

SECOND REGULAR SESSION

HOUSE BILL NO. 2143

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE COLEMAN.

5380H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 135.1670, RSMo, and to enact in lieu thereof one new section relating to incentives for interstate business relocation.

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

Section A. Section 135.1670, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.1670, to read as follows:

135.1670. 1. As used in this section, the following terms mean:

- (1) "Kansas border county", Johnson, Miami, or Wyandotte County in Kansas;
- (2) "Missouri border county", any county with a charter form of government and with more than six hundred thousand but fewer than seven hundred thousand inhabitants, any county of the first classification with more than eighty-three thousand but fewer than ninety-two thousand inhabitants and with a city of the fourth classification with more than four thousand five hundred but fewer than five thousand inhabitants as the county seat, any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants, or any county of the first classification with more than ninety-two thousand but fewer than one hundred one thousand inhabitants in Missouri.

2. (1) If any job that qualifies for a tax credit under sections 100.700 to 100.850 or under sections 135.100 to 135.258, for funding under section 620.1023, or for a tax credit or retention of state withholding taxes under sections 620.2000 to 620.2020, relocates to a Missouri border county from a Kansas border county, no tax credits shall be issued, funding provided, or retention of withholding taxes authorized for such job under such sections.

(2) **The department of economic development shall determine any clawback provisions relating to:**

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 18 **(a) Tax credits issued or other funding provided by the state; and**
19 **(b) Tax credits issued or other incentives provided by any political subdivision.**
- 20 3. If the director of the Missouri department of economic development determines
21 that the state of Kansas has enacted legislation or the governor of Kansas issued an executive
22 order or similar action which prohibits the Kansas Department of Commerce or any other
23 Kansas executive department from providing economic incentives for jobs that are relocated
24 from a Missouri border county to a Kansas border county, then the director shall execute and
25 deliver to the governor, the speaker of the house of representatives, and the president pro
26 tempore of the senate a written certification of such determination. Upon the execution and
27 delivery of such written certification and the parties receiving such certification providing a
28 unanimous written affirmation, the provisions of subsection 2 of this section shall be effective
29 unless otherwise provided in this section. The provisions of subsection 2 of this section shall
30 not apply to incentives reserved on behalf of and awarded to Missouri employers prior to the
31 provisions of subsection 2 of this section taking effect.
- 32 4. If the director of the Missouri department of economic development determines
33 that the Kansas Department of Commerce or any other Kansas executive department is
34 providing economic incentives for jobs that relocate from a Missouri border county to a
35 Kansas border county, then the director shall execute and deliver to the governor, the speaker
36 of the house of representatives, and the president pro tempore of the senate a written
37 certification of such determination. Upon the execution and delivery of such written
38 certification and the parties receiving such certification providing a unanimous written
39 affirmation, the provisions of subsection 2 of this section shall not be effective until such time
40 as the director determines that the Kansas Department of Commerce or any other Kansas
41 executive department is not providing economic incentives for jobs that relocate from a
42 Missouri border county to a Kansas border county, and the director has executed and
43 delivered to the governor, the speaker of the house of representatives, and the president pro
44 tempore of the senate a written certification of such determination and the parties receiving
45 such certification provide an unanimous written affirmation.
- 46 5. The director of the Missouri department of economic development shall notify the
47 revisor of statutes of all changes in whether subsection 2 of this section is effective.
- 48 ~~[6. The provisions of this section shall expire August 28, 2021, unless at such time the~~
49 ~~provisions of subsection 2 of this section are in effect. If the provisions of this section do not~~
50 ~~expire on August 28, 2021, the provisions of this section shall expire on August 28, 2025.]~~