

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 575
95TH GENERAL ASSEMBLY

1684L.03C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 100.710, 100.720, 100.750, 100.760, 100.770, 620.1039, 620.1878, and 620.1881, RSMo, and to enact in lieu thereof eight new sections relating to business incentives, with an emergency clause.

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

Section A. Sections 100.710, 100.720, 100.750, 100.760, 100.770, 620.1039, 620.1878, and 620.1881, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 100.710, 100.720, 100.750, 100.760, 100.770, 620.1039, 620.1878, and 620.1881, to read as follows:

100.710. As used in sections 100.700 to 100.850, the following terms mean:

- (1) "Assessment", an amount of up to five percent of the gross wages paid in one year by an eligible industry to all eligible employees in new jobs, or up to ten percent if the economic development project is located within a distressed community as defined in section 135.530, RSMo;
- (2) "Board", the Missouri development finance board as created by section 100.265;
- (3) "Certificates", the revenue bonds or notes authorized to be issued by the board pursuant to section 100.840;
- (4) "Credit", the amount agreed to between the board and an eligible industry, but not to exceed the assessment attributable to the eligible industry's project;
- (5) "Department", the Missouri department of economic development;
- (6) "Director", the director of the department of economic development;
- (7) "Economic development project":
 - (a) The acquisition of any real property by the board, the eligible industry, or its affiliate;
 - or

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.

16 (b) The fee ownership of real property by the eligible industry or its affiliate; and

17 (c) For both paragraphs (a) and (b) of this subdivision, "economic development project"
18 shall also include the development of the real property including construction, installation, or
19 equipping of a project, including fixtures and equipment, and facilities necessary or desirable for
20 improvement of the real property, including surveys; site tests and inspections; subsurface site
21 work; excavation; removal of structures, roadways, cemeteries and other surface obstructions;
22 filling, grading and provision of drainage, storm water retention, installation of utilities such as
23 water, sewer, sewage treatment, gas, electricity, communications and similar facilities; off-site
24 construction of utility extensions to the boundaries of the real property; and the acquisition,
25 installation, or equipping of facilities on the real property, for use and occupancy by the eligible
26 industry or its affiliates;

27 (8) "Eligible employee", a person employed on a full-time basis in a new job at the
28 economic development project averaging at least thirty-five hours per week who was not
29 employed by the eligible industry or a related taxpayer in this state at any time during the
30 twelve-month period immediately prior to being employed at the economic development project.
31 For an essential industry, a person employed on a full-time basis in an existing job at the
32 economic development project averaging at least thirty-five hours per week may be considered
33 an eligible employee for the purposes of the program authorized by sections 100.700 to 100.850;

34 (9) "Eligible industry", a business located within the state of Missouri which is engaged
35 in interstate or intrastate commerce for the purpose of manufacturing, processing or assembling
36 products, conducting research and development, or providing services in interstate commerce,
37 office industries, or agricultural processing, but excluding retail, health or professional services.
38 "Eligible industry" does not include a business which closes or substantially reduces its operation
39 at one location in the state and relocates substantially the same operation to another location in
40 the state. This does not prohibit a business from expanding its operations at another location in
41 the state provided that existing operations of a similar nature located within the state are not
42 closed or substantially reduced. This also does not prohibit a business from moving its
43 operations from one location in the state to another location in the state for the purpose of
44 expanding such operation provided that the board determines that such expansion cannot
45 reasonably be accommodated within the municipality in which such business is located, or in the
46 case of a business located in an incorporated area of the county, within the county in which such
47 business is located, after conferring with the chief elected official of such municipality or county
48 and taking into consideration any evidence offered by such municipality or county regarding the
49 ability to accommodate such expansion within such municipality or county. An eligible industry
50 must:

51 (a) Invest a minimum of fifteen million dollars, or ten million dollars for an office
52 industry, in an economic development project; and

53 (b) Create a minimum of one hundred new jobs for eligible employees at the economic
54 development project or a minimum of [five] **one** hundred jobs if the economic development
55 project is an office industry or a minimum of two hundred new jobs if the economic development
56 project is an office industry located within a distressed community as defined in section 135.530,
57 RSMo, or in the case of an approved company for a project for a world headquarters of a
58 business whose primary function is tax return preparation in any home rule city with more than
59 four hundred thousand inhabitants and located in more than one county, create a minimum of one
60 hundred new jobs for eligible employees at the economic development project. An industry that
61 meets the definition of "essential industry" may be considered an eligible industry for the
62 purposes of the program authorized by sections 100.700 to 100.850. Notwithstanding the
63 preceding provisions of this subdivision, a development agency, as such term is defined in
64 subdivision (3) of section 100.255, or a corporation, limited liability company, or partnership
65 formed on behalf of a development agency, at the option of the board, may be authorized to act
66 as an eligible industry with such obligations and rights otherwise applicable to an eligible
67 industry, including the rights of an approved company under section 100.850, so long as the
68 eligible industry otherwise meets the requirements imposed by this subsection;

69 (10) "Essential industry", a business that otherwise meets the definition of eligible
70 industry except an essential industry shall:

71 (a) Be a targeted industry;

72 (b) Be located in a home rule city with more than twenty-six thousand but less than
73 twenty-seven thousand inhabitants located in any county with a charter form of government and
74 with more than one million inhabitants or in a city of the fourth classification with more than
75 four thousand three hundred but fewer than four thousand four hundred inhabitants and located
76 in any county with a charter form of government and with more than one million inhabitants;

77 (c) Have maintained at least two thousand jobs at the proposed economic development
78 project site each year for a period of four years preceding the year in which application for the
79 program authorized by sections 100.700 to 100.850 is made and during the year in which said
80 application is made;

81 (d) Retain, at the proposed economic development project site, the level of employment
82 that existed at the site in the taxable year immediately preceding the year in which application
83 for the program, authorized by sections 100.700 to 100.850, is made. Retention of such level
84 of employment shall commence three years from the date of issuance of the certificates and
85 continue for the duration of the certificates; and

86 (e) Invest a minimum of five hundred million dollars in the economic development
87 project by the end of the third year after the issuance of the certificates under this program;

88 (11) "New job", a job in a new or expanding eligible industry not including jobs of
89 recalled workers, replacement jobs or jobs that formerly existed in the eligible industry in the
90 state. For an essential industry, an existing job may be considered a new job for the purposes of
91 the program authorized by sections 100.700 to 100.850;

92 (12) "Office industry", a regional, national or international headquarters, a
93 telecommunications operation, a computer operation, an insurance company, or a credit card
94 billing and processing center;

95 (13) "Program costs", all necessary and incidental costs of providing program services
96 including payment of the principal of premium, if any, and interest on certificates, including
97 capitalized interest, issued to finance a project, and funding and maintenance of a debt service
98 reserve fund to secure such certificates. Program costs shall include:

99 (a) Obligations incurred for labor and obligations incurred to contractors, subcontractors,
100 builders and materialmen in connection with the acquisition, construction, installation or
101 equipping of an economic development project;

102 (b) The cost of acquiring land or rights in land and any cost incidental thereto, including
103 recording fees;

104 (c) The cost of contract bonds and of insurance of all kinds that may be required or
105 necessary during the course of acquisition, construction, installation or equipping of an economic
106 development project which is not paid by the contractor or contractors or otherwise provided for;

107 (d) All costs of architectural and engineering services, including test borings, surveys,
108 estimates, plans and specifications, preliminary investigations and supervision of construction,
109 as well as the costs for the performance of all the duties required by or consequent upon the
110 acquisition, construction, installation or equipping of an economic development project;

111 (e) All costs which are required to be paid under the terms of any contract or contracts
112 for the acquisition, construction, installation or equipping of an economic development project;
113 and

114 (f) All other costs of a nature comparable to those described in this subdivision;

115 (14) "Program services", administrative expenses of the board, including contracted
116 professional services, and the cost of issuance of certificates;

117 (15) "Targeted industry", an industry or one of a cluster of industries that is identified
118 by the department as critical to the state's economic security and growth and affirmed as such by
119 the joint committee on economic development policy and planning established in section
120 620.602, RSMo.

100.720. 1. The Missouri development finance board shall have, in addition to the powers provided to it in sections 100.250 to 100.297, and with the approval of the department, all the powers necessary to carry out and effectuate the purposes and provisions of sections 100.700 to 100.850, including, but not limited to, the power to:

(1) Provide and finance economic development projects, pursuant to the provisions of sections 100.700 to 100.850, and cooperate with eligible industries in order to promote, foster and support economic development within the state;

(2) Conduct hearings and inquiries, in the manner and by the methods as it deems desirable, for the purpose of gathering information with respect to eligible industries and economic development projects, and for the purpose of making any determinations necessary or desirable in the furtherance of sections 100.700 to 100.850; [and]

(3) Negotiate the terms of, including the amount of project costs, and enter into financing agreements with eligible industries, and in connection therewith to acquire, convey, sell, mortgage, finance or otherwise dispose of any property, real or personal, loan bond proceeds, and permit the use of assessments, in connection with an economic development project, and to pay, or cause to be paid, in accordance with the provisions of a financing agreement, the program costs of an economic development project from any funds available therefor; **and**

(4) In the event that market or economic conditions are such that the eligible industry is unable to perform the requirements of sections 100.700 to 100.850, temporarily suspend or waive such requirements until market or economic conditions improve, so long as the eligible industry has not caused such adverse conditions.

2. Certificates issued by the board pursuant to the provisions of sections 100.700 to 100.850 shall not constitute an indebtedness or liability of the state of Missouri within the meaning of any state constitutional provision or statutory limitation, shall not constitute a pledge of the faith and credit of the state of Missouri, shall not be guaranteed by the credit of the state, and unless approved by a concurrent resolution of the general assembly, no certificate in default shall be paid by the state of Missouri.

100.750. The financing agreement shall provide in substance that:

(1) It may be assigned by the eligible industry only upon the prior written consent of the board following the adoption of a resolution by the board to such effect; and

(2) Upon default by the eligible industry in any obligations under the financing agreement or other documents evidencing, securing or related to the eligible industry's obligations, the board shall have the right, at its option, to:

(a) Declare the financing agreement or other such documents in default;

(b) Accelerate and declare the total of all such payments due by the eligible industry and sell the economic development project at public, private, or judicial sale;

10 (c) Pursue any remedy provided under the financing agreement or other such documents;

11 (d) Be entitled to the appointment of a receiver by the circuit court wherein any part of
12 the economic development project is located; [and]

13 (e) **If adverse market or economic conditions develop during the financing period,**
14 **temporarily suspend or waive any of the requirements of sections 100.700 to 100.850 until**
15 **market or economic conditions improve, so long as the eligible industry has not caused**
16 **such adverse conditions; and**

17 (f) Pursue any other applicable legal remedy.

100.760. After receipt of an application, the board may, with the approval of the
2 department, enter into an agreement with an eligible industry for a credit pursuant to sections
3 100.700 to 100.850 if the board determines that all of the following conditions exist:

4 (1) The applicant's project will create new jobs that were not jobs previously performed
5 by employees of the applicant in Missouri;

6 (2) The applicant's project is economically sound and will benefit the people of Missouri
7 by increasing opportunities for employment and strengthening the economy of Missouri;

8 (3) Significant local incentives with respect to the project or eligible industry have been
9 committed, which incentives may consist of:

10 (a) Cash or in-kind incentives derived from any nonstate source, including incentives
11 provided by the affected political subdivisions, private industry and/or local chambers of
12 commerce or similar such organizations; and/or

13 (b) Relief from local taxes, in either case as acceptable to the board;

14 (4) Receiving the credit is a major factor in the applicant's decision to go forward with
15 the project and not receiving the credit will result in the applicant not creating new jobs in
16 Missouri; **and**

17 (5) Awarding the credit will result in an overall positive fiscal impact to the state[;

18 (6) There is at least one other state that the applicant verifies is being considered for the
19 project; and

20 (7) A significant disparity is identified, using best available data in the projected costs
21 for the applicant's project compared to the costs in the competing state, including the impact of
22 the competing state's incentive programs. The competing state's incentive program shall include
23 state, local, private and federal funds].

100.770. In determining the credit that should be awarded, the board shall take into
2 consideration the following factors:

3 (1) The economy of the county where the projected investment is to occur;

4 (2) The potential impact on the economy of Missouri;

5 (3) The payroll attributable to the project;

6 (4) The capital investment attributable to the project;

7 (5) The amount the average wage paid by the applicant exceeds the average wage paid
8 within the county in which the project will be located;

9 (6) The costs to Missouri and the affected political subdivisions with respect to the
10 project; **and**

11 (7) The financial assistance that is otherwise provided by Missouri and the affected
12 political subdivisions[; and

13 (8) The magnitude of the cost differential between Missouri and the competing state].

620.1039. 1. As used in this section, the term "taxpayer" means an individual, a
2 partnership, or any charitable organization which is exempt from federal income tax and whose
3 Missouri unrelated business taxable income, if any, would be subject to the state income tax
4 imposed under chapter 143, RSMo, or a corporation as described in section 143.441 or 143.471,
5 RSMo, or section 148.370, RSMo, and the term "qualified research expenses" has the same
6 meaning as prescribed in 26 U.S.C. 41, **except that such qualified research expenses shall be**
7 **limited to those incurred in the research and development of agricultural biotechnology,**
8 **plant genomics products, diagnostic and therapeutic medical devices, prescription**
9 **pharmaceuticals consumed by humans or animals, electronic patient health record**
10 **technology, or qualified research expenses incurred in the research, development or**
11 **manufacture of power system technology for aerospace, space, defense, or implantable or**
12 **wearable medical devices, or qualified research expenses incurred in the research,**
13 **development, or manufacturing of gears, speed changers, and industrial high speed drivers**
14 **utilized in the wind turbine industry.**

15 2. For tax years beginning on or after January 1, 2001, the director of the department of
16 economic development [may] **shall** authorize a taxpayer to receive a tax credit against the tax
17 otherwise due pursuant to chapter 143, RSMo, or chapter 148, RSMo, other than the taxes
18 withheld pursuant to sections 143.191 to 143.265, RSMo, in an amount up to six and one-half
19 percent of the excess of the taxpayer's qualified research expenses, as certified by the director
20 of the department of economic development, within this state during the taxable year over the
21 average of the taxpayer's qualified research expenses within this state over the immediately
22 preceding three taxable years; except that, no tax credit shall be allowed on that portion of the
23 taxpayer's qualified research expenses incurred within this state during the taxable year in which
24 the credit is being claimed, to the extent such expenses exceed two hundred percent of the
25 taxpayer's average qualified research expenses incurred during the immediately preceding three
26 taxable years.

27 3. The director of economic development shall prescribe the manner in which the tax
28 credit may be applied for. The tax credit authorized by this section may be claimed by the

29 taxpayer to offset the tax liability imposed by chapter 143, RSMo, or chapter 148, RSMo, that
30 becomes due in the tax year during which such qualified research expenses were incurred;
31 **provided, however, that if the return required to be filed under section 143.511 or 148.050,**
32 **RSMo, for such tax year has already been filed, the taxpayer may claim the tax credit**
33 **authorized by this section by claiming the tax credit against the tax liability imposed by**
34 **chapter 143 or 148, RSMo, in the tax year following the tax year in which such qualified**
35 **research expenses were incurred.** Where the amount of the credit exceeds the tax liability, the
36 difference between the credit and the tax liability may only be carried forward for the next five
37 succeeding taxable years **after the tax year in which the credit was first claimed** or until the
38 full credit has been claimed, whichever first occurs. The application for tax credits authorized
39 by the director pursuant to subsection 2 of this section shall be made **no earlier than January**
40 **first and** no later than [the end of] **July first of the calendar year immediately following the**
41 **calendar year in which** the taxpayer's tax period [immediately following the tax period] for
42 which the credits are being claimed **ended. The director shall act on any such application for**
43 **tax credits no sooner than August first but no later than August fifteenth of each year for**
44 **applications filed in that calendar year.**

45 4. Certificates of tax credit issued pursuant to this section may be transferred, sold or
46 assigned by filing a notarized endorsement thereof with the department which names the
47 transferee and the amount of tax credit transferred. The director of economic development may
48 allow a taxpayer to transfer, sell or assign up to forty percent of the amount of the certificates of
49 tax credit issued to and not claimed by such taxpayer pursuant to this section during any tax year
50 commencing on or after January 1, [1996] **2010**, and ending not later than December 31, [1999]
51 **2016.** Such taxpayer shall file, by December 31, [2001] **2018**, an application with the
52 department which names the transferee, the amount of tax credit desired to be transferred, and
53 a certification that the funds received by the applicant as a result of the transfer, sale or
54 assignment of the tax credit shall be expended within three years at the state university for the
55 sole purpose of conducting research activities agreed upon by the department, the taxpayer and
56 the state university. Failure to expend such funds in the manner prescribed pursuant to this
57 section shall cause the applicant to be subject to the provisions of section 620.017.

58 5. No rule or portion of a rule promulgated under the authority of this section shall
59 become effective unless it has been promulgated pursuant to the provisions of chapter 536,
60 RSMo. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and
61 repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of
62 any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of
63 chapter 536, RSMo. The provisions of this section and chapter 536, RSMo, are nonseverable
64 and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,

65 including the ability to review, to delay the effective date, or to disapprove and annul a rule or
66 portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking
67 authority and any rule so proposed and contained in the order of rulemaking shall be invalid and
68 void.

69 6. The aggregate of all tax credits authorized pursuant to this section shall not exceed
70 [nine] **ten** million [seven hundred thousand] dollars in any **calendar** year. **In the event that**
71 **total eligible claims for credits received in a calendar year exceed the annual cap, each**
72 **eligible claimant shall be issued credits based upon the following formula: the eligible**
73 **credits if the annual cap had not been exceeded multiplied by the ratio of the annual cap**
74 **divided by the total of all eligible claims for credits filed in that calendar year.**

75 7. [For all tax years beginning on or after January 1, 2005, no tax credits shall be
76 approved, awarded, or issued to any person or entity claiming any tax credit under this section.]
77 **No one taxpayer shall be issued more than thirty percent of the aggregate of all tax credits**
78 **authorized under this section in any calendar year.**

620.1878. For the purposes of sections 620.1875 to 620.1890, the following terms shall
2 mean:

3 (1) "Approval", a document submitted by the department to the qualified company that
4 states the benefits that may be provided by this program;

5 (2) "Average wage", the new payroll divided by the number of new jobs;

6 (3) "Commencement of operations", the starting date for the qualified company's first
7 new employee, which must be no later than twelve months from the date of the approval;

8 (4) "County average wage", the average wages in each county as determined by the
9 department for the most recently completed full calendar year. However, if the computed county
10 average wage is above the statewide average wage, the statewide average wage shall be deemed
11 the county average wage for such county for the purpose of determining eligibility. The
12 department shall publish the county average wage for each county at least annually.
13 Notwithstanding the provisions of this subdivision to the contrary, for any qualified company
14 that in conjunction with their project is relocating employees from a Missouri county with a
15 higher county average wage, the company shall obtain the endorsement of the governing body
16 of the community from which jobs are being relocated or the county average wage for their
17 project shall be the county average wage for the county from which the employees are being
18 relocated;

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

20 (6) "Director", the director of the department of economic development;

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

22 (8) "Full-time employee", an employee of the qualified company that is scheduled to
23 work an average of at least thirty-five hours per week for a twelve-month period, and one for
24 which the qualified company offers health insurance and pays **with respect to small and**
25 **expanding business projects, technology business projects, and high-impact projects**, at
26 least fifty percent of such insurance premiums; **with respect to premium employment projects,**
27 **at least eighty percent of such insurance premiums;**

28 (9) "High-impact project", a qualified company that, within two years from
29 commencement of operations, creates one hundred or more new jobs;

30 (10) "Local incentives", the present value of the dollar amount of direct benefit received
31 by a qualified company for a project facility from one or more local political subdivisions, but
32 shall not include loans or other funds provided to the qualified company that must be repaid by
33 the qualified company to the political subdivision;

34 (11) "NAICS", the 1997 edition of the North American Industry Classification System
35 as prepared by the Executive Office of the President, Office of Management and Budget. Any
36 NAICS sector, subsector, industry group or industry identified in this section shall include its
37 corresponding classification in subsequent federal industry classification systems;

38 (12) "New direct local revenue", the present value of the dollar amount of direct net new
39 tax revenues of the local political subdivisions likely to be produced by the project over a
40 ten-year period as calculated by the department, excluding local earnings tax, and net new utility
41 revenues, provided the local incentives include a discount or other direct incentives from utilities
42 owned or operated by the political subdivision;

43 (13) "New investment", the purchase or leasing of new tangible assets to be placed in
44 operation at the project facility, which will be directly related to the new jobs;

45 (14) "New job", the number of full-time employees located at the project facility that
46 exceeds the project facility base employment less any decrease in the number of full-time
47 employees at related facilities below the related facility base employment. No job that was
48 created prior to the date of the notice of intent shall be deemed a new job. An employee that
49 spends less than fifty percent of the employee's work time at the facility is still considered to be
50 located at a facility if the employee receives his or her directions and control from that facility,
51 is on the facility's payroll, one hundred percent of the employee's income from such employment
52 is Missouri income, and the employee is paid at or above the state average wage;

53 (15) "New payroll", the amount of taxable wages of full-time employees, excluding
54 owners, located at the project facility that exceeds the project facility base payroll. If full-time
55 employment at related facilities is below the related facility base employment, any decrease in
56 payroll for full-time employees at the related facilities below that related facility base payroll
57 shall also be subtracted to determine new payroll;

58 (16) "Notice of intent", a form developed by the department, completed by the qualified
59 company and submitted to the department which states the qualified company's intent to hire new
60 jobs and request benefits under this program;

61 (17) "Percent of local incentives", the amount of local incentives divided by the amount
62 of new direct local revenue;

63 (18) **"Premium employment project", a qualified company that, within two years
64 from commencement of operations, creates one hundred or more new jobs and meets all
65 of the following requirements:**

66 (a) **The company and project qualify for the quality jobs act;**

67 (b) **The company offers all new employees health insurance, and pays at least eighty
68 percent of such premiums; and**

69 (c) **The wage for at least one hundred of the new jobs is equal to or greater than one
70 hundred eighty percent of the county average wage;**

71 (19) "Program", the Missouri quality jobs program provided in sections 620.1875 to
72 620.1890;

73 [(19)] (20) "Project facility", the building used by a qualified company at which the new
74 jobs and new investment will be located. A project facility may include separate buildings that
75 are located within [one mile] **fifteen miles** of each other or within the same county such that their
76 purpose and operations are interrelated;

77 [(20)] (21) "Project facility base employment", the greater of the number of full-time
78 employees located at the project facility on the date of the notice of intent or for the
79 twelve-month period prior to the date of the notice of intent, the average number of full-time
80 employees located at the project facility. In the event the project facility has not been in
81 operation for a full twelve-month period, the average number of full-time employees for the
82 number of months the project facility has been in operation prior to the date of the notice of
83 intent;

84 [(21)] (22) "Project facility base payroll", the total amount of taxable wages paid by the
85 qualified company to full-time employees of the qualified company located at the project facility
86 in the twelve months prior to the notice of intent, not including the payroll of the owners of the
87 qualified company unless the qualified company is participating in an employee stock ownership
88 plan. For purposes of calculating the benefits under this program, the amount of base payroll
89 shall increase each year based on an appropriate measure, as determined by the department;

90 [(22)] (23) "Project period", the time period that the benefits are provided to a qualified
91 company;

92 [(23)] (24) "Qualified company", a firm, partnership, joint venture, association, private
93 or public corporation whether organized for profit or not, or headquarters of such entity

94 registered to do business in Missouri that is the owner or operator of a project facility, offers
95 health insurance to all full-time employees of all facilities located in this state, and pays at least
96 fifty percent of such insurance premiums. For the purposes of sections 620.1875 to 620.1890,
97 the term "qualified company" shall not include:

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

99 (b) Retail trade establishments (NAICS sectors 44 and 45);

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

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

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

104 (f) Any company that has filed for or has publicly announced its intention to file for
105 bankruptcy protection;

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

107 (h) Religious organizations (NAICS industry group 8131);

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

109 (j) Ethanol distillation or production; or

110 (k) Biodiesel production. Notwithstanding any provision of this section to the contrary,
111 the headquarters or administrative offices of an otherwise excluded business may qualify for
112 benefits if the offices serve a multistate territory. In the event a national, state, or regional
113 headquarters operation is not the predominant activity of a project facility, the new jobs and
114 investment of such headquarters operation is considered eligible for benefits under this section
115 if the other requirements are satisfied;

116 [(24)] (25) "Qualified renewable energy sources" shall not be construed to include
117 ethanol distillation or production or biodiesel production; however, it shall include:

118 (a) Open-looped biomass;

119 (b) Close-looped biomass;

120 (c) Solar;

121 (d) Wind;

122 (e) Geothermal; and

123 (f) Hydropower;

124 [(25)] (26) "Related company" means:

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

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

128 (c) Corporations, partnerships, trusts or associations controlled by an individual,
129 corporation, partnership, trust or association in control of the qualified company. As used in this

130 subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock
131 possessing at least fifty percent of the total combined voting power of all classes of stock entitled
132 to vote, "control of a partnership or association" shall mean ownership of at least fifty percent
133 of the capital or profits interest in such partnership or association, "control of a trust" shall mean
134 ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal
135 or income of such trust, and ownership shall be determined as provided in Section 318 of the
136 Internal Revenue Code of 1986, as amended;

137 [(26)] (27) "Related facility", a facility operated by the qualified company or a related
138 company located in this state that is directly related to the operations of the project facility;

139 [(27)] (28) "Related facility base employment", the greater of the number of full-time
140 employees located at all related facilities on the date of the notice of intent or for the
141 twelve-month period prior to the date of the notice of intent, the average number of full-time
142 employees located at all related facilities of the qualified company or a related company located
143 in this state;

144 [(28)] (29) "Related facility base payroll", the total amount of taxable wages paid by the
145 qualified company to full-time employees of the qualified company located at a related facility
146 in the twelve months prior to the filing of the notice of intent, not including the payroll of the
147 owners of the qualified company unless the qualified company is participating in an employee
148 stock ownership plan. For purposes of calculating the benefits under this program, the amount
149 of related facility base payroll shall increase each year based on an appropriate measure, as
150 determined by the department;

151 [(29)] (30) "Rural area", a county in Missouri with a population less than seventy-five
152 thousand or that does not contain an individual city with a population greater than fifty thousand
153 according to the most recent federal decennial census;

154 [(30)] (31) "Small and expanding business project", a qualified company that within two
155 years of the date of the approval creates a minimum of twenty new jobs if the project facility is
156 located in a rural area or a minimum of forty new jobs if the project facility is not located in a
157 rural area and creates fewer than one hundred new jobs regardless of the location of the project
158 facility;

159 [(31)] (32) "Tax credits", tax credits issued by the department to offset the state income
160 taxes imposed by chapters 143 and 148, RSMo, or which may be sold or refunded as provided
161 for in this program;

162 [(32)] (33) "Technology business project", a qualified company that within two years of
163 the date of the approval creates a minimum of ten new jobs involved in the operations of a
164 company;

165 (a) Which is a technology company, as determined by a regulation promulgated by the
166 department under the provisions of section 620.1884 or classified by NAICS codes;

167 (b) Which owns or leases a facility which produces electricity derived from qualified
168 renewable energy sources, or produces fuel for the generation of electricity from qualified
169 renewable energy sources, but does not include any company that has received the alcohol
170 mixture credit, alcohol credit, or small ethanol producer credit pursuant to 26 U.S.C. Section
171 40 of the tax code in the previous tax year; or

172 (c) Which researches, develops, or manufactures power system technology for:
173 aerospace; space; defense; hybrid vehicles; or implantable or wearable medical devices;

174 [(33)] (34) "Withholding tax", the state tax imposed by sections 143.191 to 143.265,
175 RSMo. For purposes of this program, the withholding tax shall be computed using a schedule
176 as determined by the department based on average wages.

620.1881. 1. The department of economic development shall respond within thirty days
2 to a company who provides a notice of intent with either an approval or a rejection of the notice
3 of intent. The department shall give preference to qualified companies and projects targeted at
4 an area of the state which has recently been classified as a disaster area by the federal
5 government. Failure to respond on behalf of the department of economic development shall
6 result in the notice of intent being deemed an approval for the purposes of this section. A
7 qualified company who is provided an approval for a project shall be allowed a benefit as
8 provided in this program in the amount and duration provided in this section. A qualified
9 company may receive additional periods for subsequent new jobs at the same facility after the
10 full initial period if the minimum thresholds are met as set forth in sections 620.1875 to
11 620.1890. There is no limit on the number of periods a qualified company may participate in the
12 program, as long as the minimum thresholds are achieved and the qualified company provides
13 the department with the required reporting and is in proper compliance for this program or other
14 state programs. A qualified company may elect to file a notice of intent to start a new project
15 period concurrent with an existing project period if the minimum thresholds are achieved and
16 the qualified company provides the department with the required reporting and is in proper
17 compliance for this program and other state programs; however, the qualified company may not
18 receive any further benefit under the original approval for jobs created after the date of the new
19 notice of intent, and any jobs created before the new notice of intent may not be included as new
20 jobs for the purpose of benefit calculation in relation to the new approval. **When a qualified
21 company has filed and received approval of a notice of intent and subsequently files
22 another notice of intent, the department shall apply the definition of project facility under
23 subdivision (20) of section 620.1878 to the new notice of intent as well as all previously
24 approved notices of intent and shall determine the application of the definitions of new job,**

25 **new payroll, project facility base employment, and project facility base payroll**
26 **accordingly.**

27 2. Notwithstanding any provision of law to the contrary, any qualified company that is
28 awarded benefits under this program may not simultaneously receive tax credits or exemptions
29 under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections
30 135.900 to 135.906, RSMo, at the same project facility. The benefits available to the company
31 under any other state programs for which the company is eligible and which utilize withholding
32 tax from the new jobs of the company must first be credited to the other state program before the
33 withholding retention level applicable under the Missouri quality jobs act will begin to accrue.
34 These other state programs include, but are not limited to, the new jobs training program under
35 sections 178.892 to 178.896, RSMo, the job retention program under sections 178.760 to
36 178.764, RSMo, the real property tax increment allocation redevelopment act, sections 99.800
37 to 99.865, RSMo, or the Missouri downtown and rural economic stimulus act under sections
38 99.915 to 99.980, RSMo. If any qualified company also participates in the new jobs training
39 program in sections 178.892 to 178.896, RSMo, the company shall retain no withholding tax,
40 but the department shall issue a refundable tax credit for the full amount of benefit allowed under
41 this subdivision. The calendar year annual maximum amount of tax credits which may be issued
42 to a qualifying company that also participates in the new job training program shall be increased
43 by an amount equivalent to the withholding tax retained by that company under the new jobs
44 training program. However, if the combined benefits of the quality jobs program and the new
45 jobs training program exceed the projected state benefit of the project, as determined by the
46 department of economic development through a cost-benefit analysis, the increase in the
47 maximum tax credits shall be limited to the amount that would not cause the combined benefits
48 to exceed the projected state benefit. Any taxpayer who is awarded benefits under this program
49 who knowingly hires individuals who are not allowed to work legally in the United States shall
50 immediately forfeit such benefits and shall repay the state an amount equal to any state tax
51 credits already redeemed and any withholding taxes already retained.

52 3. The types of projects and the amount of benefits to be provided are:

53 (1) Small and expanding business projects: in exchange for the consideration provided
54 by the new tax revenues and other economic stimuli that will be generated by the new jobs
55 created by the program, a qualified company may retain an amount equal to the withholding tax
56 as calculated under subdivision [(33)] **(34)** of section 620.1878 from the new jobs that would
57 otherwise be withheld and remitted by the qualified company under the provisions of sections
58 143.191 to 143.265, RSMo, for a period of three years from the date the required number of new
59 jobs were created if the average wage of the new payroll equals or exceeds the county average
60 wage or for a period of five years from the date the required number of new jobs were created

61 if the average wage of the new payroll equals or exceeds one hundred twenty percent of the
62 county average wage;

63 (2) Technology business projects: in exchange for the consideration provided by the new
64 tax revenues and other economic stimuli that will be generated by the new jobs created by the
65 program, a qualified company may retain an amount equal to a maximum of five percent of new
66 payroll for a period of five years from the date the required number of jobs were created from
67 the withholding tax of the new jobs that would otherwise be withheld and remitted by the
68 qualified company under the provisions of sections 143.191 to 143.265, RSMo, if the average
69 wage of the new payroll equals or exceeds the county average wage. An additional one-half
70 percent of new payroll may be added to the five percent maximum if the average wage of the
71 new payroll in any year exceeds one hundred twenty percent of the county average wage in the
72 county in which the project facility is located, plus an additional one-half percent of new payroll
73 may be added if the average wage of the new payroll in any year exceeds one hundred forty
74 percent of the average wage in the county in which the project facility is located. The department
75 shall issue a refundable tax credit for any difference between the amount of benefit allowed
76 under this subdivision and the amount of withholding tax retained by the company, in the event
77 the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified
78 company under this subdivision. The calendar year annual maximum amount of tax credits that
79 may be issued to any qualified company for a project or combination of projects is five hundred
80 thousand dollars;

81 (3) High impact projects: in exchange for the consideration provided by the new tax
82 revenues and other economic stimuli that will be generated by the new jobs created by the
83 program, a qualified company may retain an amount from the withholding tax of the new jobs
84 that would otherwise be withheld and remitted by the qualified company under the provisions
85 of sections 143.191 to 143.265, RSMo, equal to three percent of new payroll for a period of five
86 years from the date the required number of jobs were created if the average wage of the new
87 payroll equals or exceeds the county average wage of the county in which the project facility is
88 located. **For high-impact projects in facilities located within fifteen miles of each other and**
89 **in more than one county the wages for at least one hundred new employees shall equal or**
90 **exceed one hundred eighty percent of the higher county average wage of the two counties.**
91 The percentage of payroll allowed under this subdivision shall be three and one-half percent of
92 new payroll if the average wage of the new payroll in any year exceeds one hundred twenty
93 percent of the county average wage in the county in which the project facility is located. The
94 percentage of payroll allowed under this subdivision shall be four percent of new payroll if the
95 average wage of the new payroll in any year exceeds one hundred forty percent of the county
96 average wage in the county in which the project facility is located. An additional one percent

97 of new payroll may be added to these percentages if local incentives equal between ten percent
98 and twenty-four percent of the new direct local revenue; an additional two percent of new payroll
99 is added to these percentages if the local incentives equal between twenty-five percent and
100 forty-nine percent of the new direct local revenue; or an additional three percent of payroll is
101 added to these percentages if the local incentives equal fifty percent or more of the new direct
102 local revenue. The department shall issue a refundable tax credit for any difference between the
103 amount of benefit allowed under this subdivision and the amount of withholding tax retained by
104 the company, in the event the withholding tax is not sufficient to provide the entire amount of
105 benefit due to the qualified company under this subdivision. The calendar year annual maximum
106 amount of tax credits that may be issued to any qualified company for a project or combination
107 of projects is seven hundred fifty thousand dollars. The calendar year annual maximum amount
108 of tax credit that may be issued to any qualified company for a project or combination of projects
109 may be increased up to one million dollars if the number of new jobs will exceed five hundred
110 and if such action is proposed by the department and approved by the quality jobs advisory task
111 force established in section 620.1887; provided, however, until such time as the initial at-large
112 members of the quality jobs advisory task force are appointed, this determination shall be made
113 by the director of the department of economic development. In considering such a request, the
114 task force shall rely on economic modeling and other information supplied by the department
115 when requesting the increased limit on behalf of the project;

116 (4) Job retention projects: a qualified company may receive a tax credit for the retention
117 of jobs in this state, provided the qualified company and the project meets all of the following
118 conditions:

119 (a) For each of the twenty-four months preceding the year in which application for the
120 program is made the qualified company must have maintained at least one thousand full-time
121 employees at the employer's site in the state at which the jobs are based, and the average wage
122 of such employees must meet or exceed the county average wage;

123 (b) The qualified company retained at the project facility the level of full-time employees
124 that existed in the taxable year immediately preceding the year in which application for the
125 program is made;

126 (c) The qualified company is considered to have a significant statewide effect on the
127 economy, and has been determined to represent a substantial risk of relocation from the state by
128 the quality jobs advisory task force established in section 620.1887; provided, however, until
129 such time as the initial at-large members of the quality jobs advisory task force are appointed,
130 this determination shall be made by the director of the department of economic development;

131 (d) The qualified company in the project facility will cause to be invested a minimum
132 of seventy million dollars in new investment prior to the end of two years or will cause to be

133 invested a minimum of thirty million dollars in new investment prior to the end of two years and
134 maintain an annual payroll of at least seventy million dollars during each of the years for which
135 a credit is claimed; and

136 (e) The local taxing entities shall provide local incentives of at least fifty percent of the
137 new direct local revenues created by the project over a ten-year period. The quality jobs advisory
138 task force may recommend to the department of economic development that appropriate
139 penalties be applied to the company for violating the agreement. The amount of the job retention
140 credit granted may be equal to up to fifty percent of the amount of withholding tax generated by
141 the full-time jobs at the project facility for a period of five years. The calendar year annual
142 maximum amount of tax credit that may be issued to any qualified company for a job retention
143 project or combination of job retention projects shall be seven hundred fifty thousand dollars per
144 year, but the maximum amount may be increased up to one million dollars if such action is
145 proposed by the department and approved by the quality jobs advisory task force established in
146 section 620.1887; provided, however, until such time as the initial at-large members of the
147 quality jobs advisory task force are appointed, this determination shall be made by the director
148 of the department of economic development. In considering such a request, the task force shall
149 rely on economic modeling and other information supplied by the department when requesting
150 the increased limit on behalf of the job retention project. In no event shall the total amount of
151 all tax credits issued for the entire job retention program under this subdivision exceed three
152 million dollars annually. Notwithstanding the above, no tax credits shall be issued for job
153 retention projects approved by the department after August 30, 2013;

154 (5) Small business job retention and flood survivor relief: a qualified company may
155 receive a tax credit under sections 620.1875 to 620.1890 for the retention of jobs and flood
156 survivor relief in this state for each job retained over a three-year period, provided that:

157 (a) The qualified company did not receive any state or federal benefits, incentives, or tax
158 relief or abatement in locating its facility in a flood plain;

159 (b) The qualified company and related companies have fewer than one hundred
160 employees at the time application for the program is made;

161 (c) The average wage of the qualified company's and related companies' employees must
162 meet or exceed the county average wage;

163 (d) All of the qualified company's and related companies' facilities are located in this
164 state;

165 (e) The facilities at the primary business site in this state have been directly damaged by
166 floodwater rising above the level of a five hundred year flood at least two years, but fewer than
167 eight years, prior to the time application is made;

168 (f) The qualified company made significant efforts to protect the facilities prior to any
169 impending danger from rising floodwaters;

170 (g) For each year it receives tax credits under sections 620.1875 to 620.1890, the
171 qualified company and related companies retained, at the company's facilities in this state, at
172 least the level of full-time, year-round employees that existed in the taxable year immediately
173 preceding the year in which application for the program is made; and

174 (h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company
175 cumulatively invests at least two million dollars in capital improvements in facilities and
176 equipment located at such facilities that are not located within a five hundred year flood plain
177 as designated by the Federal Emergency Management Agency, and amended from time to time.
178 The amount of the small business job retention and flood survivor relief credit granted may be
179 equal to up to one hundred percent of the amount of withholding tax generated by the full-time
180 jobs at the project facility for a period of three years. The calendar year annual maximum
181 amount of tax credit that may be issued to any qualified company for a small business job
182 retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the
183 maximum amount may be increased up to five hundred thousand dollars if such action is
184 proposed by the department and approved by the quality jobs advisory task force established in
185 section 620.1887. In considering such a request, the task force shall rely on economic modeling
186 and other information supplied by the department when requesting an increase in the limit on
187 behalf of the small business job retention and flood survivor relief project. In no event shall the
188 total amount of all tax credits issued for the entire small business job retention and flood survivor
189 relief program under this subdivision exceed five hundred thousand dollars annually.
190 Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued
191 for small business job retention and flood survivor relief projects approved by the department
192 after August 30, 2010;

193 **(6) Premium employment projects: in exchange for the consideration provided by**
194 **the new tax revenues and other economic stimuli that will be generated by the new jobs**
195 **created by the program, a qualified company may retain an amount from the withholding**
196 **tax of the new jobs that would otherwise be withheld and remitted by the qualified**
197 **company under the provisions of sections 143.191 to 143.265, RSMo, equal to four percent**
198 **of new payroll for a period of five years from the date the required number of jobs were**
199 **created if the wages for at least one hundred new employees equal or exceed one hundred**
200 **eighty percent of the county average wage. An additional one percent of new payroll may**
201 **be added to this percentage if local incentives equal between ten percent and twenty-four**
202 **percent of the new direct local revenue; an additional two percent of new payroll is added**
203 **to this percentage if the local incentives equal between twenty-five percent and forty-nine**

204 **percent of the new direct local revenue; or an additional three percent of payroll is added**
205 **to this percentage if the local incentives equal fifty percent or more of the new direct local**
206 **revenue. The department shall issue a refundable tax credit for any difference between the**
207 **amount of benefit allowed under this subdivision and the amount of withholding tax**
208 **retained by the company, in the event the withholding tax is not sufficient to provide the**
209 **entire amount of benefit due to the qualified company under this subdivision. The amount**
210 **of tax credits issued to a qualified company for a premium employment project under this**
211 **subdivision shall not be included in determining the amount of tax credits that may be**
212 **issued to any qualified company under this section for a technology business project or a**
213 **high-impact project or in determining the maximum calendar year annual tax credits**
214 **issued for the entire program under subsection 5 of this section.**

215 4. The qualified company shall provide an annual report of the number of jobs and such
216 other information as may be required by the department to document the basis for the benefits
217 of this program. The department may withhold the approval of any benefits until it is satisfied
218 that proper documentation has been provided, and shall reduce the benefits to reflect any
219 reduction in full-time employees or new payroll. Upon approval by the department, the qualified
220 company may begin the retention of the withholding taxes when it reaches the minimum number
221 of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be
222 issued upon satisfaction by the department that the qualified company has exceeded the county
223 average wage and the minimum number of new jobs. In such annual report, if the average wage
224 is below the county average wage, the qualified company has not maintained the employee
225 insurance as required, or if the number of new jobs is below the minimum, the qualified
226 company shall not receive tax credits or retain the withholding tax for the balance of the benefit
227 period. In the case of a qualified company that initially filed a notice of intent and received an
228 approval from the department for high impact benefits and the minimum number of new jobs in
229 an annual report is below the minimum for high impact projects, the company shall not receive
230 tax credits for the balance of the benefit period but may continue to retain the withholding taxes
231 if it otherwise meets the requirements of a small and expanding business under this program.
232 **In the case of a qualified company that initially filed a notice of intent and received an**
233 **approval from the department for premium employment benefits and the wages for at least**
234 **one hundred new employees in the annual report are below one hundred eighty percent**
235 **of the county average wage, the company shall not receive tax credits for the balance of the**
236 **benefit period but may continue to retain the withholding taxes if it otherwise meets the**
237 **requirements of a small and expanding business under this program or of a high-impact**
238 **project under this program.**

239 5. **Exclusive of tax credits issued under subdivision (6) of subsection 3 of this**
240 **section**, the maximum calendar year annual tax credits issued for the entire program shall not
241 exceed [sixty] **one hundred** million dollars. Notwithstanding any provision of law to the
242 contrary, the maximum annual tax credits authorized under section 135.535, RSMo, are hereby
243 reduced from ten million dollars to eight million dollars, with the balance of two million dollars
244 transferred to this program. There shall be no limit on the amount of withholding taxes that may
245 be retained by approved companies under this program **or the amount of tax credits issued**
246 **under subdivision (6) of subsection 3 of this section.**

247 6. The department shall allocate the annual tax credits based on the date of the approval,
248 reserving such tax credits based on the department's best estimate of new jobs and new payroll
249 of the project, and the other factors in the determination of benefits of this program. However,
250 the annual issuance of tax credits is subject to the annual verification of the actual new payroll.
251 The allocation of tax credits for the period assigned to a project shall expire if, within two years
252 from the date of commencement of operations, or approval if applicable, the minimum
253 thresholds have not been achieved. The qualified company may retain authorized amounts from
254 the withholding tax under this section once the minimum new jobs thresholds are met for the
255 duration of the project period. No benefits shall be provided under this program until the
256 qualified company meets the minimum new jobs thresholds. In the event the qualified company
257 does not meet the minimum new job threshold, the qualified company may submit a new notice
258 of intent or the department may provide a new approval for a new project of the qualified
259 company at the project facility or other facilities.

260 7. For a qualified company with flow-through tax treatment to its members, partners, or
261 shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion
262 to their share of ownership on the last day of the qualified company's tax period.

263 8. Tax credits may be claimed against taxes otherwise imposed by chapters 143 and 148,
264 RSMo, and may not be carried forward but shall be claimed within one year of the close of the
265 taxable year for which they were issued, except as provided under subdivision (4) of subsection
266 3 of this section.

267 9. Tax credits authorized by this section may be transferred, sold, or assigned by filing
268 a notarized endorsement thereof with the department that names the transferee, the amount of
269 tax credit transferred, and the value received for the credit, as well as any other information
270 reasonably requested by the department.

271 10. Prior to the issuance of tax credits, the department shall verify through the
272 department of revenue, or any other state department, that the tax credit applicant does not owe
273 any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent
274 fees or assessments levied by any state department and through the department of insurance,

275 financial institutions and professional registration that the applicant does not owe any delinquent
276 insurance taxes. Such delinquency shall not affect the authorization of the application for such
277 tax credits, except that at issuance credits shall be first applied to the delinquency and any
278 amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue
279 or the department of insurance, financial institutions and professional registration, or any other
280 state department, concludes that a taxpayer is delinquent after June fifteenth but before July first
281 of any year and the application of tax credits to such delinquency causes a tax deficiency on
282 behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the
283 deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all
284 available credits toward a tax delinquency, the administering agency shall notify the appropriate
285 department and that department shall update the amount of outstanding delinquent tax owed by
286 the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax
287 delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions
288 of other provisions of law.

289 11. Except as provided under subdivision (4) of subsection 3 of this section, the director
290 of revenue shall issue a refund to the qualified company to the extent that the amount of credits
291 allowed in this section exceeds the amount of the qualified company's income tax.

292 12. An employee of a qualified company will receive full credit for the amount of tax
293 withheld as provided in section 143.211, RSMo.

294 13. If any provision of sections 620.1875 to 620.1890 or application thereof to any
295 person or circumstance is held invalid, the invalidity shall not affect other provisions or
296 application of these sections which can be given effect without the invalid provisions or
297 application, and to this end, the provisions of sections 620.1875 to 620.1890 are hereby declared
298 severable.

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

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