

FIRST EXTRAORDINARY SESSION

SENATE BILL NO. 10

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHAAF.

Read 1st time September 8, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

0037S.011

AN ACT

To repeal sections 144.062 and 197.315, RSMo, and to enact in lieu thereof seven new sections relating to economic competitiveness, with an emergency clause.

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

Section A. Sections 144.062 and 197.315, RSMo, are repealed and seven
2 new sections enacted in lieu thereof, to be known as sections 144.062, 144.540,
3 197.315, 620.800, 620.809, 620.2000, and 620.2020, to read as follows:

144.062. 1. With respect to exempt sales at retail of tangible personal
2 property and materials for the purpose of constructing, repairing or remodeling
3 facilities for:

4 (1) A county, other political subdivision or instrumentality thereof exempt
5 from taxation under subdivision (10) of section 39 of article III of the Constitution
6 of Missouri; or

7 (2) An organization sales to which are exempt from taxation under the
8 provisions of subdivision (19) of subsection 2 of section 144.030; or

9 (3) Any institution of higher education supported by public funds or any
10 private not-for-profit institution of higher education, exempt from taxation under
11 subdivision (20) of subsection 2 of section 144.030; or

12 (4) Any private not-for-profit elementary or secondary school exempt from
13 taxation under subdivision (22) of subsection 2 of section 144.030; or

14 (5) Any authority exempt from taxation under subdivision (39) of
15 subsection 2 of section 144.030; or

16 (6) After June 30, 2007, the department of transportation or the state
17 highways and transportation commission; or

18 (7) **After August 28, 2011, any qualified company exempt from**
19 **taxation under section 144.540;**

20 hereinafter collectively referred to as exempt entities, such exemptions shall be
21 allowed for such purchases if the purchases are related to the entities' exempt
22 functions and activities. In addition, the sales shall not be rendered nonexempt
23 nor shall any material supplier or contractor be obligated to pay, collect or remit
24 sales tax with respect to such purchases made by or on behalf of an exempt entity
25 due to such purchases being billed to or paid for by a contractor or the exempt
26 entity contracting with any entity to render any services in relation to such
27 purchases, including but not limited to selection of materials, ordering, pickup,
28 delivery, approval on delivery, taking of delivery, transportation, storage,
29 assumption of risk of loss to materials or providing warranties on materials as
30 specified by contract, use of materials or other purchases for construction of the
31 building or other facility, providing labor, management services, administrative
32 services, design or technical services or advice to the exempt entity, whether or
33 not the contractor or other entity exercises dominion or control in any other
34 manner over the materials in conjunction with services or labor provided to the
35 exempt entity.

36 2. When any exempt entity contracts for the purpose of constructing,
37 repairing or remodeling facilities, and purchases of tangible personal property
38 and materials to be incorporated into or consumed in the construction of the
39 project are to be made on a tax-exempt basis, such entity shall furnish to the
40 contractor an exemption certificate authorizing such purchases for the
41 construction, repair or remodeling project. The form and content of such project
42 exemption certificate shall be approved by the director of revenue. The project
43 exemption certificate shall include but not be limited to:

- 44 (1) The exempt entity's name, address, Missouri tax identification number
45 and signature of authorized representative;
- 46 (2) The project location, description, and unique identification number;
- 47 (3) The date the contract is entered into, which is the earliest date
48 materials may be purchased for the project on a tax-exempt basis;
- 49 (4) The estimated project completion date; and
- 50 (5) The certificate expiration date. Such certificate is renewable for a
51 given project at the option of the exempt entity, only for the purpose of revising
52 the certificate expiration date as necessary to complete the project.

53 3. The contractor shall furnish the certificate prescribed in subsection 2
54 of this section to all subcontractors, and any contractor purchasing materials
55 shall present such certificate to all material suppliers as authorization to

56 purchase, on behalf of the exempt entity, all tangible personal property and
57 materials to be incorporated into or consumed in the construction of that project
58 and no other on a tax-exempt basis. Such suppliers shall execute to the
59 purchasing contractor invoices bearing the name of the exempt entity and the
60 project identification number. Nothing in this section shall be deemed to exempt
61 the purchase of any construction machinery, equipment or tools used in
62 constructing, repairing or remodeling facilities for the exempt entity. All invoices
63 for all personal property and materials purchased under a project exemption
64 certificate shall be retained by the purchasing contractor for a period of five years
65 and shall be subject to audit by the director of revenue.

66 4. Any excess resalable tangible personal property or materials which
67 were purchased for the project by a contractor under a project exemption
68 certificate but which were not incorporated into or consumed in the construction
69 of the project shall either be returned to the supplier for credit or the appropriate
70 sales or use tax on such excess property or materials shall be reported on a
71 return and paid by such contractor not later than the due date of the contractor's
72 Missouri sales or use tax return following the month in which it was determined
73 that the materials were not to be used in the project.

74 5. No contractor or material supplier shall, upon audit, be required to pay
75 tax on tangible personal property and materials incorporated into or consumed
76 in the construction of the project due to the failure of the exempt entity to revise
77 the certificate expiration date as necessary to complete any work required by the
78 contract. If it is determined that tax is owed on such property and materials due
79 to the failure of the exempt entity to revise such certificate expiration date, the
80 exempt entity shall be liable for the tax owed.

81 6. If an entity issues exemption certificates for the purchase of tangible
82 personal property and materials which are incorporated into or consumed in the
83 construction of its project and such entity is found not to have had the authority
84 granted by this section to issue such exemption certificates, then such entity shall
85 be liable for the tax owed on such personal property and materials. In addition,
86 if an entity which does have the authority granted by this section to issue
87 exemption certificates issues such certificates for the purchase of tangible
88 personal property and materials which are incorporated into or consumed in the
89 construction of a project, or part of a project, which is found not to be related to
90 such entity's exempt functions and activities, then such entity shall be liable for
91 the tax owed on such personal property and materials.

144.540. 1. The terms used in this section shall have the meaning
2 provided in section 620.2005, unless the context clearly indicates
3 otherwise. For purposes of this section, the term "taxpayer" shall mean
4 the purchaser of tangible personal property or a service that is subject
5 to state or local sales or use tax and from whom state or local sales or
6 use tax is owed. "Taxpayer" shall not mean the seller charged by law
7 with collecting the sales tax from the purchaser.

8 2. Beginning August 28, 2011, in addition to the exemptions
9 granted under this chapter, the department of economic development
10 may approve a qualified company for an exemption of up to one
11 hundred percent of the state sales and use taxes defined, levied, or
12 calculated under sections 144.010 to 144.525, sections 144.600 to 144.761,
13 or section 238.235, for a period not to exceed three years from the date
14 of approval, of sales and leases of tangible personal property purchased
15 for use in the project facility, and of sales and leases of tangible
16 personal property and materials for the purpose of constructing,
17 repairing, or remodeling the project facility. To qualify for the
18 exemption provided in this subsection, the qualified company shall,
19 within a period of two years from the date of approval:

20 (1) Create at least twenty new jobs at the project facility with an
21 average wage of the new payroll equal to or in excess of ninety percent
22 of the county average wage; or

23 (2) Retain at least one hundred fifty retained jobs and commit to
24 making at least fifteen million dollars in new capital investment at a
25 project facility if the project facility base payroll equals or exceeds
26 ninety percent of the county average wage.

27 3. The governing body of a city, county, or other political
28 subdivision may approve a qualified company for an exemption of up
29 to one hundred percent of local sales and use taxes defined, levied, or
30 calculated under section 32.085 imposed by the governing body, of sales
31 and leases of tangible personal property purchased for use in the
32 project facility, and of sales and leases of building materials for the
33 purpose of constructing, repairing, or remodeling the project facility.
34 To qualify for the exemption provided in this subsection, the qualified
35 company shall satisfy the requirements of subsection 2 of this section.

36 4. Any qualified company seeking an exemption from state sales
37 and use taxes under this section shall submit with its notice of intent

38 to seek benefits under the compete Missouri program established in
39 sections 620.2000 to 620.2020 such information as the department of
40 economic development may reasonably require to review the qualified
41 company's request for the exemption. The percentage of any exemption
42 from state sales or use taxes awarded to a qualified company under this
43 section shall not exceed the projected net fiscal benefit to the state
44 over a period of six years, as determined by the department of
45 economic development, and shall not exceed the least amount necessary
46 to obtain the qualified company's commitment to initiate the project. In
47 determining the percentage of the exemption to award to a qualified
48 company under this section, the department of economic development
49 shall consider the factors set forth in subsection 2 of section 620.2010.

50 5. Upon approval of an exemption from state sales and use taxes
51 under this section, the department of economic development shall
52 certify the taxpayer's eligibility to the department of revenue. The
53 department of revenue shall issue the qualified company an exemption
54 certificate in the amount and for the duration specified by the
55 department of economic development in its certification.

56 (1) Any qualified company approved for an exemption for state
57 sales and use taxes under this section shall certify, as part of its annual
58 report under section 620.2020, the amount of state sales and use taxes
59 exempted under this section that would have otherwise been due
60 during the previous year.

61 (2) If the qualified company fails to satisfy any of the
62 requirements of this section at any time during the project period, the
63 qualified company shall remit to the department of revenue an amount
64 equal to the sales and use taxes exempted under this section, plus
65 interest of nine percent per annum from the date the exemption
66 certificate was issued. However, the director of the department of
67 economic development may, in his or her discretion, provide an
68 extension of up to two additional years or reduce such payment, if such
69 failure is caused by documented unforeseen events that negatively
70 affected the operations at the project facility that were not under the
71 control of the qualified company.

72 (3) The department of revenue shall credit any amounts remitted
73 by the qualified company under this subsection to the fund to which
74 the sales and use taxes exempted would have otherwise been credited.

75 **6. Upon approval of an exemption from local sales and use taxes**
76 **under this section, the governing body of the city, county, or other**
77 **political subdivision approving the exemption from local sales and use**
78 **taxes under this section shall certify the taxpayer's eligibility to the**
79 **department of revenue. The department of revenue shall issue the**
80 **qualified company an exemption certificate in the amount and for the**
81 **duration specified by the political subdivision in its certification.**

82 **(1) Any qualified company approved for an exemption from local**
83 **sales and use taxes under this section shall annually certify to the**
84 **governing body of the city, county, or other political subdivision the**
85 **amount of local sales and use taxes exempted under this section that**
86 **would have otherwise been due during the previous year.**

87 **(2) If the qualified company fails to satisfy any of the**
88 **requirements of this section at any time during the project period, the**
89 **qualified company shall remit to the department of revenue an amount**
90 **equal to the sales and use taxes exempted under this section, plus**
91 **interest of nine percent per annum from the date the exemption**
92 **certificate was issued. However, the governing body may, in its**
93 **discretion, provide an extension of up to two additional years or reduce**
94 **such payment, if such failure is caused by documented unforeseen**
95 **events that negatively affected the operations at the project facility**
96 **that were not under the control of the qualified company.**

97 **(3) The department of revenue shall credit any amounts remitted**
98 **by the qualified company under this subsection to the city, county, or**
99 **other political subdivision approving the exemption.**

100 **7. The department of economic development and the department**
101 **of revenue shall jointly prescribe such rules and regulations necessary**
102 **to carry out the provisions of this section. Any rule or portion of a**
103 **rule, as that term is defined in section 536.010, that is created under**
104 **the authority delegated in this section shall become effective only if it**
105 **complies with and is subject to all of the provisions of chapter 536 and,**
106 **if applicable, section 536.028. This section and chapter 536 are**
107 **nonseverable and if any of the powers vested with the general assembly**
108 **pursuant to chapter 536 to review, to delay the effective date, or to**
109 **disapprove and annul a rule are subsequently held unconstitutional,**
110 **then the grant of rulemaking authority and any rule proposed or**
111 **adopted after August 28, 2011, shall be invalid and void.**

197.315. 1. Any person who proposes to develop or offer a new
2 institutional health service within the state must obtain a certificate of need from
3 the committee prior to the time such services are offered. **However, a**
4 **certificate of need shall not be required for a proposed project which**
5 **creates ten or more new full-time jobs, provided that such person**
6 **proposing the project submit a letter of intent and a report of the**
7 **number of jobs and such other information as may be required by the**
8 **health facilities review committee to document the basis for not**
9 **requiring a certificate of need. If the letter of intent and report**
10 **document that ten or more new full-time jobs shall be created, the**
11 **health facilities review committee shall respond within thirty days to**
12 **such person with an approval of the non-applicability of a certificate**
13 **of need. No job that was created prior to the approval of non-**
14 **applicability of a certificate of need shall be deemed a new job. For**
15 **purposes of this subsection, a "full-time employee" means an employee**
16 **of the person that is scheduled to work an average of at least thirty-five**
17 **hours per week for a twelve-month period, and one for which the**
18 **person offers health insurance and pays at least fifty-percent of such**
19 **insurance premiums.**

20 2. Only those new institutional health services which are found by the
21 committee to be needed shall be granted a certificate of need. Only those new
22 institutional health services which are granted certificates of need shall be
23 offered or developed within the state. No expenditures for new institutional
24 health services in excess of the applicable expenditure minimum shall be made
25 by any person unless a certificate of need has been granted.

26 3. After October 1, 1980, no state agency charged by statute to license or
27 certify health care facilities shall issue a license to or certify any such facility, or
28 distinct part of such facility, that is developed without obtaining a certificate of
29 need.

30 4. If any person proposes to develop any new institutional health care
31 service without a certificate of need as required by sections 197.300 to 197.366,
32 the committee shall notify the attorney general, and he shall apply for an
33 injunction or other appropriate legal action in any court of this state against that
34 person.

35 5. After October 1, 1980, no agency of state government may appropriate
36 or grant funds to or make payment of any funds to any person or health care

37 facility which has not first obtained every certificate of need required pursuant
38 to sections 197.300 to 197.366.

39 6. A certificate of need shall be issued only for the premises and persons
40 named in the application and is not transferable except by consent of the
41 committee.

42 7. Project cost increases, due to changes in the project application as
43 approved or due to project change orders, exceeding the initial estimate by more
44 than ten percent shall not be incurred without consent of the committee.

45 8. Periodic reports to the committee shall be required of any applicant
46 who has been granted a certificate of need until the project has been
47 completed. The committee may order the forfeiture of the certificate of need upon
48 failure of the applicant to file any such report.

49 9. A certificate of need shall be subject to forfeiture for failure to incur a
50 capital expenditure on any approved project within six months after the date of
51 the order. The applicant may request an extension from the committee of not
52 more than six additional months based upon substantial expenditure made.

53 10. Each application for a certificate of need must be accompanied by an
54 application fee. The time of filing commences with the receipt of the application
55 and the application fee. The application fee is one thousand dollars, or one-tenth
56 of one percent of the total cost of the proposed project, whichever is greater. All
57 application fees shall be deposited in the state treasury. Because of the loss of
58 federal funds, the general assembly will appropriate funds to the Missouri health
59 facilities review committee.

60 11. In determining whether a certificate of need should be granted, no
61 consideration shall be given to the facilities or equipment of any other health care
62 facility located more than a fifteen-mile radius from the applying facility.

63 12. When a nursing facility shifts from a skilled to an intermediate level
64 of nursing care, it may return to the higher level of care if it meets the licensure
65 requirements, without obtaining a certificate of need.

66 13. In no event shall a certificate of need be denied because the applicant
67 refuses to provide abortion services or information.

68 14. A certificate of need shall not be required for the transfer of ownership
69 of an existing and operational health facility in its entirety.

70 15. A certificate of need may be granted to a facility for an expansion, an
71 addition of services, a new institutional service, or for a new hospital facility
72 which provides for something less than that which was sought in the application.

73 16. The provisions of this section shall not apply to facilities operated by
74 the state, and appropriation of funds to such facilities by the general assembly
75 shall be deemed in compliance with this section, and such facilities shall be
76 deemed to have received an appropriate certificate of need without payment of
77 any fee or charge.

78 17. Notwithstanding other provisions of this section, a certificate of need
79 may be issued after July 1, 1983, for an intermediate care facility operated
80 exclusively for the mentally retarded.

81 18. To assure the safe, appropriate, and cost-effective transfer of new
82 medical technology throughout the state, a certificate of need shall not be
83 required for the purchase and operation of research equipment that is to be used
84 in a clinical trial that has received written approval from a duly constituted
85 institutional review board of an accredited school of medicine or osteopathy
86 located in Missouri to establish its safety and efficacy and does not increase the
87 bed complement of the institution in which the equipment is to be located. After
88 the clinical trial has been completed, a certificate of need must be obtained for
89 continued use in such facility.

**620.800. The following additional terms used in sections 620.800
2 to 620.809 shall mean:**

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

7 (2) "Board of trustees", the board of trustees of a community
8 college district established under the provisions of chapter 178;

9 (3) "Certificate", new or retained jobs training certificates issued
10 under section 620.809;

11 (4) "Committee", the compete Missouri job training joint
12 legislative oversight committee, established by the department under
13 the provisions of section 620.803;

14 (5) "Compete Missouri Training Program", the training program
15 established under sections 620.800 to 620.809;

16 (6) "Department", the Missouri department of economic
17 development;

18 (7) "Employee", a person employed by a qualified company;

19 (8) "Full-time employee", an employee of the qualified company

20 that is scheduled to work an average of at least thirty-five hours per
21 week for a twelve-month period, and one for which the qualified
22 company offers health insurance and pays at least fifty percent of such
23 insurance premiums;

24 (9) "Local education agency", a community college, two-year state
25 technical college, or a technical career education center;

26 (10) "New capital investment", shall include funds spent by the
27 qualified company at the project facility after the approval of the
28 notice of intent for real or personal property, and may include the
29 present value of finance or capital leases for real or personal property
30 for the term of such lease at the project facility executed after approval
31 of the notice of intent;

32 (11) "New job", the number of full-time employees located at the
33 project facility that exceeds the project facility base employment less
34 any decrease in the number of full-time employees at related facilities
35 below the related facility base employment. No job that was created
36 prior to the date of the notice of intent shall be deemed a new job. An
37 employee that spends less than fifty percent of the employee's work
38 time at the facility is still considered to be located at a facility if the
39 employee receives his or her directions and control from that facility,
40 is on the facility's payroll, one hundred percent of the employee's
41 income from such employment is Missouri income, and the employee is
42 paid at or above the applicable percentage of the county average wage;

43 (12) "New jobs credit", the credit from withholding remitted by
44 a qualified company provided under subsection 6 of section 620.809;

45 (13) "Notice of intent", a form developed by the department,
46 completed by the qualified company and submitted to the department
47 which states the qualified company's intent to request benefits under
48 this program;

49 (14) "Project facility", the building or buildings used by a
50 qualified company at which new or retained jobs and any new capital
51 investment are or will be located. A project facility may include
52 separate buildings located within sixty miles of each other such that
53 their purpose and operations are interrelated; provided, that where the
54 buildings making up the project facility are not located within the same
55 county, the average wage of the new payroll must exceed the highest
56 county average wage among the counties in which the buildings are

57 located. Upon approval by the department, a subsequent project
58 facility may be designated if the qualified company demonstrates a
59 need to relocate to the subsequent project facility at any time during
60 the project period;

61 (15) "Project facility base employment", the greater of the
62 number of full-time employees located at the project facility on the date
63 of the notice of intent or, for the twelve-month period prior to the date
64 of the notice of intent, the average number of full-time employees
65 located at the project facility. In the event the project facility has not
66 been in operation for a full twelve-month period, the average number
67 of full-time employees for the number of months the project facility has
68 been in operation prior to the date of the notice of intent;

69 (16) "Qualified company", a firm, partnership, joint venture,
70 association, private or public corporation whether organized for profit
71 or not, or headquarters of such entity registered to do business in
72 Missouri that is the owner or operator of a project facility, offers health
73 insurance to all full-time employees of all facilities located in this state,
74 and pays at least fifty percent of such insurance premiums. For the
75 purposes of sections 620.800 to 620.809, the term "qualified company"
76 shall not include:

77 (a) Gambling establishments (NAICS industry group 7132);

78 (b) Retail trade establishments (NAICS sectors 44 and 45), except
79 with respect to any company headquartered in this state with a
80 majority of its full-time employees engaged in operations not within the
81 NAICS codes specified in this subdivision;

82 (c) Food and drinking places (NAICS subsector 722);

83 (d) Public utilities (NAICS 221 including water and sewer
84 services);

85 (e) Any company that is delinquent in the payment of any
86 nonprotested taxes or any other amounts due the state or federal
87 government or any other political subdivision of this state;

88 (f) Any company requesting benefits for retained jobs that has
89 filed for or has publicly announced its intention to file for bankruptcy
90 protection. However, a company that has filed for or has publicly
91 announced its intention to file for bankruptcy, may be a qualified
92 company provided that such company:

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

94 to liquidate; and

95 **b. After its bankruptcy petition has been filed, it produces proof,**
96 **in a form and at times satisfactory to the department, that it is not**
97 **delinquent in filing any tax returns or making any payment due to the**
98 **state of Missouri, including but not limited to all tax payments due**
99 **after the filing of the bankruptcy petition and under the terms of the**
100 **plan of reorganization.**

101 **Any taxpayer who is awarded benefits under this subsection and who**
102 **files for bankruptcy under Chapter 7 of the United States Bankruptcy**
103 **Code, Title 11 U.S.C., shall immediately notify the department and shall**
104 **forfeit such benefits and shall repay the state an amount equal to any**
105 **state tax credits already redeemed and any withholding taxes already**
106 **retained;**

107 **(g) Educational services (NAICS sector 61);**

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

109 **(i) Public administration (NAICS sector 92);**

110 **(j) Ethanol distillation or production; or**

111 **(k) Biodiesel production.**

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

120 **(17) "Related company":**

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

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

125 **(c) Corporations, partnerships, trusts, or associations controlled**
126 **by an individual, corporation, partnership, trust, or association in**
127 **control of the qualified company. As used in this subdivision, "control**
128 **of a corporation" shall mean ownership, directly or indirectly, of stock**
129 **possessing at least fifty percent of the total combined voting power of**
130 **all classes of stock entitled to vote, "control of a partnership or**

131 association" shall mean ownership of at least fifty percent of the capital
132 or profits interest in such partnership or association, "control of a
133 trust" shall mean ownership, directly or indirectly, of at least fifty
134 percent of the beneficial interest in the principal or income of such
135 trust, and ownership shall be determined as provided in Section 318 of
136 the Internal Revenue Code of 1986, as amended;

137 (18) "Related facility", a facility operated by the qualified
138 company or a related company located in this state that is directly
139 related to the operations of the project facility or in which operations
140 substantially similar to the operations of the project facility are
141 performed;

142 (19) "Related facility base employment", the greater of the
143 number of full-time employees located at all related facilities on the
144 date of the notice of intent or, for the twelve-month period prior to the
145 date of the notice of intent, the average number of full-time employees
146 located at all related facilities of the qualified company or a related
147 company located in this state;

148 (20) "Retained job", the average number of full-time employees of
149 a qualified company located at the project facility during each month
150 for the calendar year preceding the year in which the notice of intent
151 is submitted;

152 (21) "Retained jobs credit", the credit from withholding remitted
153 by a qualified company provided under subsection 6 of section 620.809;

154 (22) "Targeted industry", an industry or one of a cluster of
155 industries identified by the department by rule following a strategic
156 planning process as being critical to the state's economic security and
157 growth;

158 (23) "Training program", the compete Missouri training program
159 established under sections 620.800 to 620.809;

160 (24) "Training project", the project or projects established
161 through the compete Missouri training program for the creation or
162 retention of jobs by providing education and training of workers;

163 (25) "Training project costs", all necessary and incidental costs
164 of providing program services through the training program, including:

165 (a) Training materials and supplies;

166 (b) Wages and benefits of instructors, who may or may not be
167 employed by the eligible industry, and the cost of training such

168 **instructors;**

169 **(c) Subcontracted services;**

170 **(d) On-the-job training;**

171 **(e) Training facilities and equipment;**

172 **(f) Skill assessment;**

173 **(g) Training project and curriculum development;**

174 **(h) Travel directly to the training project, including a**
175 **coordinated transportation program for trainings if the training can be**
176 **more effectively provided outside the community where the jobs are to**
177 **be located;**

178 **(i) Payments to third party training providers and to the eligible**
179 **industry;**

180 **(j) Teaching and assistance provided by educational institutions**
181 **in the state of Missouri;**

182 **(k) In-plant training analysis, including fees for professionals**
183 **and necessary travel and expenses;**

184 **(l) Assessment and preselection tools;**

185 **(m) Publicity;**

186 **(n) Instructional services;**

187 **(o) Rental of instructional facilities with necessary utilities; and**

188 **(p) Payment of the principal, premium, and interest on**
189 **certificates, including capitalized interest, issued to finance a project,**
190 **and the funding and maintenance of a debt service reserve fund to**
191 **secure such certificates;**

192 **(26) "Training project services", includes, but shall not be limited**
193 **to, the following:**

194 **(a) Job training, which may include, but not be limited to,**
195 **preemployment training, analysis of the specified training needs for a**
196 **qualified company, development of training plans, and provision of**
197 **training through qualified training staff;**

198 **(b) Adult basic education and job-related instruction;**

199 **(c) Vocational and skill-assessment services and testing;**

200 **(d) Training facilities, equipment, materials, and supplies;**

201 **(e) On-the-job training;**

202 **(f) Administrative expenses equal to fifteen percent of the total**
203 **training costs;**

204 **(g) Subcontracted services with state institutions of higher**

205 education, private colleges or universities, or other federal, state, or
206 local agencies;

207 (h) Contracted or professional services; and

208 (i) Issuance of certificates, when applicable.

620.809. 1. The "Missouri Community College Job Training
2 Program Fund", formerly established in the state treasury by section
3 178.896, shall now be known as the "Compete Missouri Community
4 College New Jobs Training Fund", and shall be administered by the
5 department for the training program. The department of revenue shall
6 credit to the fund, as received, all new jobs credits. The fund shall also
7 consist of any gifts, contributions, grants, or bequests received from
8 federal, private, or other sources. The general assembly, however, shall
9 not provide for any transfer of general revenue funds into the
10 fund. Moneys in the fund shall be disbursed to the department
11 pursuant to regular appropriations by the general assembly. The
12 department shall disburse such appropriated funds in a timely manner
13 into the special funds established by community college districts for
14 training projects, which funds shall be used to pay training project
15 costs. Such disbursements shall be made to the special fund for each
16 training project in the same proportion as the new jobs credit remitted
17 by the qualified company participating in such project bears to the
18 total new jobs credit from withholding remitted by all qualified
19 companies participating in projects during the period for which the
20 disbursement is made. All moneys remaining in the fund at the end of
21 any fiscal year shall not lapse to the general revenue fund, as provided
22 in section 33.080, but shall remain in the fund.

23 2. The "Missouri Community College Job Retention Training
24 Program Fund", formerly established in the state treasury by section
25 178.764, shall now be known as the "Compete Missouri Community
26 College Job Retention Training Fund", and shall be administered by the
27 department for the compete Missouri training program. The
28 department of revenue shall credit to the fund, as received, all retained
29 jobs credits. The fund shall also consist of any gifts, contributions,
30 grants, or bequests received from federal, private, or other
31 sources. The general assembly, however, shall not provide for any
32 transfer of general revenue funds into the fund. Moneys in the fund
33 shall be disbursed to the department pursuant to regular

34 appropriations by the general assembly. The department shall disburse
35 such appropriated funds in a timely manner into the special funds
36 established by community college districts for projects, which funds
37 shall be used to pay training program costs, including the principal,
38 premium, and interest on certificates issued by the district to finance
39 or refinance, in whole or in part, a project. Such disbursements by the
40 department shall be made to the special fund for each project in the
41 same proportion as the retained jobs credit from withholding remitted
42 by the qualified company participating in such project bears to the
43 total retained jobs credit from withholding remitted by qualified
44 companies participating in projects during the period for which the
45 disbursement is made. All moneys remaining in the fund at the end of
46 any fiscal year shall not lapse to the general revenue fund, as provided
47 in section 33.080, but shall remain in the fund.

48 3. The department of revenue shall develop such forms as are
49 necessary to demonstrate accurately each qualified company's new jobs
50 credit paid into the compete Missouri community college new jobs
51 training fund or retained jobs credit paid into the compete Missouri
52 community college job retention training fund. The new or retained
53 jobs credits shall be accounted as separate from the normal
54 withholding tax paid to the department of revenue by the qualified
55 company. Reimbursements made by all qualified companies to the
56 compete Missouri community college new jobs training fund and the
57 compete Missouri community college job retention training fund shall
58 be no less than all allocations made by the department to all community
59 college districts for all projects. The qualified company shall remit the
60 amount of the new or retained jobs credit, as applicable, to the
61 department of revenue in the same manner as provided in sections
62 143.191 to 143.265.

63 4. A community college district, with the approval of the
64 department in consultation with the office of administration, may enter
65 into an agreement to establish a training project and provide training
66 project services to a qualified company. As soon as possible after
67 initial contact between a community college district and a potential
68 qualified company regarding the possibility of entering into an
69 agreement, the district shall inform the department of the potential
70 training project. The department shall evaluate the proposed training

71 project within the overall job training efforts of the state to ensure that
72 the training project will not duplicate other job training programs. The
73 department shall have fourteen days from receipt of a notice of intent
74 to approve or disapprove training projects. If no response is received
75 by the qualified company within fourteen days, the training project
76 shall be deemed approved. Disapproval of any training project shall be
77 made in writing and state the reasons for such disapproval. If an
78 agreement is entered into, the district and the qualified company shall
79 notify the department of revenue within fifteen calendar days. In
80 addition to any provisions required under subsection 5 of this section
81 for a qualified company applying to receive a retained job credit, an
82 agreement may provide, but shall not be limited to:

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

85 (a) Funds appropriated by the general assembly to the compete
86 Missouri community college new jobs training program fund or compete
87 Missouri community college job retention training program fund, as
88 applicable, and disbursed by the department for the purposes
89 consistent with sections 620.800 to 620.809;

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

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

94 (3) Costs of on-the-job training for employees shall include wages
95 or salaries of participating employees. Payments for on-the-job
96 training shall not exceed the average of fifty percent of the total wages
97 paid by the qualified company to each participant during the period of
98 training. Payment for on-the-job training may continue for up to six
99 months from the date the training begins;

100 (4) A provision which fixes the minimum amount of new or
101 retained jobs credits, or tuition and fee payments which shall be paid
102 for training project costs;

103 (5) Any payment required to be made by a qualified company
104 shall constitute a lien upon the qualified company's business property
105 until paid and have equal priority with ordinary taxes and shall not be
106 divested by a judicial sale. Property subject to such lien may be sold
107 for sums due and delinquent at a tax sale, with the same forfeitures,

108 penalties, and consequences as for the nonpayment of ordinary
109 taxes. The purchasers at tax sale shall obtain the property subject to
110 the remaining payments.

111 5. Any qualified company that submits a notice of intent for
112 retained job credits shall enter into an agreement providing that the
113 qualified company has:

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

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

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

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

126 (b) Is located in a border county of the state and represent a
127 potential risk of relocation from the state; or

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

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

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

137 (2) A portion of the total payments made by the qualified
138 companies under sections 143.191 to 143.265 shall be designated as the
139 new or retained jobs credit from withholding. Such portion shall be an
140 amount equal to two and one-half percent of the gross wages paid by
141 the qualified company for each of the first one hundred jobs included
142 in the project and one and one-half percent of the gross wages paid by
143 the qualified company for each of the remaining jobs included in the
144 project. If business or employment conditions cause the amount of the

145 new or retained jobs credit from withholding to be less than the
146 amount projected in the agreement for any time period, then other
147 withholding tax paid by the qualified company under sections 143.191
148 to 143.265 shall be credited to the applicable fund by the amount of
149 such difference. The qualified company shall remit the amount of the
150 new or retained jobs credit to the department of revenue in the manner
151 prescribed in sections 143.191 to 143.265. When all training program
152 costs have been paid, the new or retained jobs credits shall cease;

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

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

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

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

178 (7) If an agreement provides that all or part of training program
179 costs are to be met by receipt of new or retained jobs credit, the
180 provisions of this subsection shall also apply to any successor to the
181 original qualified company until such time as the principal and interest

182 on the certificates have been paid.

183 7. To provide funds for the present payment of the training
184 project costs of new or retained jobs training project through the
185 training program, a community college district may borrow money and
186 issue and sell certificates payable from a sufficient portion of the
187 future receipts of payments authorized by the agreement including
188 disbursements from the compete Missouri community college new jobs
189 training fund or the compete Missouri community college job retention
190 training fund, to the special fund established by the district for each
191 project. The total amount of outstanding certificates sold by all
192 community college districts shall not exceed the total amount
193 authorized pursuant to law as of January 1, 2011, unless an increased
194 amount is authorized in writing by a majority of members of the
195 committee. The certificates shall be marketed through financial
196 institutions authorized to do business in Missouri. The receipts shall
197 be pledged to the payment of principal of and interest on the
198 certificates. Certificates may be sold at public sale or at private sale
199 at par, premium, or discount of not less than ninety-five percent of the
200 par value thereof, at the discretion of the board of trustees, and may
201 bear interest at such rate or rates as the board of trustees shall
202 determine, notwithstanding the provisions of section 108.170 to the
203 contrary. However, the provisions of chapter 176 shall not apply to the
204 issuance of such certificates. Certificates may be issued with respect
205 to a single project or multiple projects and may contain terms or
206 conditions as the board of trustees may provide by resolution
207 authorizing the issuance of the certificates.

208 8. Certificates issued to refund other certificates may be sold at
209 public sale or at private sale as provided in this section with the
210 proceeds from the sale to be used for the payment of the certificates
211 being refunded. The refunding certificates may be exchanged in
212 payment and discharge of the certificates being refunded, in
213 installments at different times or an entire issue or series at one
214 time. Refunding certificates may be sold or exchanged at any time on,
215 before, or after the maturity of the outstanding certificates to be
216 refunded. They may be issued for the purpose of refunding a like,
217 greater, or lesser principal amount of certificates and may bear a
218 higher, lower, or equivalent rate of interest than the certificates being

219 renewed or refunded.

220 **9. Before certificates are issued, the board of trustees shall**
221 **publish once a notice of its intention to issue the certificates, stating**
222 **the amount, the purpose, and the project or projects for which the**
223 **certificates are to be issued. A person with standing may, within**
224 **fifteen days after the publication of the notice, by action in the circuit**
225 **court of a county in the district, appeal the decision of the board of**
226 **trustees to issue the certificates. The action of the board of trustees in**
227 **determining to issue the certificates shall be final and conclusive**
228 **unless the circuit court finds that the board of trustees has exceeded**
229 **its legal authority. An action shall not be brought which questions the**
230 **legality of the certificates, the power of the board of trustees to issue**
231 **the certificates, the effectiveness of any proceedings relating to the**
232 **authorization of the project, or the authorization and issuance of the**
233 **certificates from and after fifteen days from the publication of the**
234 **notice of intention to issue.**

235 **10. The board of trustees shall make a finding based on**
236 **information supplied by the qualified company that revenues provided**
237 **in the agreement are sufficient to secure the faithful performance of**
238 **obligations in the agreement.**

239 **11. Certificates issued under this section shall not be deemed to**
240 **be an indebtedness of the state or the community college district or of**
241 **any other political subdivision of the state, and the principal and**
242 **interest on any certificates shall be payable only from the sources**
243 **provided in subdivision (1) of subsection 4 of this section which are**
244 **pledged in the agreement.**

245 **12. The provisions of the new program authorized under sections**
246 **620.800 to 620.809 shall sunset automatically on July 1, 2018, unless**
247 **reauthorized by an act of the general assembly.**

620.2000. Sections 620.2000 to 620.2020 and section 144.540 shall
2 be known and may be cited as the "Compete Missouri Program".

620.2020. 1. The department shall respond to a written request,
2 **by or on behalf of a qualified company, for a proposed benefit award**
3 **under the provisions of this program within five business days of**
4 **receipt of such request. Such response shall contain either a proposal**
5 **of benefits for the qualified company, or a written response refusing to**
6 **provide such a proposal and stating the reasons for such refusal. A**

7 qualified company that intends to seek benefits under the program
8 shall submit to the department a notice of intent. The department shall
9 respond within thirty days to a notice of intent with an approval or a
10 rejection, provided that the department may withhold approval or
11 provide a contingent approval until it is satisfied that proper
12 documentation of eligibility has been provided. Failure to respond on
13 behalf of the department shall result in the notice of intent being
14 deemed approved. A qualified company receiving approval for program
15 benefits may receive additional benefits for subsequent new jobs at the
16 same facility after the full initial project period if the applicable
17 minimum job requirements are met. There shall be no limit on the
18 number of project periods a qualified company may participate in the
19 program, and a qualified company may elect to file a notice of intent to
20 begin a new project period concurrent with an existing project period
21 if the applicable minimum job requirements are achieved, the qualified
22 company provides the department with the required annual reporting,
23 and the qualified company is in compliance with this program and any
24 other state programs in which the qualified company is currently or
25 has previously participated. However, the qualified company shall not
26 receive any further program benefits under the original approval for
27 any new jobs created after the date of the new notice of intent, and any
28 jobs created before the new notice of intent shall not be included as
29 new jobs for purposes of the benefit calculation for the new approval.
30 When a qualified company has filed and received approval of a notice
31 of intent and subsequently files another notice of intent, the
32 department shall apply the definition of project facility under
33 subdivision (18) of section 620.2005 to the new notice of intent as well
34 as all previously approved notices of intent and shall determine the
35 application of the definitions of new job, new payroll, project facility
36 base employment, and project facility base payroll accordingly.

37 2. Notwithstanding any provision of law to the contrary, the
38 benefits available to the qualified company under any other state
39 programs for which the company is eligible and which utilize
40 withholding tax from the new or retained jobs of the company shall
41 first be credited to the other state program before the withholding
42 retention level applicable under this program will begin to accrue. If
43 any qualified company also participates in a job training program

44 utilizing withholding tax, the company shall retain no withholding tax
45 under this program, but the department shall issue a refundable tax
46 credit for the full amount of benefit allowed under this program. The
47 calendar year annual maximum amount of tax credits which may be
48 issued to a qualifying company that also participates in the new job
49 training program shall be increased by an amount equivalent to the
50 withholding tax retained by that company under the new jobs training
51 program.

52 3. A qualified company receiving benefits under this program
53 shall provide an annual report of the number of jobs and such other
54 information as may be required by the department to document the
55 basis for program benefits available, including any exemption from
56 state sales and use taxes pursuant to section 140.540. In such annual
57 report, if the average wage is below the applicable percentage of the
58 county average wage, the qualified company has not maintained the
59 employee insurance as required, or if the number of jobs is below the
60 number required, the qualified company shall not receive tax credits
61 or retain the withholding tax for the balance of the project period.

62 4. Except as provided in subsection 3 of section 620.2010, the
63 department may withhold the approval of any benefits provided under
64 this program until it is satisfied that proper documentation has been
65 provided, and shall reduce the benefits to reflect any reduction in full-
66 time employees or payroll. Upon approval by the department, the
67 qualified company may begin the retention of the withholding taxes
68 when it reaches the required number of jobs and the average wage
69 meets or exceeds the applicable percentage of county average
70 wage. Tax credits, if any, may be issued upon satisfaction by the
71 department that the qualified company has met or exceeded the
72 applicable percentage of county average wage and the required number
73 of jobs.

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

81 to 135.830.

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

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

92 (1) For the fiscal year beginning on July 1, 2011, but ending on
93 or before June 30, 2012, no more than one hundred and eleven million
94 dollars in tax credits may be authorized;

95 (2) For the fiscal year beginning on July 1, 2012, but ending on
96 or before June 30, 2013, no more than one hundred and twenty-six
97 million dollars in tax credits may be authorized; and

98 (3) For any fiscal year beginning on or after July 1, 2013, no
99 more than one hundred and forty-one million dollars in tax credits may
100 be authorized for each fiscal year.

101 8. For tax credits for the creation of new jobs under section
102 620.2010, the department shall allocate the annual tax credits based on
103 the date of the approval, reserving such tax credits based on the
104 department's best estimate of new jobs and new payroll of the project,
105 and any other applicable factors in determining the amount of benefits
106 available to the qualified company under this program. However, the
107 annual issuance of tax credits shall be subject to annual verification of
108 actual payroll by the department. Except with respect to tax credits
109 provided pursuant to subsection 3 of section 620.2010:

110 (1) Any authorization of tax credits shall expire if, within two
111 years from the date of commencement of operations, or approval if
112 applicable, the qualified company has failed to meet the applicable
113 minimum job requirements;

114 (2) The qualified company may retain authorized amounts from
115 the withholding tax under the project once the applicable minimum job
116 requirements have been met for the duration of the project period; and

117 (3) No benefits shall be provided under this program until the

118 **qualified company meets the applicable minimum new job**
119 **requirements.**

120 **In the event the qualified company does not meet the applicable**
121 **minimum new job requirements, the qualified company may submit a**
122 **new notice of intent or the department may provide a new approval for**
123 **a new project of the qualified company at the project facility or other**
124 **facilities.**

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

138 **10. Prior to the issuance of tax credits or the qualified company**
139 **beginning to retain withholding taxes, the department shall verify**
140 **through the department of revenue and any other applicable state**
141 **department, that the tax credit applicant does not owe any delinquent**
142 **income, sales, or use tax, or interest or penalties on such taxes, or any**
143 **delinquent fees or assessments levied by any state department and**
144 **through the department of insurance, financial institutions and**
145 **professional registration that the applicant does not owe any**
146 **delinquent insurance taxes or other fees. Such delinquency shall not**
147 **affect the approval, except that any tax credits issued shall be first**
148 **applied to the delinquency and any amount issued shall be reduced by**
149 **the applicant's tax delinquency. If the department of revenue, the**
150 **department of insurance, financial institutions and professional**
151 **registration, or any other state department concludes that a taxpayer**
152 **is delinquent after June fifteenth but before July first of any year and**
153 **the application of tax credits to such delinquency causes a tax**
154 **deficiency on behalf of the taxpayer to arise, then the taxpayer shall be**

155 granted thirty days to satisfy the deficiency in which interest,
156 penalties, and additions to tax shall be tolled. After applying all
157 available credits toward a tax delinquency, the administering agency
158 shall notify the appropriate department and that department shall
159 update the amount of outstanding delinquent tax owed by the
160 applicant. If any credits remain after satisfying all insurance, income,
161 sales, and use tax delinquencies, the remaining credits shall be issued
162 to the applicant, subject to the restrictions of other provisions of law.

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

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

169 13. Notwithstanding any provision of law to the contrary,
170 beginning on the effective date of this act, no new projects shall be
171 approved under the business facility tax credit program created
172 pursuant to sections 135.110 to 135.150 and section 135.258, the business
173 use incentives for large scale development program created pursuant
174 to sections 100.700 to 100.850, the development tax credit program
175 created pursuant to sections 32.100 to 32.125, the rebuilding
176 communities tax credit program created pursuant to section 135.535,
177 the enhanced enterprise zone tax credit program created pursuant to
178 sections 135.950 to 135.973, and the Missouri quality jobs program
179 created pursuant to sections 620.1875 to 620.1890. The provisions of
180 this subsection shall not be construed to limit or impair the ability of
181 any administering agency to issue tax credits for any project approved
182 prior to the effective date of this act, or the ability of any taxpayer to
183 redeem any such tax credits or to retain any withholding tax under an
184 approval issued prior to that date. The provisions of this subsection
185 shall not be construed to limit or in any way impair the ability of any
186 governing authority to provide any local abatement or designate a new
187 zone under the enhanced enterprise zone program created by sections
188 135.950 to 135.963.

189 14. If any provision of sections 620.2000 to 620.2020 or
190 application thereof to any person or circumstance is held invalid, the
191 invalidity shall not affect other provisions or application of these

192 sections which can be given effect without the invalid provisions or
193 application, and to this end, the provisions of sections 620.2000 to
194 620.2020 are hereby declared severable.

195 15. By no later than January 1, 2012, and the first day of each
196 calendar quarter thereafter, the department shall present a quarterly
197 report to the general assembly detailing the benefits authorized under
198 this program during the immediately preceding calendar quarter to the
199 extent such information may be disclosed under state and federal
200 law. The report shall include, at a minimum:

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

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

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

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

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

212 16. The department may adopt such rules, statements of policy,
213 procedures, forms, and guidelines as may be necessary to carry out the
214 provisions of sections 620.2000 to 620.2020. Any rule or portion of a
215 rule, as that term is defined in section 536.010, that is created under
216 the authority delegated in this section shall become effective only if it
217 complies with and is subject to all of the provisions of chapter 536 and,
218 if applicable, section 536.028. This section and chapter 536 are
219 nonseverable and if any of the powers vested with the general assembly
220 pursuant to chapter 536 to review, to delay the effective date, or to
221 disapprove and annul a rule are subsequently held unconstitutional,
222 then the grant of rulemaking authority and any rule proposed or
223 adopted after August 28, 2011, shall be invalid and void.

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

225 (1) The provisions of the new program authorized under sections
226 620.2000 to 620.2020 shall automatically sunset six years after the
227 effective date of this section unless reauthorized by an act of the
228 general assembly; and

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

233 **(3) Sections 620.2000 to 620.2020 shall terminate on September**
234 **first if the calendar year immediately following the calendar year in**
235 **which the program authorized under sections 620.2000 to 620.2020 is**
236 **sunset.**

Section B. Because immediate action is necessary to secure adequate
2 state revenue, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and
5 section A of this act shall be in full force and effect upon its passage and
6 approval.

✓

Bill

Copy