partner as a contribution to the capital of the transferee  
545 partnership;

546 (7) The transfer of tangible personal property by a  
547 corporation to one or more of its shareholders as a  
548 dividend, return of capital, distribution in the partial or  
549 complete liquidation of the corporation or distribution in  
550 redemption of the shareholder's interest therein;

551 (8) The transfer of tangible personal property by a  
552 partnership to one or more of its partners as a current  
553 distribution, return of capital or distribution in the  
554 partial or complete liquidation of the partnership or of the  
555 partner's interest therein;

556 (9) The transfer of reusable containers used in  
557 connection with the sale of tangible personal property  
558 contained therein for which a deposit is required and  
559 refunded on return;

560 (10) The purchase by persons operating eating or food  
561 service establishments, of items of a nonreusable nature  
562 which are furnished to the customers of such establishments  
563 with or in conjunction with the retail sales of their food  
564 or beverage. Such items shall include, but not be limited  
565 to, wrapping or packaging materials and nonreusable paper,  
566 wood, plastic and aluminum articles such as containers,  
567 trays, napkins, dishes, silverware, cups, bags, boxes,  
568 straws, sticks and toothpicks;

569 (11) The purchase by persons operating hotels, motels  
570 or other transient accommodation establishments, of items of  
571 a nonreusable nature which are furnished to the guests in  
572 the guests' rooms of such establishments and such items are  
573 included in the charge made for such accommodations. Such  
574 items shall include, but not be limited to, soap, shampoo,  
575 tissue and other toiletries and food or confectionery items  
576 offered to the guests without charge;

577 (12) The purchase by persons operating hotels, motels,  
578 or other transient accommodation establishments of  
579 electricity, electrical current, water, and gas, whether  
580 natural or artificial, which are used to heat, cool, or  
581 provide water or power to the guests' accommodations of such  
582 establishments, including sleeping rooms, meeting and  
583 banquet rooms, and any other customer space rented by

584 guests, and which are included in the charge made for such  
585 accommodations. Any person required to remit sales tax on  
586 such purchases prior to August 28, 2022, shall be entitled  
587 to a refund on such taxes remitted;

588 (13) The transfer of a manufactured home other than:

589 (a) A transfer which involves the delivery of the  
590 document known as the "Manufacturer's Statement of Origin"  
591 to a person other than a manufactured home dealer, as  
592 defined in section 700.010, for purposes of allowing such  
593 person to obtain a title to the manufactured home from the  
594 department of revenue of this state or the appropriate  
595 agency or officer of any other state;

596 (b) A transfer which involves the delivery of a  
597 "Repossessed Title" to a resident of this state if the tax  
598 imposed by this chapter was not paid on the transfer of the  
599 manufactured home described in paragraph (a) of this  
600 subdivision;

601 (c) The first transfer which occurs after December 31,  
602 1985, if the tax imposed by this chapter was not paid on any  
603 transfer of the same manufactured home which occurred before  
604 December 31, 1985; or

605 ~~[(13)]~~ (14) Charges for initiation fees or dues to:

606 (a) Fraternal beneficiaries societies, or domestic  
607 fraternal societies, orders or associations operating under  
608 the lodge system a substantial part of the activities of  
609 which are devoted to religious, charitable, scientific,  
610 literary, educational or fraternal purposes;

611 (b) Posts or organizations of past or present members  
612 of the Armed Forces of the United States or an auxiliary  
613 unit or society of, or a trust or foundation for, any such  
614 post or organization substantially all of the members of  
615 which are past or present members of the Armed Forces of the  
616 United States or who are cadets, spouses, widows, or

617 widowers of past or present members of the Armed Forces of  
618 the United States, no part of the net earnings of which  
619 inures to the benefit of any private shareholder or  
620 individual; or

621 (c) Nonprofit organizations exempt from taxation under  
622 Section 501(c)(7) of the Internal Revenue Code of 1986, as  
623 amended.

624 2. The assumption of liabilities of the transferor by  
625 the transferee incident to any of the transactions  
626 enumerated in the above subdivisions (1) to (8) of  
627 subsection 1 of this section shall not disqualify the  
628 transfer from the exclusion described in this section, where  
629 such liability assumption is related to the property  
630 transferred and where the assumption does not have as its  
631 principal purpose the avoidance of Missouri sales or use  
632 tax."; and

633 Further amend the title and enacting clause accordingly.

# SENATE AMENDMENT NO. 3

Offered by Williams of 14

Amend <sup>SS</sup> House Bill No. 2400, Page 1, Section A, Line 3

2 by inserting after all of said line the following:

3 "135.800. 1. The provisions of sections 135.800 to  
4 135.830 shall be known and may be cited as the "Tax Credit  
5 Accountability Act of 2004".

6 2. As used in sections 135.800 to 135.830, the  
7 following terms mean:

8 (1) "Administering agency", the state agency or  
9 department charged with administering a particular tax  
10 credit program, as set forth by the program's enacting  
11 statute; where no department or agency is set forth, the  
12 department of revenue;

13 (2) "Agricultural tax credits", the agricultural  
14 product utilization contributor tax credit created pursuant  
15 to section 348.430, the new generation cooperative incentive  
16 tax credit created pursuant to section 348.432, the family  
17 farm breeding livestock loan tax credit created under  
18 section 348.505, the qualified beef tax credit created under  
19 section 135.679, and the wine and grape production tax  
20 credit created pursuant to section 135.700;

21 (3) [~~"All tax credit programs", or "any tax credit  
22 program", the tax credit programs included in the  
23 definitions of agricultural tax credits, business  
24 recruitment tax credits, community development tax credits,  
25 domestic and social tax credits, entrepreneurial tax  
26 credits, environmental tax credits, financial and insurance~~]

*Offered 5/4/22*  
*Adopted 11*

27 [REDACTED]  
 28 [REDACTED]  
 29 [REDACTED] "Business recruitment tax credits", the business  
 30 facility tax credit created pursuant to sections 135.110 to  
 31 135.150 and section 135.258, the enterprise zone tax  
 32 benefits created pursuant to sections 135.200 to 135.270,  
 33 the business use incentives for large-scale development  
 34 programs created pursuant to sections 100.700 to 100.850,  
 35 the development tax credits created pursuant to sections  
 36 32.100 to 32.125, the rebuilding communities tax credit  
 37 created pursuant to section 135.535, the film production tax  
 38 credit created pursuant to section 135.750, the enhanced  
 39 enterprise zone created pursuant to sections 135.950 to  
 40 135.970, and the Missouri quality jobs program created  
 41 pursuant to sections 620.1875 to 620.1900;

42 [REDACTED] (4) "Community development tax credits", the  
 43 neighborhood assistance tax credit created pursuant to  
 44 sections 32.100 to 32.125, the family development account  
 45 tax credit created pursuant to sections 208.750 to 208.775,  
 46 the dry fire hydrant tax credit created pursuant to section  
 47 320.093, and the transportation development tax credit  
 48 created pursuant to section 135.545;

49 [REDACTED] (5) "Domestic and social tax credits", the youth  
 50 opportunities tax credit created pursuant to section 135.460  
 51 and sections 620.1100 to 620.1103, the shelter for victims  
 52 of domestic violence created pursuant to section 135.550,  
 53 the senior citizen or disabled person property tax credit  
 54 created pursuant to sections 135.010 to 135.035, the  
 55 adoption tax credit created pursuant to sections 135.325 to  
 56 135.339, the champion for children tax credit created  
 57 pursuant to section 135.341, the maternity home tax credit  
 58 created pursuant to section 135.600, the surviving spouse  
 59 tax credit created pursuant to section 135.090, the



60 residential treatment agency tax credit created pursuant to  
61 section 135.1150, the pregnancy resource center tax credit  
62 created pursuant to section 135.630, the food pantry tax  
63 credit created pursuant to section 135.647, ~~[the health care~~  
64 ~~access fund tax credit created pursuant to section 135.575]~~  
65 the residential dwelling access tax credit created pursuant  
66 to section 135.562, the developmental disability care  
67 provider tax credit created under section 135.1180, the  
68 shared care tax credit created pursuant to section 192.2015,  
69 the health, hunger, and hygiene tax credit created pursuant  
70 to section 135.1125, and the diaper bank tax credit created  
71 pursuant to section 135.621;

72 ~~[(7)]~~ (6) "Entrepreneurial tax credits", the capital  
73 tax credit created pursuant to sections 135.400 to 135.429,  
74 the certified capital company tax credit created pursuant to  
75 sections 135.500 to 135.529, the seed capital tax credit  
76 created pursuant to sections 348.300 to 348.318, the new  
77 enterprise creation tax credit created pursuant to sections  
78 620.635 to 620.653, the research tax credit created pursuant  
79 to section 620.1039, the small business incubator tax credit  
80 created pursuant to section 620.495, the guarantee fee tax  
81 credit created pursuant to section 135.766, and the new  
82 generation cooperative tax credit created pursuant to  
83 sections 32.105 to 32.125;

84 ~~[(8)]~~ (7) "Environmental tax credits", the charcoal  
85 producer tax credit created pursuant to section 135.313, the  
86 wood energy tax credit created pursuant to sections 135.300  
87 to 135.311, and the alternative fuel stations tax credit  
88 created pursuant to section 135.710;

89 ~~[(9)]~~ (8) "Financial and insurance tax credits", the  
90 bank franchise tax credit created pursuant to section  
91 148.030, the bank tax credit for S corporations created  
92 pursuant to section 143.471, the exam fee tax credit created

93 pursuant to section 148.400, the health insurance pool tax  
 94 credit created pursuant to section 376.975, the life and  
 95 health insurance guaranty tax credit created pursuant to  
 96 section 376.745, the property and casualty guaranty tax  
 97 credit created pursuant to section 375.774, and the self-  
 98 employed health insurance tax credit created pursuant to  
 99 section 143.119;

100 ~~[(10)]~~ (9) "Housing tax credits", the neighborhood  
 101 preservation tax credit created pursuant to sections 135.475  
 102 to 135.487, the low-income housing tax credit created  
 103 pursuant to sections 135.350 to 135.363, and the affordable  
 104 housing tax credit created pursuant to sections 32.105 to  
 105 32.125;

106 ~~[(11)]~~ (10) "Recipient", the individual or entity who  
 107 both:

108 (a) Is the original applicant for ~~[and who receives~~  
 109 ~~proceeds from a tax credit program directly from the~~  
 110 ~~administering agency, the person or entity responsible for~~  
 111 ~~the reporting requirements established in section 135.805]~~ a  
 112 tax credit; and

113 (b) Who directly receives a tax credit or the right to  
 114 transfer a tax credit under a tax credit program, regardless  
 115 as to whether the tax credit has been used or redeemed; a  
 116 recipient shall not include the transferee of a transferable  
 117 tax credit;

118 ~~[(12)]~~ (11) "Redevelopment tax credits", the historic  
 119 preservation tax credit created pursuant to sections 253.545  
 120 to 253.559, the brownfield redevelopment program tax credit  
 121 created pursuant to sections 447.700 to 447.718, the  
 122 community development corporations tax credit created  
 123 pursuant to sections 135.400 to 135.430, the infrastructure  
 124 tax credit created pursuant to subsection 6 of section  
 125 100.286, the bond guarantee tax credit created pursuant to

126 section 100.297, the disabled access tax credit created  
 127 pursuant to section 135.490, the new markets tax credit  
 128 created pursuant to section 135.680, and the distressed  
 129 areas land assemblage tax credit created pursuant to section  
 130 99.1205;

131 (12) "Tax credit program", any of the tax credit  
 132 programs included in the definitions of agricultural tax  
 133 credits, business recruitment tax credits, community  
 134 development tax credits, domestic and social tax credits,  
 135 entrepreneurial tax credits, environmental tax credits,  
 136 housing tax credits, redevelopment tax credits, and training  
 137 and educational tax credits;

138 (13) "Training and educational tax credits", the  
 139 Missouri works new jobs tax credit and Missouri works  
 140 retained jobs credit created pursuant to sections 620.800 to  
 141 620.809."; and

142 Further amend said bill, page \_\_\_\_, Section \_\_\_\_\_,  
 143 line \_\_\_\_, by inserting after all of said line the following:

144 "135.802. 1. Beginning January 1, 2005, all  
 145 applications for all tax credit programs shall include, in  
 146 addition to any requirements provided by the enacting  
 147 statutes of a particular credit program, the following  
 148 information to be submitted to the department administering  
 149 the tax credit:

150 (1) Name, address, and phone number of the applicant  
 151 or applicants, and the name, address, and phone number of a  
 152 contact person or agent for the applicant or applicants;

153 (2) Taxpayer type, whether individual, corporation,  
 154 nonprofit or other, and taxpayer identification number, if  
 155 applicable;

156 (3) Standard industry code, if applicable;

157           (4) Program name and type of tax credit, including the  
158 identity of any other state or federal program being  
159 utilized for the same activity or project; and

160           (5) Number of estimated jobs to be directly created,  
161 as a result of the tax credits, if applicable, separated by  
162 construction, part-time permanent, and full-time permanent.

163           2. In addition to the information required by  
164 subsection 1 of this section, an applicant for a community  
165 development tax credit shall also provide information  
166 detailing the title and location of the corresponding  
167 project, the estimated time period for completion of the  
168 project, and all geographic areas impacted by the project.

169           3. In addition to the information required by  
170 subsection 1 of this section, an applicant for a  
171 redevelopment tax credit shall also provide information  
172 detailing the location and legal description of the  
173 property, age of the structure, if applicable, whether the  
174 property is residential, commercial, or governmental, and  
175 the projected project cost, labor cost, and projected date  
176 of completion. Where a redevelopment tax credit applicant  
177 is required to submit contemporaneously a federal  
178 application for a similar credit on the same underlying  
179 project, the submission of a copy of the federal application  
180 shall be sufficient to meet the requirements of this  
181 subsection.

182           4. In addition to the information required by  
183 subsection 1 of this section, an applicant for a business  
184 recruitment tax credit shall also provide information  
185 detailing the category of business by size, the address of  
186 the business headquarters and all offices located within  
187 this state, the number of employees at the time of the  
188 application, the number of employees projected to increase

189 as a result of the completion of the project, and the  
190 estimated project cost.

191 5. In addition to the information required by  
192 subsection 1 of this section, an applicant for a training  
193 and educational tax credit shall also provide information  
194 detailing the name and address of the educational  
195 institution to be used, the average salary of workers to be  
196 served, the estimated project cost, and the number of  
197 employees and number of students to be served.

198 6. In addition to the information required by  
199 subsection 1 of this section, an applicant for a housing tax  
200 credit also shall provide information detailing the address,  
201 legal description, and fair market value of the property,  
202 and the projected labor cost and projected completion date  
203 of the project. Where a housing tax credit applicant is  
204 required to submit contemporaneously a federal application  
205 for a similar credit on the same underlying project, the  
206 submission of a copy of the federal application shall be  
207 sufficient to meet the requirements of this subsection. For  
208 the purposes of this subsection, "fair market value" means  
209 the value as of the purchase of the property or the most  
210 recent assessment, whichever is more recent.

211 7. In addition to the information required by  
212 subsection 1 of this section, an applicant for an  
213 entrepreneurial tax credit shall also provide information  
214 detailing the amount of investment and the names of the  
215 project, fund, and research project.

216 8. In addition to the information required by  
217 subsection 1 of this section, an applicant for an  
218 agricultural tax credit shall also provide information  
219 detailing the type of agricultural commodity, the amount of  
220 contribution, the type of equipment purchased, and the name  
221 and description of the facility.

222           9. In addition to the information required by  
223 subsection 1 of this section, an applicant for an  
224 environmental tax credit shall also include information  
225 detailing the type of equipment, if applicable, purchased  
226 and any environmental impact statement, if required by state  
227 or federal law.

228           10. An administering agency, or the department of  
229 economic development with the consent of an administering  
230 agency, may, by rule, require additional information to be  
231 submitted by an applicant. Any rule or portion of a rule,  
232 as that term is defined in section 536.010, that is created  
233 pursuant to the authority delegated in this section shall  
234 become effective only if it complies with and is subject to  
235 all of the provisions of chapter 536 and if applicable,  
236 section 536.028. This section and chapter 536 are  
237 nonseverable and if any of the powers vested with the  
238 general assembly pursuant to chapter 536 to review, to delay  
239 the effective date or to disapprove and annul a rule are  
240 subsequently held unconstitutional, then the grant of  
241 rulemaking authority and any rule proposed or adopted after  
242 August 28, 2004, shall be void.

243           11. Where the sole requirement for receiving a tax  
244 credit in the enabling legislation of any tax credit is an  
245 obligatory assessment upon a taxpayer or a monetary  
246 contribution to a particular group or entity, the  
247 application requirements provided in this section shall  
248 apply to the recipient of such assessment or contribution  
249 and shall not apply to the assessed nor the contributor.

250           12. It shall be the duty of each administering agency  
251 to provide information to every applicant, at some time  
252 prior to authorization of an applicant's tax credit  
253 application, wherein the requirements of this section, the  
254 annual reporting requirements of section 135.805, and the

255 penalty provisions of section 135.810 are described in  
256 detail. Every applicant for a tax credit under a tax credit  
257 program, as part of the application process and as a  
258 condition of receiving such tax credit, shall sign a  
259 statement affirming that the applicant is aware of the  
260 reporting requirements of section 135.805 and the penalty  
261 provisions of section 135.810."; and

262 Further amend said bill, page \_\_\_\_, Section \_\_\_\_\_,  
263 line \_\_\_\_, by inserting after all of said line the following:

264 "135.805. 1. A recipient of any tax credit program,  
265 except domestic and social tax credits [~~environmental tax~~  
266 ~~credits,~~] or financial and insurance tax credits, shall  
267 [~~annually~~] on June thirtieth of each year, for a period of  
268 three years following the issuance of the tax credits,  
269 provide to the administering agency the actual number of  
270 jobs directly created that year as of June thirtieth as a  
271 result of the tax credits, [~~at the location on the last day~~  
272 ~~of the annual reporting period,~~] separated by part-time  
273 permanent and full-time permanent for each month of the  
274 preceding twelve-month period.

275 2. A recipient of a community development tax credit  
276 shall [~~annually~~] on June thirtieth of each year, for a  
277 period of three years following issuance of tax credits,  
278 provide to the administering agency information confirming  
279 the title and location of the corresponding project, the  
280 estimated and actual project cost, the estimated [~~or~~] and  
281 actual time period for completion of the project, and all  
282 geographic areas impacted by the project.

283 3. A recipient of a redevelopment tax credit shall  
284 [~~annually~~] on June thirtieth of each year, for a period of  
285 three years following issuance of tax credits, provide to  
286 the administering agency information confirming whether the  
287 property is used for residential, commercial, or

288 governmental purposes, and the projected ~~[or]~~ and actual  
289 project cost, labor cost, and date of completion.

290 4. A recipient of a business recruitment tax credit  
291 shall ~~[annually]~~ on June thirtieth of each year, for a  
292 period of three years following issuance of tax credits,  
293 provide to the administering agency information confirming  
294 the category of business by size, the address of the  
295 business headquarters and all offices located within this  
296 state, the number of employees at the time of the annual  
297 update, an updated estimate of the number of employees  
298 projected to increase as a result of the completion of the  
299 project, and the estimated ~~[or]~~ and actual project cost.

300 5. A recipient of a training and educational tax  
301 credit shall ~~[annually]~~ on June thirtieth of each year, for  
302 a period of three years following issuance of tax credits,  
303 provide to the administering agency information confirming  
304 the name and address of the educational institution used,  
305 the average salary of workers served as of such annual  
306 update, the estimated ~~[or]~~ and actual project cost, and the  
307 number of employees and number of students served as of such  
308 annual update.

309 6. A recipient of a housing tax credit shall  
310 ~~[annually]~~ on June thirtieth of each year, for a period of  
311 three years following issuance of tax credits, provide to  
312 the administering agency information confirming the address  
313 of the property, the fair market value of the property, as  
314 defined in subsection 6 of section 135.802, and the  
315 projected ~~[or]~~ and actual labor ~~[cost]~~ and project costs and  
316 completion date of the project.

317 7. A recipient of an entrepreneurial tax credit shall  
318 ~~[annually]~~ on June thirtieth of each year, for a period of  
319 three years following issuance of tax credits, provide to  
320 the administering agency information confirming the amount



321 of investment and the names of the project, fund, and  
322 research project.

323 8. A recipient of an agricultural tax credit shall  
324 ~~[annually]~~ on June thirtieth of each year, for a period of  
325 three years following issuance of tax credits, provide to  
326 the administering agency information confirming the type of  
327 agricultural commodity, the amount of contribution, the type  
328 of equipment purchased, and the name and description of the  
329 facility, except that if the agricultural credit is issued  
330 as a result of a producer member investing in a new  
331 generation processing entity or new generation cooperative  
332 then the new generation processing entity or new generation  
333 cooperative, and not the recipient, shall ~~[annually]~~ on June  
334 thirtieth of each year, for a period of three years  
335 following issuance of tax credits, provide to the  
336 administering agency information confirming the type of  
337 agricultural commodity, the amount of contribution, the type  
338 of equipment purchased, and the name and description of the  
339 facility.

340 9. A recipient of an environmental tax credit shall  
341 ~~[annually]~~ on June thirtieth of each year, for a period of  
342 three years following issuance of tax credits, provide to  
343 the administering agency information detailing any change to  
344 the type of equipment purchased, if applicable, and any  
345 change to any environmental impact statement, if such  
346 statement is required by state or federal law.

347 10. ~~[The reporting requirements established in this~~  
348 ~~section shall be due annually on June thirtieth of each~~  
349 ~~year.]~~ No person or entity shall be required to make an  
350 annual report until at least one ~~[year]~~ month after the  
351 credit issuance date.

352 11. Where the sole requirement for receiving a tax  
353 credit in the enabling legislation of any tax credit is an

354 obligatory assessment upon a taxpayer or a monetary  
355 contribution to a particular group or entity, the reporting  
356 requirements provided in this section shall apply to the  
357 recipient of such assessment or contribution and shall not  
358 apply to the assessed nor the contributor.

359 12. Where the enacting statutes of a particular tax  
360 credit program or the rules of a particular administering  
361 agency require reporting of information that includes the  
362 information required in sections 135.802 to 135.810, upon  
363 reporting of the required information, the applicant shall  
364 be deemed to be in compliance with the requirements of  
365 sections 135.802 to 135.810. The administering agency shall  
366 notify in writing the department of economic development of  
367 the administering agency's status as custodian of any  
368 particular tax credit program and that all records  
369 pertaining to the program are available at the administering  
370 agency's office or electronically for review by the  
371 department of economic development.

372 13. The provisions of subsections 1 to 10 of this  
373 section shall apply beginning on June 30, 2005.

374 14. Notwithstanding provisions of law to the contrary,  
375 every agency of this state charged with administering a tax  
376 credit program authorized under the laws of this state shall  
377 make available for public inspection the name of each tax  
378 credit recipient and the amount of tax credits issued to  
379 each such recipient. An administering agency may satisfy  
380 this requirement by making such information available to the  
381 public through the department of economic development's  
382 website or the Missouri accountability portal.

383 15. The department of economic development shall make  
384 all information provided under the provisions of this  
385 section available for public inspection on the department's  
386 website and the Missouri accountability portal.

387           16. The administering agency of any tax credit program  
388 for which reporting requirements are required under the  
389 provisions of subsection 1 of this section shall publish  
390 guidelines and may promulgate rules to implement the  
391 provisions of such subsection. Any rule or portion of a  
392 rule, as that term is defined in section 536.010, that is  
393 created under the authority delegated in this section shall  
394 become effective only if it complies with and is subject to  
395 all of the provisions of chapter 536 and, if applicable,  
396 section 536.028. This section and chapter 536 are  
397 nonseverable and if any of the powers vested with the  
398 general assembly pursuant to chapter 536 to review, to delay  
399 the effective date, or to disapprove and annul a rule are  
400 subsequently held unconstitutional, then the grant of  
401 rulemaking authority and any rule proposed or adopted after  
402 August 28, 2009, shall be invalid and void."; and

403           Further amend said bill, page \_\_\_\_, Section \_\_\_\_\_,  
404 line \_\_\_\_, by inserting after all of said line the following:

405           "135.810. 1. After credits have been issued, any  
406 failure to meet the annual reporting requirements  
407 established in section 135.805 or any determination of fraud  
408 in the application or reporting process shall result in  
409 penalties as follows:

410           (1) Failure to file the first annual report due under  
411 section 135.805 for more than [six] three months [but less  
412 than one year] shall result in a penalty equal to [two] one  
413 percent of the value of the credits issued for each month of  
414 delinquency [during such time period], provided such penalty  
415 shall not exceed a maximum of ten percent of the value of  
416 the credits issued;

417           (2) Failure to [report] file the second or third  
418 annual reports due under section 135.805 for more than [one  
419 year] three months shall result in a penalty equal to [ten]

420 one and one-half percent of the value of the credits issued  
421 for each month of delinquency [~~during such time period~~] up  
422 to [~~one hundred percent of the value of the credits issued is~~  
423 ~~assessed by way of penalty~~] a maximum of twenty percent, per  
424 report, of the value of the credits issued;

425 (3) Fraud in the application or reporting process  
426 shall result in a penalty equal to [~~one~~] two hundred percent  
427 of the credits issued. No [~~taxpayer~~] recipient shall be  
428 deemed to have committed fraud in the application or  
429 reporting process for any credit unless such conclusion has  
430 been reached by [~~a court of competent jurisdiction or~~] the  
431 administrative hearing commission. The department of  
432 revenue, the department of economic development, or the  
433 administering agency may, by filing a complaint, submit to  
434 the administrative hearing commission the question of  
435 whether fraud in the application or reporting process for  
436 any credit has occurred. The burden of proof shall be on  
437 the governmental agency in such disputes. The issue shall  
438 be decided by the administrative hearing commission under  
439 the same procedural and evidentiary rules as ordinary  
440 contested cases before it.

441 2. [~~Ninety~~] Thirty days after the annual report is  
442 past due, the administering agency shall send notice by  
443 registered or certified mail to the last known address of  
444 the person or entity obligated to complete the annual  
445 reporting informing such person or entity of the past-due  
446 annual report and describing in detail the pending penalties  
447 and their respective deadlines. [~~Six~~] Three months after  
448 the annual report is past due, the administering agency  
449 shall notify the department of revenue of any [~~taxpayer~~]  
450 recipient subject to penalties. The [~~taxpayer shall be~~  
451 liable for any penalties as of December thirty-first of any  
452 tax year and such liability] payment of a penalty under this

453 section shall be due as of the filing date of the  
454 [~~taxpayer's~~] recipient's next income tax return. If the  
455 [~~taxpayer's~~] recipient is not required to file an income tax  
456 return, the [~~taxpayer's~~] recipient's liability for penalties  
457 shall be due as of the next April fifteenth [~~of each year~~].  
458 The director of the department of revenue shall prepare  
459 forms and promulgate rules to allow for the reporting and  
460 satisfaction of liability for such penalties, and, for  
461 valuable consideration, may enter into agreements to  
462 compromise or abate some or all of the penalty amount. The  
463 director of the department of revenue shall offset any  
464 credits claimed on a contemporaneously filed tax return  
465 against an outstanding penalty before applying such credits  
466 to the tax year against which they were originally claimed.  
467 Any nonpayment of liability for penalties by the date due  
468 under this subsection shall be subject to the same  
469 provisions of law as a liability for unpaid income taxes,  
470 including [~~but not limited to, interest and penalty~~  
471 ~~provisions~~] underpayment interest provisions but excluding  
472 income tax penalty and addition to tax provisions.

473 3. Penalties shall remain the liability of the person  
474 or entity obligated to complete the annual reporting,  
475 without regard to any transfer of the credits.

476 4. Any person or entity obligated to complete the  
477 annual reporting requirements provided in section 135.805  
478 shall provide the proper administering agency with notice of  
479 change of address when [~~necessary~~] a change of address  
480 occurs. The administering agency shall notify the department  
481 of revenue and the department of economic development of  
482 such change of address.

483 5. An administering agency may promulgate rules in  
484 order to implement the provisions of this section. Any rule  
485 or portion of a rule, as that term is defined in section

486 536.010, that is created under the authority delegated in  
487 this section shall become effective only if it complies with  
488 and is subject to all of the provisions of chapter 536 and,  
489 if applicable, section 536.028. This section and chapter  
490 536 are nonseverable and if any of the powers vested with  
491 the general assembly pursuant to chapter 536 to review, to  
492 delay the effective date, or to disapprove and annul a rule  
493 are subsequently held unconstitutional, then the grant of  
494 rulemaking authority and any rule proposed or adopted after  
495 August 28, 2004, shall be invalid and void."; and

496 Further amend said bill, page \_\_\_\_, Section \_\_\_\_\_,  
497 line \_\_\_\_, by inserting after all of said line the following:

498 "135.815. 1. Prior to authorization of any tax credit  
499 application, an administering agency shall verify through  
500 the department of revenue that the tax credit applicant does  
501 not owe any delinquent income, sales, or use taxes, or  
502 interest, additions, or penalties on such taxes, and through  
503 the department of commerce and insurance that the applicant  
504 does not owe any delinquent insurance taxes. Such  
505 delinquency shall not affect the authorization of the  
506 application for such tax credits, except that the amount of  
507 credits issued shall be reduced by the applicant's tax  
508 delinquency. If the department of revenue or the department  
509 of commerce and insurance concludes that a taxpayer is  
510 delinquent after June fifteenth but before July first of any  
511 year, and the application of tax credits to such delinquency  
512 causes a tax deficiency on behalf of the taxpayer to arise,  
513 then the taxpayer shall be granted thirty days to satisfy  
514 the deficiency in which interest, penalties, and additions  
515 to tax shall be tolled. After applying all available  
516 credits towards a tax delinquency, the administering agency  
517 shall notify the appropriate department, and that department  
518 shall update the amount of outstanding delinquent tax owed

519 by the applicant. If any credits remain after satisfying  
 520 all insurance, income, sales, and use tax delinquencies, the  
 521 remaining credits shall be issued to the applicant, subject  
 522 to the restrictions of other provisions of law.

523 2. Any applicant of a tax credit program [~~contained in~~  
 524 ~~the definition of the term "all tax credit programs"~~] who  
 525 [~~purposefully and directly~~] knowingly employs unauthorized  
 526 aliens shall forfeit any tax credits issued to such  
 527 applicant which have not been redeemed, and shall repay the  
 528 amount of any tax credits redeemed by such applicant during  
 529 the period of time such unauthorized alien was employed by  
 530 the applicant. Such forfeiture and repayment shall be  
 531 additional to, and not in lieu of, any penalties imposed  
 532 pursuant to section 135.810. As used in this subsection,  
 533 the term "unauthorized alien" shall mean an alien who does  
 534 not have the legal right or authorization under federal law  
 535 to work in the United States, as defined under Section 8  
 536 U.S.C. 1324a(h)(3). The amount of tax credits required to  
 537 be repaid under this subsection, but which are not repaid by  
 538 the applicant, shall be subject to the same procedure and  
 539 provisions of law as a liability for unpaid income tax  
 540 arising on the date that the department of revenue became  
 541 aware of the violation of this provision."; and

542 Further amend said bill, page \_\_\_\_, Section \_\_\_\_\_,  
 543 line \_\_\_\_, by inserting after all of said line the following:

544 "135.825. 1. The administering agencies for all tax  
 545 credit programs shall, in cooperation with the department of  
 546 revenue and the department of economic development,  
 547 implement a system for tracking the amount of tax credits  
 548 authorized, issued, and redeemed. Any such agency may  
 549 promulgate rules for the implementation of this section.

550 2. The provisions of this section shall not apply to  
 551 any credit that is issued and redeemed simultaneously.

552           3. Any rule or portion of a rule, as that term is  
553 defined in section 536.010, that is created under the  
554 authority delegated in this section shall become effective  
555 only if it complies with and is subject to all of the  
556 provisions of chapter 536 and, if applicable, section  
557 536.028. This section and chapter 536 are nonseverable and  
558 if any of the powers vested with the general assembly  
559 pursuant to chapter 536 to review, to delay the effective  
560 date, or to disapprove and annul a rule are subsequently  
561 held unconstitutional, then the grant of rulemaking  
562 authority and any rule proposed or adopted after August 28,  
563 2004, shall be invalid and void."; and

564           Further amend said bill, page \_\_\_\_, Section \_\_\_\_\_,  
565 line \_\_\_\_, by inserting after all of said line the following:

566           "143.119. 1. A self-employed taxpayer, as such term,  
567 is used in the federal internal revenue code, who is  
568 otherwise ineligible for the federal income tax health  
569 insurance deduction under Section 162 of the federal  
570 internal revenue code shall be entitled to a credit against  
571 the tax otherwise due under this chapter, excluding  
572 withholding tax imposed by sections 143.191 to 143.265, in  
573 an amount equal to the portion of such taxpayer's federal  
574 tax liability incurred due to such taxpayer's inclusion of  
575 such payments in federal adjusted gross income. To be  
576 eligible for a credit under this section, the self-employed  
577 taxpayer shall have a Missouri income tax liability, before  
578 any other tax credits, of less than three thousand dollars.  
579 The tax credits authorized under this section shall be  
580 nontransferable, nonrefundable, and shall not be carried  
581 back or forward to any other tax year. [To the extent tax  
582 credit issued under this section exceeds a taxpayer's state  
583 income tax liability, such excess shall be considered an  
584 overpayment of tax and shall be refunded to the taxpayer.]



585 A self-employed taxpayer shall not claim both a tax credit  
586 under this section and a subtraction under section 143.113,  
587 for the same tax year.

588         2. The director of the department of revenue shall  
589 promulgate rules and regulations to administer the  
590 provisions of this section. Any rule or portion of a rule,  
591 as that term is defined in section 536.010, that is created  
592 under the authority delegated in this section shall become  
593 effective only if it complies with and is subject to all of  
594 the provisions of chapter 536 and, if applicable, section  
595 536.028. This section and chapter 536 are nonseverable and  
596 if any of the powers vested with the general assembly  
597 pursuant to chapter 536 to review, to delay the effective  
598 date, or to disapprove and annul a rule are subsequently  
599 held unconstitutional, then the grant of rulemaking  
600 authority and any rule proposed or adopted after August 28,  
601 2007, shall be invalid and void.

602         3. Pursuant to section 23.253 of the Missouri sunset  
603 act:

604             (1) The provisions of this section shall sunset  
605 automatically on December 31, 2028, unless reauthorized by  
606 an act of the general assembly; and

607             (2) If such program is reauthorized, this section  
608 shall sunset automatically December thirty-first six years  
609 after the effective date of the reauthorization of this  
610 section; and

611             (3) This section shall terminate on September first of  
612 the calendar year immediately following the calendar year in  
613 which the program authorized under this section is sunset;  
614 and

615             (4) The provisions of this subsection shall not be  
616 construed to limit or in any way impair the department's  
617 ability to redeem tax credits authorized on or before the

618 date the program authorized pursuant to this section  
619 expires, or a taxpayer's ability to redeem such tax  
620 credits."; and

621 Further amend said bill, page \_\_\_\_, Section \_\_\_\_\_,  
622 line \_\_\_\_, by inserting after all of said line the following:

623 "620.1039. 1. As used in this section, the [term]  
624 following terms shall mean:

625 (1) "Additional qualified research expenses", the  
626 difference between qualified research expenses, as certified  
627 by the director of economic development, incurred in a tax  
628 year subtracted by the average of the taxpayer's qualified  
629 research expenses incurred in the three immediately  
630 preceding tax years;

631 (2) "Minority business enterprise", a business that is:

632 (a) A sole proprietorship owned and controlled by a  
633 minority;

634 (b) A partnership or joint venture owned and  
635 controlled by minorities in which at least fifty-one percent  
636 of the ownership interest is held by minorities and the  
637 management and daily business operations of which are  
638 controlled by one or more of the minorities who own it; or

639 (c) A corporation or other entity whose management and  
640 daily business operations are controlled by one or more  
641 minorities who own it and that is at least fifty-one percent  
642 owned by one or more minorities or, if stock is issued, at  
643 least fifty-one percent of the stock is owned by one or more  
644 minorities;

645 (3) "Missouri qualified research and development  
646 equipment", tangible personal property that has not  
647 previously been used in this state for any purpose and is  
648 acquired by the purchaser for the purpose of research and  
649 development activities devoted to experimental or laboratory

650 research and development for new products, new uses of  
651 existing products, or improving or testing existing products;

652 (4) "Qualified research expenses", for expenses within  
653 this state, the same meaning as prescribed in 26 U.S.C. 41;

654 (5) "Small business", a corporation, partnership, sole  
655 proprietorship or other business entity, including its  
656 affiliates, that:

657 (a) Is independently owned and operated; and

658 (b) Employs fifty or fewer full-time employees;

659 (6) "Taxpayer" [means], an individual, a partnership,  
660 or any charitable organization which is exempt from federal  
661 income tax and whose Missouri unrelated business taxable  
662 income, if any, would be subject to the state income tax  
663 imposed under chapter 143, or a corporation as described in  
664 section 143.441 or 143.471, or section 148.370[, and the  
665 term "qualified research expenses" has the same meaning as  
666 prescribed in 26 U.S.C. 41];

667 (7) "Women's business enterprise", a business that is:

668 (a) A sole proprietorship owned and controlled by a  
669 woman;

670 (b) A partnership or joint venture owned and  
671 controlled by women in which at least fifty-one percent of  
672 the ownership interest is held by women and the management  
673 and daily business operations of which are controlled by one  
674 or more of the women who own it; or

675 (c) A corporation or other entity whose management and  
676 daily business operations are controlled by one or more  
677 women who own it and that is at least fifty-one percent  
678 owned by women or, if stock is issued, at least fifty-one  
679 percent of the stock is owned by one or more women.

680 2. (1) For tax years beginning on or after January 1,  
681 2001, and ending before January 1, 2005, the director of the  
682 department of economic development may authorize a taxpayer

683 to receive a tax credit against the tax otherwise due  
684 pursuant to chapter 143, or chapter 148, other than the  
685 taxes withheld pursuant to sections 143.191 to 143.265, in  
686 an amount up to six and one-half percent of the excess of  
687 the taxpayer's qualified research expenses, as certified by  
688 the director of the department of economic development,  
689 within this state during the taxable year over the average  
690 of the taxpayer's qualified research expenses within this  
691 state over the immediately preceding three taxable years;  
692 except that, no tax credit shall be allowed on that portion  
693 of the taxpayer's qualified research expenses incurred  
694 within this state during the taxable year in which the  
695 credit is being claimed, to the extent such expenses exceed  
696 two hundred percent of the taxpayer's average qualified  
697 research expenses incurred during the immediately preceding  
698 three taxable years.

699 (2) For all tax years beginning on or after January 1,  
700 2023, the director of economic development may authorize a  
701 taxpayer to receive a tax credit against the tax otherwise  
702 due under chapters 143 and 148, other than the taxes  
703 withheld under sections 143.191 to 143.265 in an amount  
704 equal to the greater of:

705 (a) Fifteen percent of the taxpayer's additional  
706 qualified research expenses; or

707 (b) If such qualified research expenses relate to  
708 research conducted in conjunction with a public or private  
709 college or university located in this state, twenty percent  
710 of the taxpayer's additional qualified research expenses.

711 However, in no case shall a tax credit be allowed for any  
712 portion of qualified research expenses that exceed two  
713 hundred percent of the taxpayer's average qualified research  
714 expenses incurred during the three immediately preceding tax  
715 years.

716           3. The director of economic development shall  
717 prescribe the manner in which the tax credit may be applied  
718 for. The tax credit authorized by this section may be  
719 claimed by the taxpayer to offset the tax liability imposed  
720 by chapter 143 or chapter 148 that becomes due in the tax  
721 year during which such qualified research expenses were  
722 incurred. For tax years ending before January 1, 2005,  
723 where the amount of the credit exceeds the tax liability,  
724 the difference between the credit and the tax liability may  
725 only be carried forward for the next five succeeding taxable  
726 years or until the full credit has been claimed, whichever  
727 first occurs. For all tax years beginning on or after  
728 January 1, 2023, where the amount of the credit exceeds the  
729 tax liability, the difference between the credit and the tax  
730 liability may only be carried forward for the next twelve  
731 succeeding tax years or until the full credit has been  
732 claimed, whichever occurs first. The application for tax  
733 credits authorized by the director pursuant to subsection 2  
734 of this section shall be made no later than the end of the  
735 taxpayer's tax period immediately following the tax period  
736 for which the credits are being claimed.

737           4. (1) Certificates of tax credit issued pursuant to  
738 this section may be transferred, sold or assigned by filing  
739 a notarized endorsement thereof with the department which  
740 names the transferee and the amount of tax credit  
741 transferred. The director of economic development may allow  
742 a taxpayer to transfer, sell or assign up to forty percent  
743 of the amount of the certificates of tax credit issued to  
744 and not claimed by such taxpayer pursuant to this section  
745 during any tax year commencing on or after January 1, 1996,  
746 and ending not later than December 31, 1999. Such taxpayer  
747 shall file, by December 31, 2001, an application with the  
748 department which names the transferee, the amount of tax

749 credit desired to be transferred, and a certification that  
750 the funds received by the applicant as a result of the  
751 transfer, sale or assignment of the tax credit shall be  
752 expended within three years at the state university for the  
753 sole purpose of conducting research activities agreed upon  
754 by the department, the taxpayer and the state university.  
755 Failure to expend such funds in the manner prescribed  
756 pursuant to this section shall cause the applicant to be  
757 subject to the provisions of section 620.017.

758 (2) Up to one hundred percent of tax credits provided  
759 under this program may be transferred, sold, or assigned by  
760 filing a notarized endorsement thereof with the department  
761 that names the transferee, the amount of tax credit  
762 transferred, and the value received for the credit, as well  
763 as any other information reasonably requested by the  
764 department. For a taxpayer with flow-through tax treatment  
765 to its members, partners, or shareholders, the tax credit  
766 shall be allowed to members, partners, or shareholders in  
767 proportion to their share of ownership on the last day of  
768 the taxpayer's tax period.

769 5. ~~[No rule or portion of a rule promulgated under the~~  
770 ~~authority of this section shall become effective unless it~~  
771 ~~has been promulgated pursuant to the provisions of chapter~~  
772 ~~536. All rulemaking authority delegated prior to June 27,~~  
773 ~~1997, is of no force and effect and repealed; however,~~  
774 ~~nothing in this section shall be interpreted to repeal or~~  
775 ~~affect the validity of any rule filed or adopted prior to~~  
776 ~~June 27, 1997, if such rule complied with the provisions of~~  
777 ~~chapter 536. The provisions of this section and chapter 536~~  
778 ~~are nonseverable and if any of the powers vested with the~~  
779 ~~general assembly pursuant to chapter 536, including the~~  
780 ~~ability to review, to delay the effective date, or to~~  
781 ~~disapprove and annul a rule or portion of a rule, are~~

782 [REDACTED] the grant of rulemaking authority and any rule proposed and  
783 [REDACTED] and any rule proposed and  
784 [REDACTED] in the order of rulemaking shall be invalid and  
785 [REDACTED] ] Purchases of Missouri qualified research and  
786 development equipment are hereby specifically exempted from  
787 all state and local sales and use tax including, but not  
788 limited to, sales and use tax authorized or imposed under  
789 section 32.085 and chapter 144.

790 6. The department may adopt such rules, statements of  
791 policy, procedures, forms, and guidelines as may be  
792 necessary to carry out the provisions of this section. Any  
793 rule or portion of a rule, as that term is defined in  
794 section 536.010, that is created under the authority  
795 delegated in this section shall become effective only if it  
796 complies with and is subject to all of the provisions of  
797 chapter 536 and, if applicable, section 536.028. This  
798 section and chapter 536 are nonseverable and if any of the  
799 powers vested with the general assembly pursuant to chapter  
800 536 to review, to delay the effective date, or to disapprove  
801 and annul a rule are subsequently held unconstitutional,  
802 then the grant of rulemaking authority and any rule proposed  
803 or adopted after August 28, 2022, shall be invalid and void.

804 7. (1) For tax years ending before January 1, 2005,  
805 the aggregate of all tax credits authorized pursuant to this  
806 section shall not exceed nine million seven hundred thousand  
807 dollars in any year.

808 (2) (a) For all tax years beginning on or after  
809 January 1, 2023, the aggregate of all tax credits authorized  
810 under this section shall not exceed ten million dollars in  
811 any year.

812 (b) Five million dollars of such ten million dollars  
813 shall be reserved for minority business enterprises, women's  
814 business enterprises, and small businesses. Any reserved

815 amount not issued or awarded to a minority business  
816 enterprise, women's business enterprise, or small business  
817 by November first of the tax year may be issued to any  
818 taxpayer otherwise eligible for a tax credit under this  
819 section.

820 (c) No single taxpayer shall be issued or awarded more  
821 than three hundred thousand dollars in tax credits under  
822 this section in any year.

823 (d) In the event that total eligible claims for  
824 credits received in a calendar year exceed the annual cap,  
825 each eligible claimant shall be issued credits based upon a  
826 pro-rata basis, given that all new businesses, defined as a  
827 business less than five years old, are issued full tax  
828 credits first.

829 ~~[7. For all tax years beginning on or after January 1,~~  
830 ~~2005, no tax credits shall be approved, awarded, or issued~~  
831 ~~to any person or entity claiming any tax credit under this~~  
832 ~~section.]~~

833 8. Under section 23.253 of the Missouri sunset act:

834 (1) The provisions of the program authorized under  
835 this section shall automatically sunset December thirty-  
836 first, six years after the effective date of this section;

837 (2) If such program is reauthorized, the program  
838 authorized under this section shall automatically sunset  
839 December thirty-first, twelve years after the effective date  
840 of the reauthorization of this section; and

841 (3) This section shall terminate on December thirty-  
842 first of the calendar year immediately following the  
843 calendar year in which the program authorized under this  
844 section is sunset."; and

845 Further amend the title and enacting clause accordingly.



SENATE AMENDMENT NO. 4Offered by Razerof 7Amend SS/House Bill No. 2400, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "135.110. 1. Any taxpayer who shall establish a new  
 4 business facility shall be allowed a credit, each year for  
 5 ten years, in an amount determined pursuant to subsection 2  
 6 or 3 of this section, whichever is applicable, against the  
 7 tax imposed by chapter 143, excluding withholding tax  
 8 imposed by sections 143.191 to 143.265, or an insurance  
 9 company which shall establish a new business facility by  
 10 satisfying the requirements in subdivision (9) of section  
 11 135.100 shall be allowed a credit against the tax otherwise  
 12 imposed by chapter 148, and in the case of an insurance  
 13 company exempt from the thirty percent employee requirement  
 14 of section 135.230, against any obligation imposed pursuant  
 15 to section 375.916, except that no taxpayer shall be  
 16 entitled to multiple ten-year periods for subsequent  
 17 expansions at the same facility, except as otherwise  
 18 provided in this section. For the purpose of this section,  
 19 the term "facility" shall mean, and be limited to, the  
 20 facility or facilities which are located on the same site in  
 21 which the new business facility is located, and in which the  
 22 business conducted at such facility or facilities is  
 23 directly related to the business conducted at the new  
 24 business facility. Notwithstanding the provisions of this  
 25 subsection, a taxpayer may be entitled to an additional ten-  
 26 year period, and an additional six-year period after the

Offered 5/4/22  
 Adopted " "

27 expiration of such additional ten-year period, if a new  
28 business facility is expanded in the eighth, ninth or tenth  
29 year of the current ten-year period or in subsequent years  
30 following the expiration of the ten-year period, if the  
31 number of new business facility employees attributed to such  
32 expansion is at least twenty-five and the amount of new  
33 business facility investment attributed to such expansion is  
34 at least one million dollars. Credits may not be carried  
35 forward but shall be claimed for the taxable year during  
36 which commencement of commercial operations occurs at such  
37 new business facility, and for each of the nine succeeding  
38 taxable years. A letter of intent, as provided for in  
39 section 135.258, must be filed with the department of  
40 economic development no later than fifteen days prior to the  
41 commencement of commercial operations at the new business  
42 facility. The initial application for claiming tax credits  
43 must be made in the taxpayer's tax period immediately  
44 following the tax period in which commencement of commercial  
45 operations began at the new business facility. This  
46 provision shall have effect on all initial applications  
47 filed on or after August 28, 1992. No credit shall be  
48 allowed pursuant to this section unless the number of new  
49 business facility employees engaged or maintained in  
50 employment at the new business facility for the taxable year  
51 for which the credit is claimed equals or exceeds two;  
52 except that the number of new business facility employees  
53 engaged or maintained in employment by a revenue-producing  
54 enterprise other than a revenue-producing enterprise defined  
55 in paragraphs (a) to (g) and (i) to (l) of subdivision (12)  
56 of section 135.100 which establishes an office as defined in  
57 subdivision (9) of section 135.100 shall equal or exceed  
58 twenty-five.

59           2. For tax periods beginning after August 28, 1991, in  
60 the case of a taxpayer operating an existing business  
61 facility, the credit allowed by subsection 1 of this section  
62 shall offset the greater of:

63           (1) Some portion of the income tax otherwise imposed  
64 by chapter 143, excluding withholding tax imposed by  
65 sections 143.191 to 143.265, or in the case of an insurance  
66 company, the tax on the direct premiums, as defined in  
67 chapter 148, and in the case of an insurance company exempt  
68 from the thirty percent employee requirement of section  
69 135.230, against any obligation imposed pursuant to section  
70 375.916 with respect to such taxpayer's new business  
71 facility income for the taxable year for which such credit  
72 is allowed; or

73           (2) Up to fifty percent or, in the case of an economic  
74 development project located within a distressed community as  
75 defined in section 135.530, seventy-five percent of the  
76 business income tax otherwise imposed by chapter 143,  
77 excluding withholding tax imposed by sections 143.191 to  
78 143.265, or in the case of an insurance company, the tax on  
79 the direct premiums, as defined in chapter 148, and in the  
80 case of an insurance company exempt from the thirty percent  
81 employee requirement of section 135.230, against any  
82 obligation imposed pursuant to section 375.916 if the  
83 business operates no other facilities in Missouri. In the  
84 case of an existing business facility operating more than  
85 one facility in Missouri, the credit allowed in subsection 1  
86 of this section shall offset up to the greater of the  
87 portion prescribed in subdivision (1) of this subsection or  
88 twenty-five percent or, in the case of an economic  
89 development project located within a distressed community as  
90 defined in section 135.530, thirty-five percent of the  
91 business' tax, except that no taxpayer operating more than

92 one facility in Missouri shall be allowed to offset more  
93 than twenty-five percent or, in the case of an economic  
94 development project located within a distressed community as  
95 defined in section 135.530, thirty-five percent of the  
96 taxpayer's business income tax in any tax period under the  
97 method prescribed in this subdivision. Such credit shall be  
98 an amount equal to the sum of one hundred dollars or, in the  
99 case of an economic development project located within a  
100 distressed community as defined in section 135.530, one  
101 hundred fifty dollars for each new business facility  
102 employee plus one hundred dollars or, in the case of an  
103 economic development project located within a distressed  
104 community as defined in section 135.530, one hundred fifty  
105 dollars for each one hundred thousand dollars, or major  
106 fraction thereof (which shall be deemed to be fifty-one  
107 percent or more) in new business facility investment. For  
108 the purpose of this section, tax credits earned by a  
109 taxpayer, who establishes a new business facility because it  
110 satisfies the requirements of paragraph (c) of subdivision  
111 (5) of section 135.100, shall offset the greater of the  
112 portion prescribed in subdivision (1) of this subsection or  
113 up to fifty percent or, in the case of an economic  
114 development project located within a distressed community as  
115 defined in section 135.530, seventy-five percent of the  
116 business' tax provided the business operates no other  
117 facilities in Missouri. In the case of a business operating  
118 more than one facility in Missouri, the credit allowed in  
119 subsection 1 of this section shall offset up to the greater  
120 of the portion prescribed in subdivision (1) of this  
121 subsection or twenty-five percent or, in the case of an  
122 economic development project located within a distressed  
123 community as defined in section 135.530, thirty-five percent  
124 of the business' tax, except that no taxpayer operating more

125 than one facility in Missouri shall be allowed to offset  
126 more than twenty-five percent or, in the case of an economic  
127 development project located within a distressed community as  
128 defined in section 135.530, thirty-five percent of the  
129 taxpayer's business income tax in any tax period under the  
130 method prescribed in this subdivision.

131 3. For tax periods beginning after August 28, 1991, in  
132 the case of a taxpayer not operating an existing business  
133 facility, the credit allowed by subsection 1 of this section  
134 shall offset the greater of:

135 (1) Some portion of the income tax otherwise imposed  
136 by chapter 143, excluding withholding tax imposed by  
137 sections 143.191 to 143.265, or in the case of an insurance  
138 company, the tax on the direct premiums, as defined in  
139 chapter 148, and in the case of an insurance company exempt  
140 from the thirty percent employee requirement of section  
141 135.230, against any obligation imposed pursuant to section  
142 375.916 with respect to such taxpayer's new business  
143 facility income for the taxable year for which such credit  
144 is allowed; or

145 (2) Up to one hundred percent of the business income  
146 tax otherwise imposed by chapter 143, excluding withholding  
147 tax imposed by sections 143.191 to 143.265, or in the case  
148 of an insurance company, the tax on the direct premiums, as  
149 defined in chapter 148, and in the case of an insurance  
150 company exempt from the thirty percent employee requirement  
151 of section 135.230, against any obligation imposed pursuant  
152 to section 375.916 if the business has no other facilities  
153 operating in Missouri. In the case of a taxpayer not  
154 operating an existing business and operating more than one  
155 facility in Missouri, the credit allowed by subsection 1 of  
156 this section shall offset up to the greater of the portion  
157 prescribed in subdivision (1) of this subsection or twenty-

158 five percent or, in the case of an economic development  
159 project located within a distressed community as defined in  
160 section 135.530, thirty-five percent of the business' tax,  
161 except that no taxpayer operating more than one facility in  
162 Missouri shall be allowed to offset more than twenty-five  
163 percent or, in the case of an economic development project  
164 located within a distressed community as defined in section  
165 135.530, thirty-five percent of the taxpayer's business  
166 income tax in any tax period under the method prescribed in  
167 this subdivision. Such credit shall be an amount equal to  
168 the sum of seventy-five dollars or, in the case of an  
169 economic development project located within a distressed  
170 community as defined in section 135.530, one hundred twenty-  
171 five dollars for each new business facility employee plus  
172 seventy-five dollars or, in the case of an economic  
173 development project located within a distressed community as  
174 defined in section 135.530, one hundred twenty-five dollars  
175 for each one hundred thousand dollars, or major fraction  
176 thereof (which shall be deemed to be fifty-one percent or  
177 more) in new business facility investment.

178 4. The number of new business facility employees  
179 during any taxable year shall be determined by dividing by  
180 twelve the sum of the number of individuals employed on the  
181 last business day of each month of such taxable year. If  
182 the new business facility is in operation for less than the  
183 entire taxable year, the number of new business facility  
184 employees shall be determined by dividing the sum of the  
185 number of individuals employed on the last business day of  
186 each full calendar month during the portion of such taxable  
187 year during which the new business facility was in operation  
188 by the number of full calendar months during such period.  
189 For the purpose of computing the credit allowed by this  
190 section in the case of a facility which qualifies as a new

191 business facility because it qualifies as a separate  
192 facility pursuant to subsection 6 of this section, and, in  
193 the case of a new business facility which satisfies the  
194 requirements of paragraph (c) of subdivision (5) of section  
195 135.100, or subdivision (11) of section 135.100, the number  
196 of new business facility employees at such facility shall be  
197 reduced by the average number of individuals employed,  
198 computed as provided in this subsection, at the facility  
199 during the taxable year immediately preceding the taxable  
200 year in which such expansion, acquisition, or replacement  
201 occurred and shall further be reduced by the number of  
202 individuals employed by the taxpayer or related taxpayer  
203 that was subsequently transferred to the new business  
204 facility from another Missouri facility and for which  
205 credits authorized in this section are not being earned,  
206 whether such credits are earned because of an expansion,  
207 acquisition, relocation or the establishment of a new  
208 facility.

209 5. For the purpose of computing the credit allowed by  
210 this section in the case of a facility which qualifies as a  
211 new business facility because it qualifies as a separate  
212 facility pursuant to subsection 6 of this section, and, in  
213 the case of a new business facility which satisfies the  
214 requirements of paragraph (c) of subdivision (5) of section  
215 135.100 or subdivision (11) of section 135.100, the amount  
216 of the taxpayer's new business facility investment in such  
217 facility shall be reduced by the average amount, computed as  
218 provided in subdivision (8) of section 135.100 for new  
219 business facility investment, of the investment of the  
220 taxpayer, or related taxpayer immediately preceding such  
221 expansion or replacement or at the time of acquisition.  
222 Furthermore, the amount of the taxpayer's new business  
223 facility investment shall also be reduced by the amount of

224 investment employed by the taxpayer or related taxpayer  
225 which was subsequently transferred to the new business  
226 facility from another Missouri facility and for which  
227 credits authorized in this section are not being earned,  
228 whether such credits are earned because of an expansion,  
229 acquisition, relocation or the establishment of a new  
230 facility.

231 6. If a facility, which does not constitute a new  
232 business facility, is expanded by the taxpayer, the  
233 expansion shall be considered a separate facility eligible  
234 for the credit allowed by this section if:

235 (1) The taxpayer's new business facility investment in  
236 the expansion during the tax period in which the credits  
237 allowed in this section are claimed exceeds one hundred  
238 thousand dollars, or, if less, one hundred percent of the  
239 investment in the original facility prior to expansion and  
240 if the number of new business facility employees engaged or  
241 maintained in employment at the expansion facility for the  
242 taxable year for which credit is claimed equals or exceeds  
243 two, except that the number of new business facility  
244 employees engaged or maintained in employment at the  
245 expansion facility for the taxable year for which the credit  
246 is claimed equals or exceeds twenty-five if an office as  
247 defined in subdivision (9) of section 135.100 is established  
248 by a revenue-producing enterprise other than a revenue-  
249 producing enterprise defined in paragraphs (a) to (g) and  
250 (i) to (l) of subdivision (12) of section 135.100 and the  
251 total number of employees at the facility after the  
252 expansion is at least two greater than the total number of  
253 employees before the expansion, except that the total number  
254 of employees at the facility after the expansion is at least  
255 greater than the number of employees before the expansion by  
256 twenty-five, if an office as defined in subdivision (9) of



257 section 135.100 is established by a revenue-producing  
258 enterprise other than a revenue-producing enterprise defined  
259 in paragraphs (a) to (g) and (i) to (l) of subdivision (12)  
260 of section 135.100; and

261 (2) The expansion otherwise constitutes a new business  
262 facility. The taxpayer's investment in the expansion and in  
263 the original facility prior to expansion shall be determined  
264 in the manner provided in subdivision (8) of section 135.100.

265 7. No credit shall be allowed pursuant to this section  
266 to a public utility, as such term is defined in section  
267 386.020. Notwithstanding any provision of this subsection to  
268 the contrary, motor carriers, barge lines or railroads  
269 engaged in transporting property for hire, or any  
270 interexchange telecommunications company or local exchange  
271 telecommunications company that establishes a new business  
272 facility shall be eligible to qualify for credits allowed in  
273 this section.

274 8. For the purposes of the credit described in this  
275 section, in the case of a corporation described in section  
276 143.471 or partnership, in computing Missouri's tax  
277 liability, this credit shall be allowed to the following:

278 (1) The shareholders of the corporation described in  
279 section 143.471;

280 (2) The partners of the partnership. This credit  
281 shall be apportioned to the entities described in  
282 subdivisions (1) and (2) of this subsection in proportion to  
283 their share of ownership on the last day of the taxpayer's  
284 tax period.

285 9. Notwithstanding any provision of law to the  
286 contrary, any employee-owned engineering firm classified as  
287 SIC 8711, architectural firm as classified SIC 8712, or  
288 accounting firm classified SIC 8721 establishing a new  
289 business facility because it qualifies as a headquarters as

290 defined in subsection 10 of this section, shall be allowed  
291 the credits described in subsection 11 of this section under  
292 the same terms and conditions prescribed in sections 135.100  
293 to 135.150; provided:

294 (1) Such facility maintains an average of at least  
295 five hundred new business facility employees as defined in  
296 subdivision (6) of section 135.100 during the taxpayer's tax  
297 period in which such credits are being claimed; and

298 (2) Such facility maintains an average of at least  
299 twenty million dollars in new business facility investment  
300 as defined in subdivision (8) of section 135.100 during the  
301 taxpayer's tax period in which such credits are being  
302 claimed.

303 10. For the purpose of the credits allowed in  
304 subsection 9 of this section:

305 (1) "Employee-owned" means the business employees own  
306 directly or indirectly, including through an employee stock  
307 ownership plan or trust at least:

308 (a) Seventy-five percent of the total business stock,  
309 if the taxpayer is a corporation described in section  
310 143.441; or

311 (b) One hundred percent of the interest in the  
312 business if the taxpayer is a corporation described in  
313 section 143.471, a partnership, or a limited liability  
314 company; and

315 (2) "Headquarters" means:

316 (a) The administrative management of at least three  
317 integrated facilities operated by the taxpayer or related  
318 taxpayer; and

319 (b) The taxpayer's business has been headquartered in  
320 this state for more than fifty years.

321 11. The tax credits allowed in subsection 9 of this  
322 section shall be the greater of:

323           (1) Four hundred dollars for each new business  
324 facility employee as computed in subsection 4 of this  
325 section and four percent of new business facility investment  
326 as computed in subsection 5 of this section; or

327           (2) Five hundred dollars for each new business  
328 facility employee as computed in subsection 4 of this  
329 section, and five hundred dollars of each one hundred  
330 thousand dollars of new business facility investment as  
331 computed in subsection 5 of this section.

332           12. For the purpose of the credit described in  
333 subsection 9 of this section, in the case of a small  
334 corporation described in section 143.471, or a partnership,  
335 or a limited liability company, the credits allowed in  
336 subsection 9 of this section shall be apportioned in  
337 proportion to the share of ownership of each shareholder,  
338 partner or stockholder on the last day of the taxpayer's tax  
339 period for which such credits are being claimed.

340           13. For the purpose of the credit described in  
341 subsection 9 of this section, tax credits earned, to the  
342 extent such credits exceed the taxpayer's Missouri tax on  
343 taxable business income, shall constitute an overpayment of  
344 taxes and in such case, be refunded to the taxpayer provided  
345 such refunds are used by the taxpayer to purchase specified  
346 facility items. For the purpose of the refund as authorized  
347 in this subsection, "specified facility items" means  
348 equipment, computers, computer software, copiers, tenant  
349 finishing, furniture and fixtures installed and in use at  
350 the new business facility during the taxpayer's taxable  
351 year. The taxpayer shall perfect such refund by attesting  
352 in writing to the director, subject to the penalties of  
353 perjury, the requirements prescribed in this subsection have  
354 been met and submitting any other information the director  
355 may require.

356           14. Notwithstanding any provision of law to the  
357 contrary, any taxpayer may sell, assign, exchange, convey or  
358 otherwise transfer tax credits allowed in subsection 9 of  
359 this section under the terms and conditions prescribed in  
360 subdivisions (1) and (2) of this subsection. Such taxpayer,  
361 referred to as the assignor for the purpose of this  
362 subsection, may sell, assign, exchange or otherwise transfer  
363 earned tax credits:

364           (1) For no less than seventy-five percent of the par  
365 value of such credits; and

366           (2) In an amount not to exceed one hundred percent of  
367 such earned credits. The taxpayer acquiring the earned  
368 credits referred to as the assignee for the purpose of this  
369 subsection may use the acquired credits to offset up to one  
370 hundred percent of the tax liabilities otherwise imposed by  
371 chapter 143, excluding withholding tax imposed by sections  
372 143.191 to 143.261, or chapter 148, or in the case of an  
373 insurance company exempt from the thirty percent employee  
374 requirement of section 135.230, against any obligation  
375 imposed pursuant to section 375.916. Unused credits in the  
376 hands of the assignee may be carried forward for up to five  
377 tax periods, provided all such credits shall be claimed  
378 within ten tax periods following the tax period in which  
379 commencement of commercial operations occurred at the new  
380 business facility. The assignor shall enter into a written  
381 agreement with the assignee establishing the terms and  
382 conditions of the agreement and shall perfect such transfer  
383 by notifying the director in writing within thirty calendar  
384 days following the effective date of the transfer and shall  
385 provide any information as may be required by the director  
386 to administer and carry out the provisions of this  
387 subsection. Notwithstanding any other provision of law to  
388 the contrary, the amount received by the assignor of such

389 tax credit shall be taxable as income of the assignor, and  
390 the difference between the amount paid by the assignee and  
391 the par value of the credits shall be taxable as income of  
392 the assignee.

393 135.155. 1. Notwithstanding any provision of the law  
394 to the contrary, no revenue-producing enterprise other than  
395 headquarters as defined in subsection 10 of section 135.110  
396 shall receive the incentives set forth in sections 135.100  
397 to 135.150 for facilities commencing operations on or after  
398 January 1, 2005. No headquarters shall receive the  
399 incentives set forth in subsections 9 to 14 of section  
400 135.110 for facilities commencing or expanding operations on  
401 or after January 1, ~~[2025]~~ 2031.

402 2. Notwithstanding subsection 9 of section 135.110 to  
403 the contrary, expansions at headquarters facilities shall  
404 each be considered a separate new business facility and each  
405 be entitled to the credits as set forth in subsections 9 to  
406 14 of section 135.110 if the number of new business facility  
407 employees attributed to each such expansion is at least  
408 twenty-five and the amount of new business facility  
409 investment attributed to each such expansion is at least one  
410 million dollars. In any year in which a new business  
411 facility is not created, the jobs and investment for that  
412 year shall be included in calculating the credits for the  
413 most recent new business facility and not an earlier created  
414 new business facility.

415 3. Notwithstanding any provision of law to the  
416 contrary, for headquarters, buildings on multiple  
417 noncontiguous real properties shall be considered one  
418 facility if the buildings are located within the same county  
419 or within the same municipality."; and

420 Further amend the title and enacting clause accordingly.

# SENATE AMENDMENT NO. 5

Offered by Eslinger of Ozark

Amend SS/House Bill No. 2400, Page 5, Section 285.730, Line 143,

2 by inserting after all of said line the following:

3 "620.800. The following additional terms used in  
4 sections 620.800 to 620.809 shall mean:

5 (1) "Agreement", the agreement between a qualified  
6 company, a community college district, and the department  
7 concerning a training project. Any such agreement shall  
8 comply with the provisions of section 620.017;

9 (2) "Application", a form developed by and submitted  
10 to the department by a local education agency on behalf of a  
11 qualified company applying for benefits under section  
12 620.806;

13 ~~[(2)]~~ (3) "Board of trustees", the board of trustees  
14 of a community college district established under the  
15 provisions of chapter 178;

16 ~~[(3)]~~ (4) "Certificate", a new or retained jobs  
17 training certificate issued under section 620.809;

18 ~~[(4) "Committee", the Missouri one start job training~~  
19 ~~joint legislative oversight committee, established under the~~  
20 ~~provisions of section 620.803;]~~

21 (5) "Department", the Missouri department of economic  
22 development;

23 (6) "Employee", a person employed by a qualified  
24 company;

25 (7) ~~["Existing Missouri business", a qualified company~~  
26 ~~that, for the ten-year period preceding submission of a~~

*Offered 5/4/22*  
*Adopted "*

27 [redacted] office of intent to the department, had a physical location  
 28 in Missouri, and full-time employees who routinely performed  
 29 job duties within Missouri.

30 [redacted] (8) "Full-time employee", an employee of the  
 31 qualified company who is scheduled to work an average of at  
 32 least thirty-five hours per week for a twelve-month period,  
 33 and one to whom the qualified company offers health  
 34 insurance and pays at least fifty percent of such insurance  
 35 premiums;

36 [redacted] (9) "Local education agency", a community  
 37 college district, two-year state technical college, or  
 38 technical career education center;

39 [redacted] (10) "Missouri one start program", the  
 40 [redacted] program established under sections 620.800 to  
 41 620.809;

42 [redacted] (11) "New capital investment", costs incurred  
 43 by the qualified company at the project facility for real or  
 44 personal property, that may include the value of finance or  
 45 capital leases for real or personal property for the term of  
 46 such lease at the project facility executed after acceptance  
 47 by the qualified company of the proposal for benefits from  
 48 the department or approval of the application or notice of  
 49 intent;

50 [redacted] (12) "New job", the number of full-time  
 51 employees located at the project facility that exceeds the  
 52 project facility base employment less any decrease in the  
 53 number of full-time employees at related facilities below  
 54 the related facility base employment. No job that was  
 55 created prior to the date of the application or notice of  
 56 intent shall be deemed a new job. An employee who spends  
 57 less than fifty percent of his or her work time at the  
 58 facility is still considered to be located at a facility if  
 59 he or she receives his or her directions and control from

60 that facility, is on the facility's payroll, and one hundred  
61 percent of the employee's income from such employment is  
62 Missouri income, and the employee is paid at or above the  
63 applicable percentage of the county's average wage;

64 ~~[(13)]~~ (12) "New jobs credit", the credit from  
65 withholding remitted by a qualified company provided under  
66 subsection 7 of section 620.809;

67 ~~[(14)]~~ (13) "Notice of intent", a form developed by  
68 and submitted to the department that states the qualified  
69 company's intent to request benefits under ~~[this program]~~  
70 section 620.809;

71 ~~[(15)]~~ (14) "Project facility", the building or  
72 buildings used by a qualified company at which new or  
73 retained jobs and any new capital investment are or will be  
74 located. A project facility may include separate buildings  
75 located within sixty miles of each other such that their  
76 purpose and operations are interrelated~~[ provided that, if~~  
77 ~~the buildings making up the project facility are not located~~  
78 ~~within the same county, the average wage of the new payroll~~  
79 ~~must exceed the applicable percentage of the highest county~~  
80 ~~average wage among the counties in which the buildings are~~  
81 ~~located]~~. Upon approval by the department, a subsequent  
82 project facility may be designated if the qualified company  
83 demonstrates a need to relocate to the subsequent project  
84 facility at any time during the project period;

85 ~~[(16)]~~ (15) "Project facility base employment", the  
86 greater of the number of full-time employees located at the  
87 project facility on the date of the application or notice of  
88 intent or, for the twelve-month period prior to the date of  
89 the application or notice of intent, the average number of  
90 full-time employees located at the project facility. In the  
91 event the project facility has not been in operation for a  
92 full twelve-month period, the average number of full-time



93 employees for the number of months the project facility has  
94 been in operation prior to the date of the application or  
95 notice of intent;

96 ~~[(17)]~~ (16) "Qualified company", a firm, partnership,  
97 joint venture, association, private or public corporation  
98 whether organized for profit or not, or headquarters of such  
99 entity registered to do business in Missouri that is the  
100 owner or operator of a project facility, offers health  
101 insurance to all full-time employees of all facilities  
102 located in this state, and pays at least fifty percent of  
103 such insurance premiums. For the purposes of sections  
104 620.800 to 620.809, the term "qualified company" shall not  
105 mean:

106 (a) Gambling establishments (NAICS industry group  
107 7132);

108 (b) Store-front consumer-based retail trade  
109 establishments (under NAICS sectors 44 and 45), except with  
110 respect to any company headquartered in this state with a  
111 majority of its full-time employees engaged in operations  
112 not within the NAICS codes specified in this subdivision;

113 (c) Food services and drinking places (NAICS subsector  
114 722);

115 (d) Public utilities (NAICS 221 including water and  
116 sewer services);

117 (e) Any company that is delinquent in the payment of  
118 any nonprotested taxes or any other amounts due the state or  
119 federal government or any other political subdivision of  
120 this state;

121 (f) Any company requesting benefits for retained jobs  
122 that has filed for or has publicly announced its intention  
123 to file for bankruptcy protection. However, a company that  
124 has filed for or has publicly announced its intention to

125 file for bankruptcy may be a qualified company provided that  
126 such company:

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

129 b. After its bankruptcy petition has been filed, it  
130 produces proof, in a form and at times satisfactory to the  
131 department, that it is not delinquent in filing any tax  
132 returns or making any payment due to the state of Missouri,  
133 including but not limited to all tax payments due after the  
134 filing of the bankruptcy petition and under the terms of the  
135 plan of reorganization;

136 (g) Educational services (NAICS sector 61);

137 (h) Religious organizations (NAICS industry group  
138 8131);

139 (i) Public administration (NAICS sector 92);

140 (j) Ethanol distillation or production; or

141 (k) Biodiesel production.

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

152 (17) "Recruitment services", promoting workforce  
153 opportunities in Missouri;

154 (18) "Related company":

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

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

159 (c) Corporations, partnerships, trusts, or  
160 associations controlled by an individual, corporation,  
161 partnership, trust, or association in control of the  
162 qualified company. As used in this subdivision, "control of  
163 a corporation" shall mean ownership, directly or indirectly,  
164 of stock possessing at least fifty percent of the total  
165 combined voting power of all classes of stock entitled to  
166 vote; "control of a partnership or association" shall mean  
167 ownership of at least fifty percent of the capital or  
168 profits interest in such partnership or association;  
169 "control of a trust" shall mean ownership, directly or  
170 indirectly, of at least fifty percent of the beneficial  
171 interest in the principal or income of such trust; and  
172 "ownership" shall be determined as provided in Section 318  
173 of the Internal Revenue Code of 1986, as amended;

174 (19) "Related facility", a facility operated by the  
175 qualified company or a related company located in this state  
176 that is directly related to the operations of the project  
177 facility or in which operations substantially similar to the  
178 operations of the project facility are performed;

179 (20) "Related facility base employment", the greater  
180 of the number of full-time employees located at all related  
181 facilities on the date of the application or notice of  
182 intent or, for the twelve-month period prior to the date of  
183 the application or notice of intent, the average number of  
184 full-time employees located at all related facilities of the  
185 qualified company or a related company located in this state;

186 (21) "Relocation costs", costs paid by a qualified  
187 company for a full-time employee in a new job, excluding  
188 costs for residents relocating from a Kansas border county  
189 to a Missouri border county, as such terms are defined in

190 subsection 1 of section 135.1670, provided subsection 2 of  
 191 section 135.1670 is in effect. Relocation costs shall only  
 192 apply to an employee relocating to Missouri from out of  
 193 state to work in the new job. Reimbursement for relocation  
 194 costs shall be limited to fifty percent of the amount paid  
 195 by the employer to cover actual relocation expenses,  
 196 including, but not limited to, reasonable moving and related  
 197 travel expenses. The amount paid to a qualified company  
 198 shall not exceed three thousand five hundred dollars per  
 199 employee, and shall not exceed fifty percent of the total  
 200 training project award;

201 (22) "Retained jobs", the average number of full-time  
 202 employees of a qualified company located at the project  
 203 facility during each month for the calendar year preceding  
 204 the year in which the application or notice of intent is  
 205 submitted;

206 ~~[(22)]~~ (23) "Retained jobs credit", the credit from  
 207 withholding remitted by a qualified company provided under  
 208 subsection 7 of section 620.809;

209 ~~[(23)]~~ (24) "Targeted industry", an industry or one of  
 210 a cluster of industries identified by the department by rule  
 211 following a strategic planning process as being critical to  
 212 the state's economic security and growth;

213 ~~[(24)]~~ "Training program", the Missouri one start  
 214 ~~program established under sections 620.800 to 620.809;~~

215 (25) "Training project", the project or projects  
 216 established through the Missouri one start program for the  
 217 creation or retention of jobs by providing education and  
 218 training of workers;

219 (26) "Training project costs", may include all  
 220 necessary and incidental costs of providing program services  
 221 through the ~~[training]~~ Missouri one start program, such as:

222 (a) Training materials and supplies;

- 223 (b) Wages and benefits of instructors, who may or may  
224 not be employed by the eligible industry, and the cost of  
225 training such instructors;
- 226 (c) Subcontracted services;
- 227 (d) On-the-job training;
- 228 (e) Training facilities and equipment;
- 229 (f) Skill assessment;
- 230 (g) Training project and curriculum development;
- 231 (h) Travel directly to the training project, including  
232 a coordinated transportation program for training if the  
233 training can be more effectively provided outside the  
234 community where the jobs are to be located;
- 235 (i) Payments to third-party training providers and to  
236 the eligible industry;
- 237 (j) Teaching and assistance provided by educational  
238 institutions in the state of Missouri;
- 239 (k) In-plant training analysis, including fees for  
240 professionals and necessary travel and expenses;
- 241 (l) Assessment and preselection tools;
- 242 (m) Publicity;
- 243 (n) Instructional services;
- 244 (o) Rental of instructional facilities with necessary  
245 utilities; ~~and~~
- 246 (p) Relocation costs;
- 247 (q) Payment of the principal, premium, and interest on  
248 certificates, including capitalized interest, issued to  
249 finance a project, and the funding and maintenance of a debt  
250 service reserve fund to secure such certificates; and
- 251 (r) Costs of training project services not otherwise  
252 included in this subdivision;
- 253 (27) "Training project services", may include, but  
254 shall not be limited to, the following:

- 255 (a) Job training, which may include, but not be  
256 limited to, preemployment training, analysis of the  
257 specified training needs for a qualified company,  
258 development of training plans, and provision of training  
259 through qualified training staff;
- 260 (b) Adult basic education and job-related instruction;
- 261 (c) Vocational and skill-assessment services and  
262 testing;
- 263 (d) Training facilities, equipment, materials, and  
264 supplies;
- 265 (e) On-the-job training;
- 266 (f) Administrative expenses at a reasonable amount  
267 determined by the department;
- 268 (g) Subcontracted services with state institutions of  
269 higher education, private colleges or universities, or other  
270 federal, state, or local agencies;
- 271 (h) Contracted or professional services; and
- 272 (i) Issuance of certificates, when applicable.

273 620.803. 1. The department shall establish a  
274 "Missouri One Start Program" to assist ~~qualified~~ companies  
275 ~~in the~~ with recruitment services, training of employees in  
276 new jobs, and the retraining or upgrading of skills of full-  
277 time employees in retained jobs as provided in sections  
278 620.800 to 620.809. The ~~training~~ Missouri one start  
279 program shall be funded through appropriations to the funds  
280 established under sections 620.806 and 620.809. The  
281 department shall, to the maximum extent practicable,  
282 prioritize funding under the ~~training~~ Missouri one start  
283 program to assist qualified companies in targeted industries.

284 2. ~~There is hereby created the "Missouri One Start~~  
285 ~~Job Training Joint Legislative Oversight Committee". The~~  
286 ~~committee shall consist of three members of the Missouri~~  
287 ~~senate appointed by the president pro tempore of the senate~~

288 and three members of the house of representatives appointed  
 289 by the speaker of the house. No more than two of the  
 290 members of the senate and two of the members of the house of  
 291 representatives shall be from the same political party.  
 292 Members of the committee shall report to the governor, the  
 293 president pro tempore of the senate, and the speaker of the  
 294 house of representatives on all assistance to qualified  
 295 companies under the provisions of sections 620.800 to  
 296 620.809 provided during the preceding fiscal year. The  
 297 report of the committee shall be delivered no later than  
 298 October first of each year. The director of the department  
 299 shall report to the committee such information as the  
 300 committee may deem necessary for its annual report. Members  
 301 of the committee shall receive no compensation in addition  
 302 to their salary as members of the general assembly but may  
 303 receive the necessary expenses while attending the  
 304 meetings of the committee, to be paid out of the joint  
 305 contingent fund.

306 3.] The department shall publish guidelines and may  
 307 promulgate rules and regulations governing the [training]  
 308 Missouri one start program. In establishing such guidelines  
 309 and promulgating such rules and regulations, the department  
 310 shall consider such factors as the potential number of new  
 311 jobs to be created or the number of jobs to be retained, the  
 312 potential number of new minority jobs created, the amount of  
 313 new capital investment in new or existing facilities and  
 314 equipment, the significance of state benefits to the  
 315 qualified company's decision to locate or expand in  
 316 Missouri, the economic need of the affected community, and  
 317 the importance of the qualified company to the economic  
 318 development of the state. Any rule or portion of a rule, as  
 319 that term is defined in section 536.010, that is created  
 320 under the authority delegated in this section shall become

321 effective only if it complies with and is subject to all of  
322 the provisions of chapter 536 and, if applicable, section  
323 536.028. This section and chapter 536 are nonseverable and  
324 if any of the powers vested with the general assembly  
325 pursuant to chapter 536 to review, to delay the effective  
326 date, or to disapprove and annul a rule are subsequently  
327 held unconstitutional, then the grant of rulemaking  
328 authority and any rule proposed or adopted after August 28,  
329 2013, shall be invalid and void.

330 [4.] 3. The department shall make Missouri one start  
331 program applications and guidelines available online.

332 [5.] 4. The department may contract with other  
333 entities for the purposes of advertising, marketing, or  
334 promoting the [~~training~~] Missouri one start program  
335 established in sections 620.800 to 620.809. Any assistance  
336 through the [~~training~~] Missouri one start program shall be  
337 provided under an agreement.

338 [6.] 5. Prior to the authorization of any application  
339 submitted through the [~~training~~] Missouri one start program,  
340 the department shall verify the applicant's tax payment  
341 status and offset any delinquencies as provided in section  
342 135.815.

343 [7.] 6. Any qualified company that is awarded benefits  
344 under sections 620.800 to 620.809 and who files for  
345 bankruptcy under Chapter 7 of the United States Bankruptcy  
346 Code, Title 11 U.S.C., as amended, shall immediately notify  
347 the department, shall forfeit such benefits, and shall repay  
348 the state an amount equal to any state tax credits already  
349 redeemed and any withholding taxes already retained.

350 [8.] 7. The department may require repayment of all  
351 benefits awarded, increased by an additional amount that  
352 shall provide the state a reasonable rate of return, to any  
353 qualified company under sections 620.800 to 620.809 that



354 fails to maintain the new or retained jobs within five years  
355 of approval of the benefits or that leaves the state within  
356 five years of approval of the benefits.

357 [9.] 8. The department shall be authorized to contract  
358 with other entities, including businesses, industries, other  
359 state agencies, and political subdivisions of the state for  
360 the purpose of implementing a training project or providing  
361 recruitment services under the provisions of sections  
362 620.800 to 620.809.

363 620.806. 1. There is hereby created in the state  
364 treasury a fund to be known as the "Missouri One Start Job  
365 Development Fund", that shall be administered by the  
366 department for the purposes of the Missouri one start  
367 program. The fund shall consist of all moneys which may be  
368 appropriated to it by the general assembly and also any  
369 gifts, contributions, grants, or bequests received from  
370 federal, private or other sources, including, but not  
371 limited to, any block grant or other sources of funding  
372 relating to job training, school-to-work transition, welfare  
373 reform, vocational and technical training, housing,  
374 infrastructure, development, and human resource investment  
375 programs which may be provided by the federal government or  
376 other sources. The state treasurer shall be custodian of  
377 the fund and may approve disbursements from the fund in  
378 accordance with sections 30.170 and 30.180. Notwithstanding  
379 the provisions of section 33.080 to the contrary, any moneys  
380 remaining in the fund at the end of the biennium shall not  
381 revert to the credit of the general revenue fund. The state  
382 treasurer shall invest moneys in the fund in the same manner  
383 as other funds are invested. Any interest and moneys earned  
384 on such investments shall be credited to the fund.

385 2. The department may provide financial assistance for  
386 training projects through the [training] Missouri one start

387 program from the Missouri one start job development fund to  
388 qualified companies that create new jobs which will result  
389 in the need for training, or that make new capital  
390 investment relating directly to the retention of jobs in an  
391 amount at least five times greater than the amount of any  
392 financial assistance. Financial assistance may also be  
393 provided to a consortium of a majority of qualified  
394 companies organized to provide common training to the  
395 consortium members' employees.

396 3. Funds in the Missouri one start job development  
397 fund shall be appropriated, for recruitment services, and  
398 for financial assistance for training projects through the  
399 ~~[training]~~ Missouri one start program, by the general  
400 assembly to the department [and]. Recruitment services  
401 shall be administered by the department. Financial  
402 assistance for training projects shall be administered by a  
403 local education agency certified by the department for such  
404 purpose. ~~[Except for state-sponsored preemployment~~  
405 ~~training, no qualified company shall receive more than fifty~~  
406 ~~percent of its training program costs from the Missouri one~~  
407 ~~start job development fund.]~~ No funds shall be awarded or  
408 reimbursed to any qualified company for the training,  
409 retraining, or upgrading of skills of potential employees  
410 with the purpose of replacing or supplanting employees  
411 engaged in an authorized work stoppage. Upon approval by  
412 the department, training project costs, except the purchase  
413 of training equipment and training facilities, shall be  
414 eligible for reimbursement with funds from the Missouri one  
415 start job development fund. Notwithstanding any provision  
416 of law to the contrary, no qualified company within a  
417 service industry shall be eligible for training assistance  
418 under this subsection unless such qualified company provides  
419 services in interstate commerce, which shall mean that the

420 qualified company derives a majority of its annual revenues  
421 from out of the state.

422 [REDACTED] 4. Upon appropriation, a local education agency  
423 may petition the department to utilize the Missouri one  
424 start job development fund in order to create or improve  
425 training facilities, training equipment, training staff,  
426 training expertise, training programming, and  
427 administration. The department shall review all petitions  
428 and may award funds from the Missouri one start job  
429 development fund for reimbursement of training project costs  
430 and training project services as it deems necessary.

431 [REDACTED] 5. The department may promulgate rules to  
432 implement the provisions of this section. Any rule or  
433 portion of a rule, as that term is defined in section  
434 536.010, that is created under the authority delegated in  
435 this section shall become effective only if it complies with  
436 and is subject to all of the provisions of chapter 536 and,  
437 if applicable, section 536.028. This section and chapter  
438 536 are nonseverable and if any of the powers vested with  
439 the general assembly pursuant to chapter 536 to review, to  
440 delay the effective date, or to disapprove and annul a rule  
441 are subsequently held unconstitutional, then the grant of  
442 rulemaking authority and any rule proposed or adopted after  
443 August 28, 2019, shall be invalid and void.

444 620.809. 1. There is hereby established in the state  
445 treasury a fund to be known as the "Missouri One Start  
446 Community College New Jobs Training Fund", that shall be  
447 administered by the department for training projects in the  
448 [training] Missouri one start program. Through June 30,  
449 2023, the department of revenue shall credit to the fund, as  
450 received, all new jobs credits. [For existing Missouri  
451 businesses creating new jobs, the training project may  
452 include retained jobs.] The fund shall also consist of any

453 gifts, contributions, grants, or bequests received from  
 454 federal, private, or other sources. The general assembly,  
 455 however, shall not provide for any transfer of general  
 456 revenue funds into the fund. Moneys in the fund shall be  
 457 disbursed to the department under regular appropriations by  
 458 the general assembly.  ~~[The department shall have the~~  
 459  ~~discretion to determine the appropriate amount of funds to~~  
 460  ~~allocate per training project.]~~ Through June 30, 2023, the  
 461 department shall disburse such appropriated funds in a  
 462 timely manner into the special funds established by  
 463 community college districts for training projects, which  
 464 funds shall be used to pay training project costs. Such  
 465 disbursements shall be made to the special fund for each  
 466 training project as provided under subsection ~~[5]~~ 6 of this  
 467 section. All moneys remaining in the fund at the end of any  
 468 fiscal year shall not lapse to the general revenue fund, as  
 469 provided in section 33.080, but shall remain in the fund.  
 470 All unobligated funds in the Missouri one start community  
 471 college new jobs training fund on July 1, 2023, shall be  
 472 transferred to the Missouri one start community college  
 473 training fund authorized pursuant to subsection 3 of this  
 474 section.

475 2. There is hereby created in the state treasury a  
 476 fund to be known as the "Missouri One Start Community  
 477 College Job Retention Training Fund", that shall be  
 478 administered by the department for the Missouri one start  
 479 program. Through June 30, 2023, the department of revenue  
 480 shall credit to the fund, as received, all retained jobs  
 481 credits.  ~~[For existing Missouri businesses retaining jobs,~~  
 482  ~~the training project may include new jobs.]~~ The fund shall  
 483 also consist of any gifts, contributions, grants, or  
 484 bequests received from federal, private, or other sources.  
 485 The general assembly, however, shall not provide for any

486 transfer of general revenue funds into the fund. Moneys in  
 487 the fund shall be disbursed to the department under regular  
 488 appropriations by the general assembly.  ~~[The department~~  
 489  ~~shall have the discretion to determine the appropriate~~  
 490  ~~amount of funds to allocate per training project.]~~ Through  
 491 June 30, 2023, the department shall disburse such  
 492 appropriated funds in a timely manner into the special funds  
 493 established by community college districts for projects,  
 494 which funds shall be used to pay training  ~~[program]~~ project  
 495 costs [including the principal, premium, and interest on  
 496 certificates issued by the district to finance or refinance,  
 497 in whole or in part, a project]. Such disbursements by the  
 498 department shall be made to the special fund for each  
 499 project as provided under subsection  ~~[5]~~ 6 of this section.  
 500 All moneys remaining in the fund at the end of any fiscal  
 501 year shall not lapse to the general revenue fund, as  
 502 provided in section 33.080, but shall remain in the fund.  
 503 All unobligated funds in the Missouri One Start Community  
 504 College Job Retention Training Fund on July 1, 2023, shall  
 505 be transferred to the Missouri one start community college  
 506 training fund authorized pursuant to subsection 3 of this  
 507 section.

508 3. There is hereby created in the state treasury the  
 509 "Missouri One Start Community College Training Fund", that  
 510 shall be administered by the department for training  
 511 projects in the Missouri one start program. Beginning July  
 512 1, 2023, the department of revenue shall credit to the fund,  
 513 as received, all new and retained jobs credits. The fund  
 514 shall also consist of any gifts, contributions, grants, or  
 515 bequests received from federal, private, or other sources.  
 516 The general assembly, however, shall not provide for any  
 517 transfer of general revenue funds into the fund. Beginning  
 518 July 1, 2023, the department shall disburse moneys in the

519 fund under regular appropriations by the general assembly.  
520 The department shall disburse such appropriated funds in a  
521 timely manner into the special funds established by  
522 community college districts for training projects, which  
523 funds shall be used to pay training project costs. Such  
524 disbursements shall be made to the special fund for each  
525 training project as provided under subsection 6 of this  
526 section. All moneys remaining in the fund at the end of any  
527 fiscal year shall not lapse to the general revenue fund, as  
528 provided in section 33.080, but shall remain in the fund.

529       4. The department of revenue shall develop such forms  
530 as are necessary to demonstrate accurately each qualified  
531 company's new jobs credit paid through June 30, 2023, into  
532 the Missouri one start community college new jobs training  
533 fund or retained jobs credit paid through June 30, 2023,  
534 into the Missouri one start community college job retention  
535 training fund. The department of revenue shall develop such  
536 forms as are necessary to demonstrate accurately each  
537 qualified company's new or retained jobs credit, or both, as  
538 applicable, paid beginning July 1, 2023, into the Missouri  
539 one start community college jobs training fund. The new or  
540 retained jobs credits, or both, as applicable, shall be  
541 accounted as separate from the normal withholding tax paid  
542 to the department of revenue by the qualified company.  
543 Through June 30, 2023, reimbursements made by all qualified  
544 companies to the Missouri one start community college new  
545 jobs training fund and the Missouri one start community  
546 college job retention training fund shall be no less than  
547 all allocations made by the department to all community  
548 college districts for all projects. Beginning July 1, 2023,  
549 reimbursements made by all qualified companies to the  
550 Missouri one start community college training fund shall be  
551 no less than all allocations made by the department to all

552 community college districts for all projects. The qualified  
553 company shall remit the amount of the new or retained jobs  
554 credit, or both, as applicable, to the department of revenue  
555 in the same manner as provided in sections 143.191 to  
556 143.265. A qualified company's training project may include  
557 both new jobs and retained jobs.

558 [4] 5. A community college district, with the  
559 approval of the department in consultation with the office  
560 of administration, may enter into an agreement to establish  
561 a training project and provide training project services to  
562 a qualified company. The department shall have the  
563 discretion to determine the appropriate amount of funds to  
564 allocate per training project. As soon as possible after  
565 initial contact between a community college district and a  
566 potential qualified company regarding the possibility of  
567 entering into an agreement, the community college district  
568 shall inform the department of the potential training  
569 project. The department shall evaluate the proposed  
570 training project within the overall job training efforts of  
571 the state to ensure that the training project will not  
572 duplicate other job training programs. The department shall  
573 have fourteen days from receipt of a notice of intent to  
574 approve or disapprove a training project. If no response is  
575 received by the qualified company within fourteen days, the  
576 training project shall be deemed approved. Disapproval of  
577 any training project shall be made in writing and state the  
578 reasons for such disapproval. If an agreement is entered  
579 into, the district and the qualified company shall notify  
580 the department of revenue within fifteen calendar days. In  
581 addition to any provisions required under subsection 6 of  
582 this section for a qualified company applying to receive a  
583 new or retained job credit, or both, as applicable, an  
584 agreement may provide, but shall not be limited to:

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

587 (a) Through June 30, 2023, funds appropriated by the  
588 general assembly to the Missouri one start community college  
589 new jobs training program fund or Missouri one start  
590 community college job retention training program fund, as  
591 applicable, and disbursed by the department for the purposes  
592 consistent with sections 620.800 to 620.809;

593 (b) Beginning July 1, 2023, funds appropriated by the  
594 general assembly to the Missouri one start community college  
595 jobs training program fund and disbursed by the department  
596 for the purposes consistent with sections 620.800 to 620.809;

597 (c) Funds appropriated by the general assembly from  
598 the general revenue fund and disbursed by the department for  
599 the purposes consistent with sections 620.800 to 620.809;

600 ~~[(c)]~~ (d) Tuition, student fees, or special charges  
601 fixed by the board of trustees to defray training project  
602 costs in whole or in part;

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

605 (3) Costs of on-the-job training for employees which  
606 shall include wages or salaries of participating employees.  
607 Payments for on-the-job training shall not exceed the  
608 average of fifty percent of the total wages paid by the  
609 qualified company to each participant during the period of  
610 training. Payment for on-the-job training may continue for  
611 up to six months from the date the training begins;

612 (4) A provision which fixes the minimum amount of new  
613 or retained jobs credits, or both, if applicable, general  
614 revenue fund appropriations, or tuition and fee payments  
615 which shall be paid for training project costs; and

616 (5) Any payment required to be made by a qualified  
617 company. This payment shall constitute a lien upon the



618 qualified company's business property until paid, shall have  
619 equal priority with ordinary taxes and shall not be divested  
620 by a judicial sale. Property subject to such lien may be  
621 sold for sums due and delinquent at a tax sale, with the  
622 same forfeitures, penalties, and consequences as for the  
623 nonpayment of ordinary taxes. The purchasers at a tax sale  
624 shall obtain the property subject to the remaining payments.

625 ~~[5]~~ 6. (1) For projects that are funded exclusively  
626 under ~~[paragraph]~~ paragraphs (a) and (b) of subdivision (1)  
627 of subsection ~~[4]~~ 5 of this section, the department shall  
628 disburse such funds to the special fund for each training  
629 project in the same proportion as the new jobs or retained  
630 jobs credits remitted by the qualified company participating  
631 in such project bears to the total new jobs or retained jobs  
632 credits from withholding remitted by all qualified companies  
633 participating in projects during the period for which the  
634 disbursement is made.

635 (2) Subject to appropriation, for projects that are  
636 funded through a combination of funds under paragraphs (a)  
637 ~~[and]~~, (b), and (c) of subdivision (1) of subsection ~~[4]~~ 5  
638 of this section, the department shall disburse funds  
639 appropriated under paragraph ~~[(b)]~~ (c) of subdivision (1) of  
640 subsection ~~[4]~~ 5 of this section to the special fund for  
641 each training project upon commencement of the project. The  
642 department shall disburse funds appropriated under  
643 ~~[paragraph]~~ paragraphs (a) and (b) of subdivision (1) of  
644 subsection ~~[4]~~ 5 of this section to the special fund for  
645 each training project in the same proportion as the new jobs  
646 or retained jobs credits remitted by the qualified company  
647 participating in such project bears to the total new jobs or  
648 retained jobs credits from withholding remitted by all  
649 qualified companies participating in projects during the  
650 period for which the disbursement is made, reduced by the

651 amount of funds appropriated under paragraph [6] (c) of  
652 subdivision (1) of subsection [4] 5 of this section.

653 [6] 7. Any qualified company that submits a notice of  
654 intent for retained job credits shall enter into an  
655 agreement, providing that the qualified company has:

656 (1) Maintained at least one hundred full-time  
657 employees per year at the project facility for the calendar  
658 year preceding the year in which the application is made; and

659 (2) Made or agrees to make a new capital investment of  
660 greater than five times the amount of any award under [this  
661 training] the Missouri one start program at the project  
662 facility over a period of two consecutive years, as  
663 certified by the qualified company and:

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

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

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

671 [7] 8. If an agreement provides that all or part of  
672 the training [program] project costs are to be met by  
673 receipt of new or retained jobs credit, or both, if  
674 applicable, such new or retained jobs credit from  
675 withholding shall be determined and paid as follows:

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

678 (2) A portion of the total payments made by the  
679 qualified companies under sections 143.191 to 143.265 shall  
680 be designated as the new or retained jobs credit, or both,  
681 if applicable, from withholding. Such portion shall be an  
682 amount equal to two and one-half percent of the gross wages  
683 paid by the qualified company for each of the first one

684 hundred jobs included in the project and one and one-half  
685 percent of the gross wages paid by the qualified company for  
686 each of the remaining jobs included in the project. If  
687 business or employment conditions cause the amount of the  
688 new or retained jobs credit from withholding to be less than  
689 the amount projected in the agreement for any time period,  
690 then other withholding tax paid by the qualified company  
691 under sections 143.191 to 143.265 shall be credited to the  
692 applicable fund by the amount of such difference. The  
693 qualified company shall remit the amount of the new or  
694 retained jobs credit, or both, if applicable, to the  
695 department of revenue in the manner prescribed in sections  
696 143.191 to 143.265. When all training ~~[program]~~ project  
697 costs have been paid, the new or retained jobs credits, or  
698 both, if applicable, shall cease;

699 (3) The community college district participating in a  
700 project shall establish a special fund for and in the name  
701 of the training project. All funds appropriated by the  
702 general assembly from the funds established under  
703 ~~[subsections 1 and 2 of]~~ this section and disbursed by the  
704 department for the training project and other amounts  
705 received by the district for training project costs as  
706 required by the agreement shall be deposited in the special  
707 fund. Amounts held in the special fund shall be used and  
708 disbursed by the district only to pay training project costs  
709 for such training project. The special fund may be divided  
710 into such accounts and subaccounts as shall be provided in  
711 the agreement, and amounts held therein may be invested in  
712 the same manner as the district's other funds;

713 (4) Any disbursement for training project costs  
714 received from the department under sections 620.800 to  
715 620.809 and deposited into the training project's special  
716 fund may be irrevocably pledged by a community college

717 district for the payment of the principal, premium, and  
718 interest on the certificate issued by a community college  
719 district to finance or refinance, in whole or in part, such  
720 training project;

721 (5) The qualified company shall certify to the  
722 department of revenue that the new or retained jobs credit,  
723 or both, if applicable, is in accordance with an agreement  
724 and shall provide other information the department of  
725 revenue may require;

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

729 (7) If an agreement provides that all or part of  
730 training ~~[program]~~ project costs are to be met by receipt of  
731 new or retained jobs credit, or both, if applicable, the  
732 provisions of this subsection shall also apply to any  
733 successor to the original qualified company until the  
734 principal and interest on the certificates have been paid.

735 ~~[8.]~~ 9. To provide funds for the present payment of  
736 the training project costs ~~[of new or retained jobs training~~  
737 ~~project]~~ through the ~~[training]~~ Missouri one start program  
738 as provided in this section, a community college district  
739 may borrow money and issue and sell certificates payable  
740 from a sufficient portion of the future receipts of payments  
741 authorized by the agreement including disbursements from the  
742 ~~[Missouri one start community college new jobs training fund~~  
743 ~~or the Missouri one start community college job retention~~  
744 ~~training fund]~~ funds established under this section, to the  
745 special fund established by the community college district  
746 for each training project. The total amount of outstanding  
747 certificates sold by all community college districts shall  
748 not exceed the total amount authorized under law as of  
749 January 1, 2013~~], unless an increased amount is authorized.~~

750 ~~In writing by a majority of members of the committee].~~ The  
751 certificates shall be marketed through financial  
752 institutions authorized to do business in Missouri. The  
753 receipts shall be pledged to the payment of principal of and  
754 interest on the certificates. Certificates may be sold at  
755 public sale or at private sale at par, premium, or discount  
756 of not less than ninety-five percent of the par value  
757 thereof, at the discretion of the board of trustees, and may  
758 bear interest at such rate or rates as the board of trustees  
759 shall determine, notwithstanding the provisions of section  
760 108.170 to the contrary. However, the provisions of chapter  
761 176 shall not apply to the issuance of such certificates.  
762 Certificates may be issued with respect to a single training  
763 project or multiple training projects and may contain terms  
764 or conditions as the board of trustees may provide by  
765 resolution authorizing the issuance of the certificates.

766 ~~[9.]~~ 10. Certificates issued to refund other  
767 certificates may be sold at public sale or at private sale  
768 as provided in this section, with the proceeds from the sale  
769 to be used for the payment of the certificates being  
770 refunded. The refunding certificates may be exchanged in  
771 payment and discharge of the certificates being refunded, in  
772 installments at different times or an entire issue or series  
773 at one time. Refunding certificates may be sold or  
774 exchanged at any time on, before, or after the maturity of  
775 the outstanding certificates to be refunded. They may be  
776 issued for the purpose of refunding a like, greater, or  
777 lesser principal amount of certificates and may bear a rate  
778 of interest that is higher, lower, or equivalent to that of  
779 the certificates being renewed or refunded.

780 ~~[10.]~~ 11. Before certificates are issued, the board of  
781 trustees shall publish once a notice of its intention to  
782 issue the certificates, stating the amount, the purpose, and

783 the project or projects for which the certificates are to be  
784 issued. A person with standing may, within fifteen days  
785 after the publication of the notice, by action in the  
786 circuit court of a county in the district, appeal the  
787 decision of the board of trustees to issue the  
788 certificates. The action of the board of trustees in  
789 determining to issue the certificates shall be final and  
790 conclusive unless the circuit court finds that the board of  
791 trustees has exceeded its legal authority. An action shall  
792 not be brought which questions the legality of the  
793 certificates, the power of the board of trustees to issue  
794 the certificates, the effectiveness of any proceedings  
795 relating to the authorization of the project, or the  
796 authorization and issuance of the certificates from and  
797 after fifteen days from the publication of the notice of  
798 intention to issue.

799 ~~[11.]~~ 12. The board of trustees shall make a finding  
800 based on information supplied by the qualified company that  
801 revenues provided in the agreement are sufficient to secure  
802 the faithful performance of obligations in the agreement.

803 ~~[12.]~~ 13. Certificates issued under this section shall  
804 not be deemed to be an indebtedness of the state, the  
805 community college district, or any other political  
806 subdivision of the state, and the principal and interest on  
807 any certificates shall be payable only from the sources  
808 provided in subdivision (1) of subsection ~~[4]~~ 5 of this  
809 section which are pledged in the agreement.

810 ~~[13.]~~ 14. Pursuant to section 23.253 of the Missouri  
811 sunset act:

812 (1) The program authorized under sections 620.800 to  
813 620.809 shall be reauthorized as of August 28, 2018, and  
814 shall expire on August 28, 2030; and

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

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

823           ~~[14.]~~ 15. Any agreement or obligation entered into by  
824 the department that was made under the provisions of  
825 sections 620.800 to 620.809 prior to August 28, 2019, shall  
826 remain in effect according to the provisions of such  
827 agreement or obligation."; and

828           Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4Offered by LORENof 5Amend SS/House Bill No. 2400, Page 5, Section 285.730, Line 143,

2 by inserting after all of said line the following:

3 "620.515. 1. This section shall be known and may be  
4 cited as the "Show-Me Heroes" program, the purpose of which  
5 is to:

6 (1) Assist the spouse of an active duty National Guard  
7 or reserve component service member reservist and active  
8 duty United States military personnel to address immediate  
9 needs and employment in an attempt to keep the family from  
10 falling into poverty while the primary income earner is on  
11 active duty, and during the five-year period following  
12 discharge from deployment; and

13 (2) Assist returning National Guard troops or reserve  
14 component service member reservists and recently separated  
15 United States military personnel with finding work in  
16 situations where an individual needs to rebuild business  
17 clientele or where an individual's job has been eliminated  
18 while such individual was deployed, or where the individual  
19 otherwise cannot return to his or her previous employment.

20 2. Subject to appropriation, the department of  
21 ~~[economic development]~~ higher education and workforce  
22 development shall operate the Show-Me heroes program through  
23 existing programs. Eligibility for the program shall be  
24 based on the following criteria:

25 (1) Eligible participants in the program shall be  
26 those families where:

*Offered 5/4/22*  
*Adopted "*



27 (a) The primary income earner was called to active  
28 duty in defense of the United States for a period of more  
29 than four months;

30 (b) The family's primary income is no longer available;

31 (c) The family is experiencing significant hardship  
32 due to financial burdens; and

33 (d) The family has no outside resources available to  
34 assist with such hardships;

35 (2) Services that may be provided to the family will  
36 be aimed at ameliorating the immediate crisis and providing  
37 a path for economic stability while the primary income is  
38 not available due to the active military commitment.  
39 Services shall be made available up to five years following  
40 discharge from deployment. Services may include, but not be  
41 limited to the following:

42 (a) Financial assistance to families facing financial  
43 crisis from overdue bills;

44 (b) Help paying day care costs to pursue training and  
45 or employment;

46 (c) Help covering the costs of transportation to  
47 training and or employment;

48 (d) Vocational evaluation and vocational counseling to  
49 help the individual choose a visible employment goal;

50 (e) Vocational training to acquire or upgrade skills  
51 needed to be marketable in the workforce;

52 (f) Paid internships and subsidized employment to  
53 train on the job; and

54 (g) Job placement assistance for those who don't  
55 require skills training.

56 3. (1) In addition to the benefits provided to those  
57 meeting the criteria established by subsection 2 of this  
58 section, the department of higher education and workforce  
59 development may award grants from the Show-Me heroes program

60 or programs administering the Show-Me heroes program to one  
61 or more nonprofit organizations that facilitate the  
62 participation in apprenticeship training programs of  
63 veterans and active duty United States military personnel  
64 who are transitioning into civilian employment.

65 (2) A grant awarded pursuant to this subsection shall  
66 be used only to recruit or assist veterans or active duty  
67 United States military personnel who are transitioning into  
68 civilian employment to participate in an apprenticeship  
69 training program in this state.

70 (3) As used in this subsection, the term  
71 "apprenticeship training program" means a training program  
72 that provides on-the-job training, preparatory instruction,  
73 supplementary instruction, or related instruction in a trade  
74 that has been certified as an apprenticeable occupation by  
75 the Office of Apprenticeship of the United States Department  
76 of Labor.

77 4. The department shall promulgate rules to implement  
78 the provisions of this section. Any rule or portion of a  
79 rule, as that term is defined in section 536.010, that is  
80 created under the authority delegated in this section shall  
81 become effective only if it complies with and is subject to  
82 all of the provisions of chapter 536 and, if applicable,  
83 section 536.028. This section and chapter 536 are  
84 nonseverable and if any of the powers vested with the  
85 general assembly pursuant to chapter 536 to review, to delay  
86 the effective date, or to disapprove and annul a rule are  
87 subsequently held unconstitutional, then the grant of  
88 rulemaking authority and any rule proposed or adopted after  
89 August 28, 2012, shall be invalid and void."; and

90 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 7

Offered by

Karla May

of

YTHAmend SS/House Bill No. 2400, Page 5, Section 285.730, Line 143,

2 by inserting after all of said line the following:

3 "620.850. 1. This section shall be known and may be  
4 cited as the "Citizen's Land Development Cooperative Act".

5 2. As used in this section, the following terms shall  
6 mean:

7 (1) "Commission", the citizen's land development  
8 cooperative commission established in subsection 3 of this  
9 section;

10 (2) "Citizen's land development cooperative", a for-  
11 profit, citizen-owned, professionally managed real estate  
12 planning and development corporation or land cooperative  
13 that may:

14 (a) Receive title to land, natural resources, physical  
15 infrastructure, or facilities donated by a not-for-profit  
16 organization or government entity;

17 (b) Borrow money on behalf of its shareholders to  
18 purchase land, plan its use, and develop the land and  
19 natural resources for productive and ecologically suitable  
20 purposes; and

21 (c) Enable each citizen whose principal residence is  
22 situated in a local or regional area for which future  
23 development will be controlled by a citizen's land  
24 development cooperative to acquire, free as a right of  
25 citizenship, an equal, lifetime, non-transferable, private  
26 property ownership stake in local land use and

*Offered 5/4/25*  
*Adopted 11*

27 infrastructure development, share profits from land rentals,  
28 natural resource use or extraction revenues, and  
29 infrastructure user fees, and have a voice as an owner in  
30 the governance of future land development in the community;

31 (3) "Department", the Missouri department of economic  
32 development.

33 3. (1) There is hereby established within the  
34 department the citizen's land development cooperative  
35 commission.

36 (2) The commission shall consist of eleven members to  
37 be appointed by the governor, with the advice and consent of  
38 the senate, one of whom shall be designated as chair of the  
39 commission at the time of appointment.

40 (3) Of the members initially appointed, three members  
41 shall serve a term of one year, three members shall serve a  
42 term of two years, three members shall serve a term of three  
43 years, and two members, one of whom shall be the chair,  
44 shall serve a term of four years. Thereafter, all terms  
45 shall be for four years.

46 4. (1) The commission may begin to conduct business  
47 upon the appointment of a majority of the voting members,  
48 including the chair. The commission may adopt bylaws, and  
49 may establish committees and officers as it deems necessary.

50 (2) A majority of members of the commission shall  
51 constitute a quorum, and meetings of the commission shall be  
52 subject to the provisions of chapter 610. The commission  
53 shall afford an opportunity for public comment at each  
54 public meeting.

55 (3) All members of the commission shall serve without  
56 compensation for such service, but shall be reimbursed for  
57 all necessary and actual expenses incurred by them in the  
58 performance of their official duties.

59       (4) Subject to appropriation, the department shall  
60 provide staff and administrative support services to the  
61 commission.

62       5. The commission shall gather information and make  
63 annual reports of recommendations to the governor and to the  
64 general assembly regarding the establishment and operation  
65 of citizen's land development cooperatives. The reports  
66 shall include recommendations concerning, without limitation:

67       (1) The establishment of policies regarding citizen's  
68 land development cooperatives;

69       (2) The approval of citizen's land development  
70 cooperatives throughout the state;

71       (3) The establishment of guidelines for citizens of  
72 localities to petition for local referenda to create  
73 citizen's land development cooperatives and to determine the  
74 participation plan for allocation, shareholder governance,  
75 and ownership rights, the issuance and cancellation of  
76 shares of citizen's land development cooperatives, and the  
77 disposition of assets in the event of the dissolution of a  
78 citizen's land development cooperative;

79       (4) The establishment of tax reforms that encourage  
80 the use and effectiveness of citizen's land development  
81 cooperatives through the exemption from all state and local  
82 taxes on the holdings of land, natural resources,  
83 improvements, other tangible and intangible assets,  
84 undistributed capital gains, and undistributed profits,  
85 provided that at least ninety percent of the annual profits  
86 are distributed as taxable dividends, other forms of taxable  
87 distributions to its shareholders and workers, and debt  
88 service payments on its loans;

89       (5) The rendering of assistance to localities on  
90 problems, concerns, and issues related to the development of  
91 citizen's land development cooperatives;

92           (6) The undertaking of studies and gathering  
93 information and data to accomplish the purposes as set forth  
94 in this section and to formulate and present recommendations  
95 to the governor and the general assembly;

96           (7) Applying for, accepting, and expending gifts,  
97 grants, loans, or donations from public, quasi-public, or  
98 private sources, including any matching funds as may be  
99 designated in an appropriation to the department, to enable  
100 the commission to carry out its purpose; and

101           (8) Accounting annually on its fiscal activities,  
102 including any matching funds received or expended by the  
103 commission.

104           6. (1) Subject to appropriation, the department shall  
105 develop and maintain a program to make grants to communities  
106 seeking to establish citizen's land development cooperatives  
107 and encourage them to become self-sustaining from land  
108 rentals and other fees within the first five years of their  
109 formation. The procedures for grant application shall be  
110 established by the department by rule.

111           (2) The commission shall seek funding from local,  
112 state, federal, and private sources to make grants and loans  
113 and otherwise enhance the development of citizen's land  
114 development cooperatives. The department shall advise the  
115 commission of all available sources of funding for economic  
116 development that it is aware of and shall assist the  
117 commission and citizen's land development cooperatives in  
118 securing such funding.

119           (3) Funds received pursuant to this section shall be  
120 deposited into the citizen's land development cooperative  
121 fund, which is hereby created in the state treasury. The  
122 state treasurer shall be custodian of the fund. In  
123 accordance with sections 30.170 and 30.180, the state  
124 treasurer may approve disbursements. Notwithstanding the

125 provisions of section 33.080 to the contrary, any moneys  
126 remaining in the fund at the end of the biennium shall not  
127 revert to the credit of the general revenue fund. The state  
128 treasurer shall invest moneys in the fund in the same manner  
129 as other funds are invested. Any interest and moneys earned  
130 on such investments shall be credited to the fund. Moneys  
131 in the fund shall be expended solely for the purposes of  
132 this section.

133 7. The department shall establish rules to implement  
134 the provisions of this section. Any rule or portion of a  
135 rule, as that term is defined in section 536.010, that is  
136 created under the authority delegated in this section shall  
137 become effective only if it complies with and is subject to  
138 all of the provisions of chapter 536 and, if applicable,  
139 section 536.028. This section and chapter 536 are  
140 nonseverable and if any of the powers vested with the  
141 general assembly pursuant to chapter 536 to review, to delay  
142 the effective date, or to disapprove and annul a rule are  
143 subsequently held unconstitutional, then the grant of  
144 rulemaking authority and any rule proposed or adopted after  
145 August 28, 2022, shall be invalid and void."; and

146 Further amend the title and enacting clause accordingly.

# SENATE AMENDMENT NO. 8

Offered by Crawford of 28<sup>th</sup>

Amend SS/House Bill No. 2400, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "105.1500. 1. This section shall be known and may be  
4 cited as "The Personal Privacy Protection Act".

5 2. As used in this section, the following terms mean:

6 (1) "Personal information", any list, record,  
7 register, registry, roll, roster, or other compilation of  
8 data of any kind that directly or indirectly identifies a  
9 person as a member, supporter, or volunteer of, or donor of  
10 financial or nonfinancial support to, any entity exempt from  
11 federal income tax under Section 501(c) of the Internal  
12 Revenue Code of 1986, as amended;

13 (2) "Public agency", the state and any political  
14 subdivision thereof including, but not limited to, any  
15 department, agency, office, commission, board, division, or  
16 other entity of state government; any county, city,  
17 township, village, school district, community college  
18 district; or any other local governmental unit, agency,  
19 authority, council, board, commission, state or local court,  
20 tribunal or other judicial or quasi-judicial body.

21 3. (1) Notwithstanding any provision of law to the  
22 contrary, but subject to the exceptions listed under  
23 subsection 4 of this section, a public agency shall not:

24 (a) Require any individual to provide the public  
25 agency with personal information or otherwise compel the  
26 release of personal information;

*Offered 5/4/22*  
*adopted "*



27        (b) Require any entity exempt from federal income  
28 taxation under Section 501(c) of the Internal Revenue Code  
29 to provide the public agency with personal information or  
30 otherwise compel the release of personal information;

31        (c) Release, publicize, or otherwise publicly disclose  
32 personal information in possession of a public agency; or

33        (d) Request or require a current or prospective  
34 contractor or grantee with the public agency to provide the  
35 public agency with a list of entities exempt from federal  
36 income taxation under Section 501(c) of the Internal Revenue  
37 Code of 1986, as amended, to which it has provided financial  
38 or nonfinancial support.

39        (2) All personal information in the possession of a  
40 public agency shall be considered a closed record under  
41 chapter 610 and court operating rules.

42        4. The provisions of this section shall not preclude  
43 any individual or entity from being required to comply with  
44 any of the following:

45        (1) Submitting any report or disclosure required by  
46 this chapter or chapter 130;

47        (2) Responding to any lawful request or subpoena for  
48 personal information from the Missouri ethics commission as  
49 a part of an investigation, or publicly disclosing personal  
50 information as a result of an enforcement action from the  
51 Missouri ethics commission pursuant to its authority in  
52 sections 105.955 to 105.966;

53        (3) Responding to any lawful warrant for personal  
54 information issued by a court of competent jurisdiction;

55        (4) Responding to any lawful request for discovery of  
56 personal information in litigation if:

57        (a) The requestor demonstrates a compelling need for  
58 the personal information by clear and convincing evidence;  
59 and

60       (b) The requestor obtains a protective order barring  
61 disclosure of personal information to any person not named  
62 in the litigation;

63       (5) Applicable court rules or admitting any personal  
64 information as relevant evidence before a court of competent  
65 jurisdiction. However, a submission of personal information  
66 to a court shall be made in a manner that it is not publicly  
67 revealed and no court shall publicly reveal personal  
68 information absent a specific finding of good cause; or

69       (6) Any report or disclosure required by state law to  
70 be filed with the secretary of state, provided that personal  
71 information obtained by the secretary of state is otherwise  
72 subject to the requirements of paragraph (c) of subdivision  
73 (1) of subsection 3 of this section, unless expressly  
74 required to be made public by state law.

75       5. (1) A person or entity alleging a violation of  
76 this section may bring a civil action for appropriate  
77 injunctive relief, damages, or both. Damages awarded under  
78 this section may include one of the following, as  
79 appropriate:

80       (a) A sum of moneys not less than two thousand five  
81 hundred dollars to compensate for injury or loss caused by  
82 each violation of this section; or

83       (b) For an intentional violation of this section, a  
84 sum of moneys not to exceed three times the sum described in  
85 paragraph (a) of this subdivision.

86       (2) A court, in rendering a judgment in an action  
87 brought under this section, may award all or a portion of  
88 the costs of litigation, including reasonable attorney's  
89 fees and witness fees, to the complainant in the action if  
90 the court determines that the award is appropriate.

91       (3) A person who knowingly violates this section is  
92 guilty of a class B misdemeanor."; and

93 Further amend the title and enacting clause accordingly.

**SENATE AMENDMENT NO. 9**Offered by Bean of DunklinAmend SS/House Bill No. 2400, Page 5, Section 285.730, Line 143,

2 by inserting after all of said line the following:

3 "313.800. 1. As used in sections 313.800 to 313.850,  
4 unless the context clearly requires otherwise, the following  
5 terms mean:

6 (1) "Adjusted gross receipts", the gross receipts from  
7 licensed gambling games and devices less winnings paid to  
8 wagerers;

9 (2) "Applicant", any person applying for a license  
10 authorized under the provisions of sections 313.800 to  
11 313.850;

12 (3) "Bank", the elevations of ground which confine the  
13 waters of the Mississippi or Missouri Rivers at the ordinary  
14 high water mark as defined by common law;

15 (4) "Capital, cultural, and special law enforcement  
16 purpose expenditures" shall include any disbursement,  
17 including disbursements for principal, interest, and costs  
18 of issuance and trustee administration related to any  
19 indebtedness, for the acquisition of land, land  
20 improvements, buildings and building improvements, vehicles,  
21 machinery, equipment, works of art, intersections, signing,  
22 signalization, parking lot, bus stop, station, garage,  
23 terminal, hanger, shelter, dock, wharf, rest area, river  
24 port, airport, light rail, railroad, other mass transit,  
25 pedestrian shopping malls and plazas, parks, lawns, trees,  
26 and other landscape, convention center, roads, traffic

Offered 5/4/22  
Adopted 11

27 control devices, sidewalks, alleys, ramps, tunnels,  
28 overpasses and underpasses, utilities, streetscape,  
29 lighting, trash receptacles, marquees, paintings, murals,  
30 fountains, sculptures, water and sewer systems, dams,  
31 drainage systems, creek bank restoration, any asset with a  
32 useful life greater than one year, cultural events, and any  
33 expenditure related to a law enforcement officer deployed as  
34 horse-mounted patrol, school resource or drug awareness  
35 resistance education (D.A.R.E) officer;

36 (5) "Cheat", to alter the selection of criteria which  
37 determine the result of a gambling game or the amount or  
38 frequency of payment in a gambling game;

39 (6) "Commission", the Missouri gaming commission;

40 (7) "Credit instrument", a written check, negotiable  
41 instrument, automatic bank draft or other authorization from  
42 a qualified person to an excursion gambling boat licensee or  
43 any of its affiliated companies licensed by the commission  
44 authorizing the licensee to withdraw the amount of credit  
45 extended by the licensee to such person from the qualified  
46 person's banking account in an amount determined under  
47 section 313.817 on or after a date certain of not more than  
48 thirty days from the date the credit was extended, and  
49 includes any such writing taken in consolidation, redemption  
50 or payment of a previous credit instrument, but does not  
51 include any interest-bearing installment loan or other  
52 extension of credit secured by collateral;

53 (8) "Dock", the location in a city or county  
54 authorized under subsection 10 of section 313.812 which  
55 contains any natural or artificial space, inlet, hollow, or  
56 basin, in or adjacent to a bank of the Mississippi or  
57 Missouri Rivers, next to a wharf or landing devoted to the  
58 embarking of passengers on and disembarking of passengers  
59 from a gambling excursion but shall not include any

60 artificial space created after May 20, 1994, and is located  
61 more than one thousand feet from the closest edge of the  
62 main channel of the river as established by the United  
63 States Army Corps of Engineers;

64 (9) "Excursion gambling boat", a boat, ferry, other  
65 floating facility, or any nonfloating facility licensed by  
66 the commission on or inside of which gambling games are  
67 allowed;

68 (10) "Fiscal year", the fiscal year of a home dock  
69 city or county;

70 (11) "Floating facility", any facility built or  
71 originally built as a boat, ferry or barge licensed by the  
72 commission on which gambling games are allowed;

73 (12) "Gambling excursion", the time during which  
74 gambling games may be operated on an excursion gambling boat  
75 whether docked or during a cruise;

76 (13) "Gambling game" includes, but is not limited to,  
77 games of skill or games of chance on an excursion gambling  
78 boat but does not include gambling on sporting events;  
79 provided such games of chance are approved by amendment to  
80 the Missouri Constitution;

81 (14) "Games of chance", any gambling game in which the  
82 player's expected return is not favorably increased by the  
83 player's reason, foresight, dexterity, sagacity, design,  
84 information or strategy;

85 (15) "Games of skill", any gambling game in which  
86 there is an opportunity for the player to use the player's  
87 reason, foresight, dexterity, sagacity, design, information  
88 or strategy to favorably increase the player's expected  
89 return; including, but not limited to, the gambling games  
90 known as "poker", "blackjack" (twenty-one), "craps",  
91 "Caribbean stud", "pai gow poker", "Texas hold'em", "double  
92 down stud", and any video representation of such games;

93 (16) "Gross receipts", the total sums wagered by  
94 patrons of licensed gambling games;

95 (17) "Holder of occupational license", a person  
96 licensed by the commission to perform an occupation within  
97 excursion gambling boat operations which the commission has  
98 identified as requiring a license;

99 (18) "Licensee", any person licensed under sections  
100 313.800 to 313.850;

101 (19) "Mississippi River" and "Missouri River", the  
102 water, bed and banks of those rivers, including any space  
103 filled wholly or partially by the water of those rivers in a  
104 manner approved by the commission but shall not include any  
105 artificial space created after May 20, 1994, and is located  
106 more than one thousand feet from the closest edge of the  
107 main channel of the river as established by the United  
108 States Army Corps of Engineers;

109 (20) "Nonfloating facility", any structure within one  
110 thousand feet from the closest edge of the main channel of  
111 the Missouri or Mississippi River, as established by the  
112 United States Army Corps of Engineers, that contains at  
113 least two thousand gallons of water beneath or inside the  
114 facility either by an enclosed space containing such water  
115 or in rigid or semirigid storage containers, tanks, or  
116 structures;

117 (21) "Supplier", a person who sells or leases gambling  
118 equipment and gambling supplies to any licensee.

119 2. (1) In addition to the games of skill defined in  
120 this section, the commission may approve other games of  
121 skill upon receiving a petition requesting approval of a  
122 gambling game from any applicant or licensee. The  
123 commission may set the matter for hearing by serving the  
124 applicant or licensee with written notice of the time and  
125 place of the hearing not less than five days prior to the

126 date of the hearing and posting a public notice at each  
127 commission office. The commission shall require the  
128 applicant or licensee to pay the cost of placing a notice in  
129 a newspaper of general circulation in the applicant's or  
130 licensee's home dock city or county. The burden of proof  
131 that the gambling game is a game of skill is at all times on  
132 the petitioner. The petitioner shall have the affirmative  
133 responsibility of establishing the petitioner's case by a  
134 preponderance of evidence including:

135 (a) Is it in the best interest of gaming to allow the  
136 game; and

137 (b) Is the gambling game a game of chance or a game of  
138 skill?

139 (2) All testimony shall be given under oath or  
140 affirmation. Any citizen of this state shall have the  
141 opportunity to testify on the merits of the petition. The  
142 commission may subpoena witnesses to offer expert  
143 testimony. Upon conclusion of the hearing, the commission  
144 shall evaluate the record of the hearing and issue written  
145 findings of fact that shall be based exclusively on the  
146 evidence and on matters officially noticed. The commission  
147 shall then render a written decision on the merits which  
148 shall contain findings of fact, conclusions of law and a  
149 final commission order. The final commission order shall be  
150 within thirty days of the hearing. Copies of the final  
151 commission order shall be served on the petitioner by  
152 certified or overnight express mail, postage prepaid, or by  
153 personal delivery.

154 313.805. The commission shall have full jurisdiction  
155 over and shall supervise all gambling operations governed by  
156 sections 313.800 to 313.850. The commission shall have the  
157 following powers and shall promulgate rules and regulations  
158 to implement sections 313.800 to 313.850:



159           (1) To investigate applicants and determine the  
160 priority and eligibility of applicants for a license and to  
161 select among competing applicants for a license the  
162 applicant which best serves the interests of the citizens of  
163 Missouri;

164           (2) To license the operators of excursion gambling  
165 boats and operators of gambling games within such boats, to  
166 identify occupations within the excursion gambling boat  
167 operations which require licensing, and adopt standards for  
168 licensing the occupations including establishing fees for  
169 the occupational licenses and to license suppliers;

170           (3) To adopt standards under which all excursion  
171 gambling boat operations shall be held and standards for the  
172 facilities within which the gambling operations are to be  
173 held. Notwithstanding the provisions of chapter 311 to the  
174 contrary, the commission may authorize the operation of  
175 gambling games on an excursion gambling boat which is also  
176 licensed to sell or serve alcoholic beverages, wine, or  
177 beer. The commission shall regulate the wagering structure  
178 for gambling excursions, provided that the commission shall  
179 not establish any regulations or policies that limit the  
180 amount of wagers, losses, or buy-in amounts;

181           (4) To enter the premises of excursion gambling boats,  
182 facilities, or other places of business of a licensee within  
183 this state to determine compliance with sections 313.800 to  
184 313.850;

185           (5) To investigate alleged violations of sections  
186 313.800 to 313.850 or the commission rules, orders, or final  
187 decisions;

188           (6) To assess any appropriate administrative penalty  
189 against a licensee, including, but not limited to,  
190 suspension, revocation, and penalties of an amount as  
191 determined by the commission up to three times the highest

192 daily amount of gross receipts derived from wagering on the  
193 gambling games, whether unauthorized or authorized,  
194 conducted during the previous twelve months as well as  
195 confiscation and forfeiture of all gambling game equipment  
196 used in the conduct of unauthorized gambling games.  
197 Forfeitures pursuant to this section shall be enforced as  
198 provided in sections 513.600 to 513.645;

199 (7) To require a licensee, an employee of a licensee  
200 or holder of an occupational license to remove a person  
201 violating a provision of sections 313.800 to 313.850 or the  
202 commission rules, orders, or final orders, or other person  
203 deemed to be undesirable from the excursion gambling boat or  
204 adjacent facilities;

205 (8) To require the removal from the premises of a  
206 licensee, an employee of a licensee, or a holder of an  
207 occupational license for a violation of sections 313.800 to  
208 313.850 or a commission rule or engaging in a fraudulent  
209 practice;

210 (9) To require all licensees to file all financial  
211 reports required by rules and regulations of the commission;

212 (10) To issue subpoenas for the attendance of  
213 witnesses and subpoenas duces tecum for the production of  
214 books, records, and other pertinent documents, and to  
215 administer oaths and affirmations to the witnesses, when, in  
216 the judgment of the commission, it is necessary to enforce  
217 sections 313.800 to 313.850 or the commission rules;

218 (11) To keep accurate and complete records of its  
219 proceedings and to certify the records as may be appropriate;

220 (12) To ensure that the gambling games are conducted  
221 fairly. No gambling device shall be set to pay out less  
222 than eighty percent of all wagers;

223 (13) To require all licensees of gambling game  
224 operations to use a cashless wagering system whereby all

225 players' money is converted to physical or electronic  
226 tokens, electronic cards, or chips which only can be used on  
227 the excursion gambling boat;

228 (14) To require excursion gambling boat licensees to  
229 develop a system, approved by the commission, that allows  
230 patrons the option to prohibit the excursion gambling boat  
231 licensee from using identifying information for marketing  
232 purposes. The provisions of this subdivision shall apply  
233 only to patrons giving identifying information for the first  
234 time. Such system shall be submitted to the commission by  
235 October 1, 2000, and approved by the commission by January  
236 1, 2001. The excursion gambling boat licensee shall use  
237 identifying information obtained from patrons who have  
238 elected to have marketing blocked under the provisions of  
239 this section only for the purposes of enforcing the  
240 requirements contained in sections 313.800 to 313.850. This  
241 section shall not prohibit the commission from accessing  
242 identifying information for the purposes of enforcing  
243 section 313.004 and sections 313.800 to 313.850;

244 (15) To determine which of the authorized gambling  
245 games will be permitted on any licensed excursion gambling  
246 boat;

247 (16) The commission shall base its decision to license  
248 excursion gambling boats on any of the following criteria:  
249 the docking location or the excursion cruise could cause  
250 danger to the boat's passengers, violate federal law or the  
251 law of another state, or cause disruption of interstate  
252 commerce or possible interference with railway or barge  
253 transportation. The commission shall consider economic  
254 feasibility or impact that would benefit land-based  
255 development and permanent job creation. The commission  
256 shall not discriminate among applicants for excursion

257 gambling boats that are similarly situated with respect to  
258 the criteria set forth in this section;

259 (17) The commission shall render a finding or findings  
260 concerning the transition from a boat, barge, or floating  
261 facility to a nonfloating facility within thirty days after  
262 a hearing on any request from an applicant or existing  
263 licensee. Such hearing may be held prior to any final  
264 action on licensing to assist an applicant and any city or  
265 county in the finalizing of their economic development plan;

266 (18) To require any applicant for a license or renewal  
267 of a license to operate an excursion gambling boat to  
268 provide an affirmative action plan which has as its goal the  
269 use of best efforts to achieve maximum employment of African-  
270 Americans and other minorities and maximum participation in  
271 the procurement of contractual purchases of goods and  
272 services. This provision shall be administered in  
273 accordance with all federal and state employment laws,  
274 including Title VII of the Civil Rights Act of 1964, as  
275 amended by the Civil Rights Act of 1991. At license  
276 renewal, the licensee will report on the effectiveness of  
277 the plan. The commission shall include the licensee's  
278 reported information in its annual report to the joint  
279 committee on gaming and wagering;

280 (19) To take any other action as may be reasonable or  
281 appropriate to enforce sections 313.800 to 313.850 and the  
282 commission rules."; and

283 Further amend the title and enacting clause accordingly.

**SENATE AMENDMENT NO. 11**

Offered by

ROBERTS

of

5Amend SS/House Bill No. 2400, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "208.798. The provisions of sections 208.780 to  
4 208.798 shall terminate on August 28, [~~2022~~] 2029."; and

5 Further amend said bill, page 5, section 285.730, line  
6 143, by inserting after all of said line the following:

7 "620.1620. 1. This section shall be known and may be  
8 cited as the "Meet in Missouri Act".

9 2. As used in this section, the following terms shall  
10 mean:

11 (1) "Director", the director of the department of  
12 economic development;

13 (2) "Eligible commission", any regional convention and  
14 visitors commission created under section 67.601; any body  
15 designated by the division of tourism official destination  
16 marketing organization for a Missouri county which is  
17 designated as the single representative organization for the  
18 county to solicit and service tourism;

19 (3) "Eligible major convention event costs", all  
20 operational costs of the venue of a major convention event  
21 including, but not limited to, costs related to the  
22 following: security, venue utilities, cleaning, production  
23 of the event, installation and dismantling, facility rental  
24 charges, personnel, construction to prepare the venue, and  
25 other temporary facility construction;

*Offered 5/4/22*  
*Adopted "1"*

26           (4) "Fund", the major economic convention event in  
27 Missouri fund established in this section;

28           (5) "Grant", an amount of money equal to the total  
29 amount of eligible major convention event costs listed in an  
30 approved major convention plan to be disbursed at the  
31 requested date from the fund to an eligible commission by  
32 the state treasurer at the direction of the director which  
33 shall not exceed the amount of estimated total sales taxes  
34 to be received by the state generated by sleeping rooms paid  
35 by guests of hotels and motels reasonably believed to be  
36 occupied due to the major convention event;

37           (6) "Major convention event", any convention if more  
38 than fifty percent of attendees travel to the convention  
39 from outside of Missouri and require overnight hotel  
40 accommodations;

41           (7) "Major convention plan", a written plan for the  
42 administration of a major convention event, containing such  
43 information as shall be requested by the director to  
44 establish that the event covered by the application is a  
45 major convention event including, but not limited to, the  
46 start and end dates of the major convention event, an  
47 identification of the organization planning the event, the  
48 location of the event, projected total and out-of-state  
49 attendance, projected contracted and actual hotel room  
50 nights, projected costs and revenues anticipated to be  
51 received by the eligible commission in connection with the  
52 event, the eligible major convention event costs, and  
53 evidence of satisfaction of the conditions of subsection 5  
54 of this section.

55           3. (1) There is hereby created in the state treasury  
56 the "Major Economic Convention Event in Missouri Fund",  
57 which shall consist of moneys appropriated from the general  
58 revenue fund as prescribed in subsection 6 of this section

59 and any gifts, contributions, grants, or bequests received  
60 from federal, private, or other sources. The state  
61 treasurer shall be custodian of the fund. In accordance  
62 with sections 30.170 and 30.180, the state treasurer may  
63 approve disbursements. The fund shall be a dedicated fund  
64 and, upon appropriation, moneys in the fund shall be used  
65 solely for the administration of this section.

66 (2) Notwithstanding the provisions of section 33.080  
67 to the contrary, any moneys remaining in the fund at the end  
68 of the biennium shall not revert to the credit of the  
69 general revenue fund.

70 (3) The state treasurer shall invest moneys in the  
71 fund in the same manner as other funds are invested. Any  
72 interest and moneys earned on such investments shall be  
73 credited to the fund.

74 4. For major convention plans which have complied with  
75 subsection 5 of this section, in addition to funds otherwise  
76 made available under Missouri law, a grant shall be paid  
77 from the fund by the department of economic development to  
78 the eligible commission at the requested date. Any transfer  
79 of a grant from the fund to the treasurer or other  
80 designated financial officer of an eligible commission with  
81 an approved major convention plan shall be deposited in a  
82 separate, segregated account of such commission. The  
83 eligible commission shall agree to hold such funds until the  
84 major convention event has occurred and not disburse the  
85 funds until such time as the report in subsection 7 has been  
86 submitted.

87 5. The director shall not disburse a grant until the  
88 director or his or her designee has approved a written major  
89 convention plan submitted to the department of economic  
90 development by an eligible commission requesting a grant.  
91 The director or his or her designee shall not approve any

92 submitted major convention plan unless he or she finds that  
93 the following conditions have been met:

94 (1) The applicant submitting the major convention plan  
95 is an eligible commission;

96 (2) The projected start and end dates of the planned  
97 major convention event and the requested date of  
98 disbursement of the grant are no later than five years from  
99 the date of the application; and

100 (3) There is sufficient evidence that:

101 (a) The event shall qualify as a major convention  
102 event under this section including, but not limited to,  
103 evidence of the actual number of contracted advance hotel  
104 reservations or projected out-of-state attendance numbers  
105 and actual hotel room usage from comparable past events;

106 (b) A request for proposal or similar documentation  
107 demonstrates the applicant eligible commission is competing  
108 for the event against non-Missouri cities;

109 (c) Without the grant, the major convention event  
110 would not be reasonably anticipated to occur in Missouri; and

111 (d) The positive net fiscal impact to general revenue  
112 of the state through any and all taxes attributable to the  
113 major convention event exceeds the amount of the major  
114 convention grant.

115 In reviewing such evidence, the director shall take into  
116 account any expenditures by an attendee for sleeping rooms  
117 paid by guests of the hotels and motels typically  
118 constitutes less than fifty percent of the expenditures by  
119 such attendees at a major convention event.

120 6. (1) Upon verification that the major convention  
121 plan complies with the terms of subsection 5 of this  
122 section, the director or his or her designee shall issue a  
123 certificate of approval to the eligible commission stating  
124 the date on which such grant shall be disbursed and the



125 total amount of the grant, which shall be equal to the  
126 eligible major convention event costs listed in the approved  
127 major convention plan. The amount of any grant shall not  
128 exceed more than fifty percent of the cost of hosting the  
129 major convention event, positive net fiscal impact to  
130 general revenue, or one million dollars, whichever is less.

131 (2) All approved grants scheduled for disbursement  
132 each year shall be disbursed from the general revenue fund  
133 subject to appropriation by the general assembly. Any such  
134 appropriation shall not exceed three million dollars in any  
135 year.

136 (3) Upon such annual appropriation and transfer into  
137 the fund from the general revenue fund, the director shall  
138 disburse all grants pursuant to certificates of approval.

139 7. (1) Within one hundred eighty days of the  
140 conclusion of any major convention event for which a grant  
141 was disbursed under this section, the eligible commission  
142 that received such grant shall provide a written report to  
143 the director detailing the final amount of eligible major  
144 convention event costs incurred and actual attendance  
145 figures which certify compliance with this section. If the  
146 final amount of total eligible major convention event costs  
147 is less than the amount of the grant disbursed to the  
148 eligible commission under an approved major convention plan,  
149 such commission shall refund to the state treasurer the  
150 excess greater than fifty percent of the actual cost for  
151 deposit into the fund.

152 (2) An eligible commission shall refund the following  
153 amounts to the state treasurer based on the actual  
154 attendance figures in relation to the projected total  
155 attendance for the event as provided in the major convention  
156 plan:

157 (a) If the actual attendance figure is less than  
158 twenty-five percent of the projected total attendance, the  
159 commission shall refund an amount equal to the full amount  
160 of the grant;

161 (b) If the actual attendance figure is equal to or  
162 less than eighty-five percent and greater than or equal to  
163 twenty-five percent of the projected total attendance, the  
164 commission shall keep a portion of the grant received under  
165 this section equal to the proportion of the actual  
166 attendance figure to the projected attendance figure rounded  
167 to the nearest dollar and refund the remaining amount;

168 (c) If the actual attendance figure is greater than  
169 eighty-five percent of the projected total attendance, the  
170 commission shall keep the entire grant amount received under  
171 this section unless otherwise provided by this section.

172 (3) The provisions of this subdivision shall not apply  
173 where attendance at the convention is adversely affected by  
174 a man-made disaster including, but not limited to, an  
175 uprising or other civil unrest or where attendance at the  
176 convention is adversely affected by a substantial inclement  
177 weather-related event.

178 8. Any amounts that are refunded from a grant under  
179 this section shall be returned to the major economic  
180 convention event in Missouri fund to be used for future  
181 grants.

182 9. In accordance with the provisions of sections  
183 23.250 to 23.298 and unless otherwise authorized pursuant to  
184 section 23.253:

185 (1) The program authorized under the provisions of  
186 this section shall automatically sunset six years after  
187 August 28, ~~[2016]~~ 2022; and

188 (2) This section shall terminate on September first of  
189 the year following the year in which any new program

190 authorized under this section is sunset, and the revisor of  
191 statutes shall designate such sections and this section in a  
192 revision bill for repeal."; and

193 Further amend the title and enacting clause accordingly.