

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 1039, Page 13, Section 226.224, Line 3,  
2 by inserting after all of said section and line the following:

3  
4 "620.2010. 1. In exchange for the consideration provided by the new tax revenues and other  
5 economic stimuli that will be generated by the new jobs created, a qualified company may, for a  
6 period of five years from the date the new jobs are created, or for a period of six years from the date  
7 the new jobs are created if the qualified company is an existing Missouri business, retain an amount  
8 equal to the withholding tax as calculated under subdivision (38) of section 620.2005 from the new  
9 jobs that would otherwise be withheld and remitted by the qualified company under the provisions  
10 of sections 143.191 to 143.265 if:

11 (1) The qualified company creates ten or more new jobs, and the average wage of the new  
12 payroll equals or exceeds ninety percent of the county average wage;

13 (2) The qualified company creates two or more new jobs at a project facility located in a  
14 rural area, the average wage of the new payroll equals or exceeds ninety percent of the county  
15 average wage, and the qualified company commits to making at least one hundred thousand dollars  
16 of new capital investment at the project facility within two years; or

17 (3) The qualified company creates two or more new jobs at a project facility located within  
18 a zone designated under sections 135.950 to 135.963, the average wage of the new payroll equals or  
19 exceeds eighty percent of the county average wage, and the qualified company commits to making  
20 at least one hundred thousand dollars in new capital investment at the project facility within two  
21 years of approval.

22 2. In addition to any benefits available under subsection 1 of this section, the department  
23 may award a qualified company that satisfies subdivision (1) of subsection 1 of this section  
24 additional tax credits, issued each year for a period of five years from the date the new jobs are  
25 created, or for a period of six years from the date the new jobs are created if the qualified company  
26 is an existing Missouri business, in an amount equal to or less than six percent of new payroll;  
27 provided that in no event may the total amount of benefits awarded to a qualified company under  
28 this section exceed nine percent of new payroll in any calendar year. The amount of tax credits  
29 awarded to a qualified company under this subsection shall not exceed the projected net fiscal  
30 benefit to the state, as determined by the department, and shall not exceed the least amount

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1 necessary to obtain the qualified company's commitment to initiate the project. In determining the  
2 amount of tax credits to award to a qualified company under this subsection or a qualified  
3 manufacturing company under subsection 3 of this section, the department shall consider the  
4 following factors:

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

6 (2) The amount of projected net fiscal benefit to the state of the project and the period in  
7 which the state would realize such net fiscal benefit;

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

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

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

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

15 (7) The percent of local incentives committed.

16 3. (1) The department may award tax credits to a qualified manufacturing company that  
17 makes a manufacturing capital investment of at least five hundred million dollars not more than  
18 three years following the department's approval of a notice of intent and the execution of an  
19 agreement that meets the requirements of subsection 4 of this section. Such tax credits shall be  
20 issued no earlier than January 1, 2023, and may be issued each year for a period of five years. A  
21 qualified manufacturing company may qualify for an additional five-year period under this  
22 subsection if it makes an additional manufacturing capital investment of at least two hundred fifty  
23 million dollars within five years of the department's approval of the original notice of intent.

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

28 (3) If, at the project facility at any time during the project period, the qualified  
29 manufacturing company discontinues the manufacturing of the new product, or discontinues the  
30 modification or expansion of an existing product, and does not replace it with a subsequent or  
31 additional new product or with a modification or expansion of an existing product, the company  
32 shall immediately cease receiving any benefit awarded under this subsection for the remainder of  
33 the project period and shall forfeit all rights to retain or receive any benefit awarded under this  
34 subsection for the remainder of such period.

35 (4) Notwithstanding any other provision of law to the contrary, any qualified manufacturing  
36 company that is awarded benefits under this section shall not simultaneously receive tax credits or  
37 exemptions under sections 100.700 to 100.850 for the jobs created or retained or capital  
38 improvement that qualified for benefits under this section. The provisions of subsection 5 of section

1 285.530 shall not apply to a qualified manufacturing company that is awarded benefits under this  
2 section.

3 4. Upon approval of a notice of intent to receive tax credits under subsection 2, 3, 6, or 7 of  
4 this section, the department and the qualified company shall enter into a written agreement covering  
5 the applicable project period. The agreement shall specify, at a minimum:

6 (1) The committed number of new jobs, new payroll, and new capital investment, or the  
7 manufacturing capital investment and committed percentage of retained jobs for each year during  
8 the project period;

9 (2) The date or time period during which the tax credits shall be issued, which may be  
10 immediately or over a period not to exceed two years from the date of approval of the notice of  
11 intent;

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

13 (4) Financial guarantee provisions as may be required by the department, provided that  
14 financial guarantee provisions shall be required by the department for tax credits awarded under  
15 subsection 7 of this section; and

16 (5) Any other provisions the department may require.

17 5. In lieu of the benefits available under subsections 1 and 2 of this section, and in exchange  
18 for the consideration provided by the new tax revenues and other economic stimuli that will be  
19 generated by the new jobs created by the program, a qualified company may, for a period of five  
20 years from the date the new jobs are created, or for a period of six years from the date the new jobs  
21 are created if the qualified company is an existing Missouri business, retain an amount equal to the  
22 withholding tax as calculated under subdivision (38) of section 620.2005 from the new jobs that  
23 would otherwise be withheld and remitted by the qualified company under the provisions of sections  
24 143.191 to 143.265 equal to:

25 (1) Six percent of new payroll for a period of five years from the date the required number  
26 of new jobs were created if the qualified company creates one hundred or more new jobs and the  
27 average wage of the new payroll equals or exceeds one hundred twenty percent of the county  
28 average wage of the county in which the project facility is located; or

29 (2) Seven percent of new payroll for a period of five years from the date the required  
30 number of jobs were created if the qualified company creates one hundred or more new jobs and the  
31 average wage of the new payroll equals or exceeds one hundred forty percent of the county average  
32 wage of the county in which the project facility is located.

33  
34 The department shall issue a refundable tax credit for any difference between the amount of benefit  
35 allowed under this subsection and the amount of withholding tax retained by the company, in the  
36 event the withholding tax is not sufficient to provide the entire amount of benefit due to the  
37 qualified company under this subsection.

38 6. In addition to the benefits available under subsection 5 of this section, the department  
39 may award a qualified company that satisfies the provisions of subsection 5 of this section

1 additional tax credits, issued each year for a period of five years from the date the new jobs are  
 2 created, or for a period of six years from the date the new jobs are created if the qualified company  
 3 is an existing Missouri business, in an amount equal to or less than three percent of new payroll;  
 4 provided that in no event may the total amount of benefits awarded to a qualified company under  
 5 this section exceed nine percent of new payroll in any calendar year. The amount of tax credits  
 6 awarded to a qualified company under this subsection shall not exceed the projected net fiscal  
 7 benefit to the state, as determined by the department, and shall not exceed the least amount  
 8 necessary to obtain the qualified company's commitment to initiate the project. In determining the  
 9 amount of tax credits to award to a qualified company under this subsection, the department shall  
 10 consider the factors provided under subsection 2 of this section.

11 7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this section, and in  
 12 exchange for the consideration provided by the new tax revenues and other economic stimuli that  
 13 will be generated by the new jobs and new capital investment created by the program, the  
 14 department may award a qualified company that satisfies the provisions of subdivision (1) of  
 15 subsection 1 of this section tax credits, issued within one year following the qualified company's  
 16 acceptance of the department's proposal for benefits, in an amount equal to or less than nine percent  
 17 of new payroll. The amount of tax credits awarded to a qualified company under this subsection  
 18 shall not exceed the projected net fiscal benefit to the state, as determined by the department, and  
 19 shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate  
 20 the project. In determining the amount of tax credits to award to a qualified company under this  
 21 subsection, the department shall consider the factors provided under subsection 2 of this section and  
 22 the qualified company's commitment to new capital investment and new job creation within the state  
 23 for a period of not less than ten years. For the purposes of this subsection, each qualified company  
 24 shall have an average wage of the new payroll that equals or exceeds one hundred percent of the  
 25 county average wage. ~~[Notwithstanding the provisions of section 620.2020 to the contrary, this~~  
 26 ~~subsection shall expire on June 30, 2025.]~~

27 8. No benefits shall be available under this section for any qualified company that has  
 28 performed significant, project-specific site work at the project facility, purchased machinery or  
 29 equipment related to the project, or has publicly announced its intention to make new capital  
 30 investment or manufacturing capital investment at the project facility prior to receipt of a proposal  
 31 for benefits under this section or approval of its notice of intent, whichever occurs first.

32 9. In lieu of any other benefits under this chapter, the department of economic development  
 33 may award a tax credit to an industrial development authority for a qualified military project in an  
 34 amount equal to the estimated withholding taxes associated with the part-time and full-time civilian  
 35 and military new jobs located at the facility and directly impacted by the project. The amount of the  
 36 tax credit shall be calculated by multiplying:

37 (1) The average percentage of tax withheld, as provided by the department of revenue to the  
 38 department of economic development;

39 (2) The average salaries of the jobs directly created by the qualified military project; and

1 (3) The number of jobs directly created by the qualified military project.

2  
3 If the amount of the tax credit represents the least amount necessary to accomplish the qualified  
4 military project, the tax credits may be issued, but no tax credits shall be issued for a term longer  
5 than fifteen years. No qualified military project shall be eligible for tax credits under this subsection  
6 unless the department of economic development determines the qualified military project shall  
7 achieve a net positive fiscal impact to the state.

8 620.2020. 1. The department shall respond to a written request, by or on behalf of a  
9 qualified company or qualified military project, for a proposed benefit award under the provisions of  
10 this program within five business days of receipt of such request. The department shall respond to a  
11 written request, by or on behalf of a qualified manufacturing company, for a proposed benefit award  
12 under the provisions of this program within fifteen business days of receipt of such request. Such  
13 response shall contain either a proposal of benefits for the qualified company or qualified military  
14 project, or a written response refusing to provide such a proposal and stating the reasons for such  
15 refusal. A qualified company or qualified military project that intends to seek benefits under the  
16 program shall submit to the department a notice of intent. The department shall respond within  
17 thirty days to a notice of intent with an approval or a rejection, provided that the department may  
18 withhold approval or provide a contingent approval until it is satisfied that proper documentation of  
19 eligibility has been provided. The department shall certify or reject the qualifying company's plan  
20 outlined in their notice of intent as satisfying good faith efforts made to employ, at a minimum,  
21 commensurate with the percentage of minority populations in the state of Missouri, as reported in  
22 the previous decennial census, the following: racial minorities, contractors who are racial  
23 minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with  
24 the percentage of minority populations in the state of Missouri, as reported in the previous decennial  
25 census. Failure to respond on behalf of the department shall result in the notice of intent being  
26 deemed approved. A qualified company receiving approval for program benefits may receive  
27 additional benefits for subsequent new jobs at the same facility after the full initial project period if  
28 the applicable minimum job requirements are met. There shall be no limit on the number of project  
29 periods a qualified company may participate in the program, and a qualified company may elect to  
30 file a notice of intent to begin a new project period concurrent with an existing project period if the  
31 applicable minimum job requirements are achieved, the qualified company provides the department  
32 with the required annual reporting, and the qualified company is in compliance with this program  
33 and any other state programs in which the qualified company is currently or has previously  
34 participated. However, the qualified company shall not receive any further program benefits under  
35 the original approval for any new jobs created after the date of the new notice of intent, and any jobs  
36 created before the new notice of intent shall not be included as new jobs for purposes of the benefit  
37 calculation for the new approval. When a qualified company has filed and received approval of a  
38 notice of intent and subsequently files another notice of intent, the department shall apply the  
39 definition of project facility under subdivision (24) of section 620.2005 to the new notice of intent

1 as well as all previously approved notices of intent and shall determine the application of the  
2 definitions of new job, new payroll, project facility base employment, and project facility base  
3 payroll accordingly.

4 2. Notwithstanding any provision of law to the contrary, the benefits available to the  
5 qualified company under any other state programs for which the company is eligible and which  
6 utilize withholding tax from the new or retained jobs of the company shall first be credited to the  
7 other state program before the withholding retention level applicable under this program will begin  
8 to accrue.

9 (1) If any qualified company also participates in a job training program utilizing  
10 withholding tax, the company shall retain no withholding tax under this program, but the department  
11 shall issue a refundable tax credit for the full amount of benefit allowed under this program. The  
12 calendar year annual maximum amount of tax credits which may be issued to a qualifying company  
13 that also participates in a job training program shall be increased by an amount equivalent to the  
14 withholding tax retained by that company under or remitted to the state for the purpose of a jobs  
15 training program.

16 (2) If any qualified company receiving benefits available under subsection 2, 3, or 6 of  
17 section 620.2010 or section 620.2015 is located in an advanced industrial manufacturing zone  
18 created under section 68.075 or a targeted industrial manufacturing enhancement zone created under  
19 section 620.2250, the department may authorize the qualified company to receive refundable tax  
20 credits instead of retaining all or a portion of withholding tax unless otherwise restricted by law.  
21 The calendar year annual maximum amount of tax credits that may be issued to a qualified company  
22 that is located in an advanced industrial manufacturing zone or targeted industrial manufacturing  
23 enhancement zone may be increased by the department in an amount equivalent to the amount of  
24 withholding tax remitted to the state for the purposes of an advanced industrial manufacturing zone  
25 or targeted industrial manufacturing enhancement zone.

26 3. A qualified company or qualified military project receiving benefits under this program  
27 shall provide an annual report of the number of jobs, along with minority jobs created or retained,  
28 and such other information as may be required by the department to document the basis for program  
29 benefits available no later than ninety days prior to the end of the qualified company's or industrial  
30 development authority's tax year immediately following the tax year for which the benefits provided  
31 under the program are attributed. In such annual report, if the average wage is below the applicable  
32 percentage of the county average wage, the qualified company or qualified military project has not  
33 maintained the employee insurance as required, if the department after a review determines the  
34 qualifying company fails to satisfy other aspects of their notice of intent, including failure to make  
35 good faith efforts to employ, at a minimum, commensurate with the percentage of minority  
36 populations in the state of Missouri, as reported in the previous decennial census, the following:  
37 racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a  
38 minimum racial minorities commensurate with the percentage of minority populations in the state of  
39 Missouri, as reported in the previous decennial census, or if the number of jobs is below the number

1 required, the qualified company or qualified military project shall not receive tax credits or retain  
2 the withholding tax for the balance of the project period. If a statewide state of emergency exists for  
3 more than sixteen months, a qualified company or industrial development authority shall be entitled  
4 to a one-time suspension of program deadlines equal to the number of months such statewide state  
5 of emergency existed with any partial month rounded to the next whole. During such suspension,  
6 the qualified company or industrial development authority shall not be entitled to retain any  
7 withholding tax as calculated under subdivision (38) of section 620.2005 nor shall it earn any  
8 awarded tax credit or receive any tax credit under the program for the suspension period. The  
9 suspension period shall run consecutively and be available to a qualified company or industrial  
10 development authority that, during the statewide state of emergency, submitted notice of intent that  
11 was approved or that was in year one or a subsequent year of benefits under a program agreement  
12 with the department. The suspension period that runs consecutively and may be available to a  
13 qualified company or industrial development authority as provided in this subsection may apply  
14 retroactively. Any qualified company or industrial development authority requesting a suspension  
15 pursuant to this subsection shall submit notice to the department on its provided form identifying the  
16 requested start and end dates of the suspension, not to exceed the maximum number of months  
17 available under this subsection. Such notice shall be submitted to the department not later than the  
18 end of the twelfth month following the termination of the state of emergency. No suspension period  
19 shall start later than the date on which the state of emergency was terminated. The department and  
20 the qualified company or the industrial development authority shall enter into a program agreement  
21 or shall amend an existing program agreement, as applicable, stating the deadlines following the  
22 suspension period and updating the applicable wage requirements. Failure to timely file the annual  
23 report required under this section may result in the forfeiture of tax credits attributable to the year  
24 for which the reporting was required and a recapture of withholding taxes retained by the qualified  
25 company or qualified military project during such year.

26 4. The department may withhold the approval of any benefits under this program until it is  
27 satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any  
28 reduction in full-time employees or payroll. Upon approval by the department, the qualified  
29 company may begin the retention of the withholding taxes when it reaches the required number of  
30 jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax  
31 credits, if any, may be issued upon satisfaction by the department that the qualified company has  
32 exceeded the applicable percentage of county average wage and the required number of jobs;  
33 provided that, tax credits awarded under subsection 7 of section 620.2010 may be issued following  
34 the qualified company's acceptance of the department's proposal and pursuant to the requirements  
35 set forth in the written agreement between the department and the qualified company under  
36 subsection 4 of section 620.2010.

37 5. Any qualified company or qualified military project approved for benefits under this  
38 program shall provide to the department, upon request, any and all information and records  
39 reasonably required to monitor compliance with program requirements. This program shall be

1 considered a business recruitment tax credit under subdivision (3) of subsection 2 of section  
2 135.800, and any qualified company or qualified military project approved for benefits under this  
3 program shall be subject to the provisions of sections 135.800 to 135.830.

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

8 7. (1) The maximum amount of tax credits that may be authorized under this program for  
9 any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated  
10 for that fiscal year under any of the tax credit programs referenced in subsection [14] 15 of this  
11 section:

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

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

16 (c) For fiscal years beginning on or after July 1, 2015, but ending on or before June 30,  
17 2020, no more than one hundred sixteen million dollars in tax credits may be authorized for each  
18 fiscal year; and

19 (d) For all fiscal years beginning on or after July 1, 2020, but ending on or before June 30,  
20 2025, no more than one hundred six million dollars in tax credits may be authorized for each fiscal  
21 year. The provisions of this paragraph shall not apply to tax credits issued to qualified companies  
22 under a notice of intent filed prior to July 1, 2020.

23 (2) For all fiscal years beginning on or after July 1, 2020, but ending on or before June 30,  
24 2025, in addition to the amount of tax credits that may be authorized under paragraph (d) of  
25 subdivision (1) of this subsection, an additional ten million dollars in tax credits may be authorized  
26 for each fiscal year for the purpose of the completion of infrastructure projects directly connected  
27 with the creation or retention of jobs under the provisions of sections 620.2000 to 620.2020 and an  
28 additional ten million dollars in tax credits may be authorized for each fiscal year for a qualified  
29 manufacturing company based on a manufacturing capital investment as set forth in section  
30 620.2010.

31 8. For all fiscal years beginning on or after July 1, 2020, but ending on or before June 30,  
32 2025, the maximum total amount of withholding tax that may be authorized for retention for the  
33 creation of new jobs under the provisions of sections 620.2000 to 620.2020 by qualified companies  
34 with a project facility base employment of at least fifty shall not exceed seventy-five million dollars  
35 for each fiscal year. The provisions of this subsection shall not apply to withholding tax authorized  
36 for retention for the creation of new jobs by qualified companies with a project facility base  
37 employment of less than fifty.

38 9. For all fiscal years beginning on or after July 1, 2025, the department may authorize:

1           (1) No more than one hundred eighty-one million dollars in benefits, whether tax credits or  
2 retained amounts equal to all or a portion of withholding tax, for retention and creation of new jobs  
3 under the program by qualified companies. The provisions of this subdivision shall not apply to  
4 withholding tax authorized for retention for the creation of new jobs by qualified companies with a  
5 project facility base employment of fewer than fifty;

6           (2) An additional ten million dollars in tax credits for the purpose of the completion of  
7 infrastructure projects directly connected with the creation or retention of jobs under the provisions  
8 of the program; and

9           (3) An additional ten million dollars in tax credits may be authorized for each fiscal year for  
10 a qualified manufacturing company based on a manufacturing capital investment as set forth in  
11 section 620.2010.

12           ~~[9-]~~ 10. For tax credits for the creation of new jobs under section 620.2010, the department  
13 shall allocate the annual tax credits based on the date of the approval, reserving such tax credits  
14 based on the department's best estimate of new jobs and new payroll of the project, and any other  
15 applicable factors in determining the amount of benefits available to the qualified company or  
16 qualified military project under this program; provided that:

17           (1) For fiscal years ending on or before June 30, 2025, the department may reserve up to  
18 twenty-one and one-half percent of the maximum annual amount of tax credits that may be  
19 authorized under subsection 7 of this section for award under subsection 7 of section 620.2010; and

20           (2) For all fiscal years beginning on or after July 1, 2025, the department may reserve up to  
21 twenty-one percent of the maximum annual amount of benefits that may be authorized under  
22 subsection 9 of this section for award under subsection 7 of section 620.2010.

23  
24 However, the annual issuance of tax credits shall be subject to annual verification of actual payroll  
25 by the department or, for qualified military projects, annual verification of average salary for the  
26 jobs directly created by the qualified military project. Any authorization of tax credits shall expire  
27 if, within two years from the date of commencement of operations, or approval if applicable, the  
28 qualified company has failed to meet the applicable minimum job requirements. The qualified  
29 company may retain authorized amounts from the withholding tax under the project once the  
30 applicable minimum job requirements have been met for the duration of the project period. No  
31 benefits shall be provided under this program until the qualified company or qualified military  
32 project meets the applicable minimum new job requirements or, for benefits awarded under  
33 subsection 7 of section 620.2010, until the qualified company has satisfied the requirements set forth  
34 in the written agreement between the department and the qualified company under subsection 4 of  
35 section 620.2010. In the event the qualified company or qualified military project does not meet the  
36 applicable minimum new job requirements, the qualified company or qualified military project may  
37 submit a new notice of intent or the department may provide a new approval for a new project of the  
38 qualified company or qualified military project at the project facility or other facilities.

1           ~~[40.]~~ 11. Tax credits provided under this program may be claimed against taxes otherwise  
2 imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one  
3 year of the close of the taxable year for which they were issued. Tax credits provided under this  
4 program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the  
5 department that names the transferee, the amount of tax credit transferred, and the value received for  
6 the credit, as well as any other information reasonably requested by the department. For a qualified  
7 company with flow-through tax treatment to its members, partners, or shareholders, the tax credit  
8 shall be allowed to members, partners, or shareholders in proportion to their share of ownership on  
9 the last day of the qualified company's tax period.

10           ~~[41.]~~ 12. Prior to the issuance of tax credits or the qualified company beginning to retain  
11 withholding taxes, the department shall verify through the department of revenue and any other  
12 applicable state department that the tax credit applicant does not owe any delinquent income, sales,  
13 or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any  
14 state department and through the department of commerce and insurance that the applicant does not  
15 owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval,  
16 except that any tax credits issued shall be first applied to the delinquency and any amount issued  
17 shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of  
18 commerce and insurance, or any other state department concludes that a taxpayer is delinquent after  
19 June fifteenth but before July first of any year and the application of tax credits to such delinquency  
20 causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty  
21 days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After  
22 applying all available credits toward a tax delinquency, the administering agency shall notify the  
23 appropriate department and that department shall update the amount of outstanding delinquent tax  
24 owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax  
25 delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of  
26 other provisions of law.

27           ~~[42.]~~ 13. The director of revenue shall issue a refund to the qualified company to the extent  
28 that the amount of tax credits allowed under this program exceeds the amount of the qualified  
29 company's tax liability under chapter 143 or 148.

30           ~~[43.]~~ 14. An employee of a qualified company shall receive full credit for the amount of tax  
31 withheld as provided in section 143.211.

32           ~~[44.]~~ 15. Notwithstanding any provision of law to the contrary, beginning August 28, 2013,  
33 no new benefits shall be authorized for any project that had not received from the department a  
34 proposal or approval for such benefits prior to August 28, 2013, under the development tax credit  
35 program created under sections 32.100 to 32.125, the rebuilding communities tax credit program  
36 created under section 135.535, the enhanced enterprise zone tax credit program created under  
37 sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875  
38 to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of  
39 any administering agency to authorize or issue benefits for any project that had received an approval

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

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

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

11 ~~[45:]~~ 16. If any provision of sections 620.2000 to 620.2020 or application thereof to any  
 12 person or circumstance is held invalid, the invalidity shall not affect other provisions or application  
 13 of these sections which can be given effect without the invalid provisions or application, and to this  
 14 end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.

15 ~~[46:]~~ 17. By no later than January 1, 2014, and the first day of each calendar quarter  
 16 thereafter, the department shall present a quarterly report to the general assembly detailing the  
 17 benefits authorized under this program during the immediately preceding calendar quarter to the  
 18 extent such information may be disclosed under state and federal law. The report shall include, at a  
 19 minimum:

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

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

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

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

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

29 ~~[47:]~~ 18. The department may adopt such rules, statements of policy, procedures, forms, and  
 30 guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any  
 31 rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority  
 32 delegated in this section shall become effective only if it complies with and is subject to all of the  
 33 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
 34 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to  
 35 review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
 36 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
 37 August 28, 2013, shall be invalid and void.

38 ~~[48:]~~ 19. Under section 23.253 of the Missouri sunset act:

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

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

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

9  
10 Further amend said bill by amending the title, enacting clause, and intersectional references  
11 accordingly.