

SECOND REGULAR SESSION

# HOUSE BILL NO. 1513

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FLOOK (Sponsor), BRANDOM, DAY, ZERR, DIEHL, BRUNS, KOMO, WASSON, CORCORAN, BROWN (50), FISHER (125), NOLTE, STEVENSON, SCHAD, BURLISON, NASHEED, DIECKHAUS, MUNZLINGER, FALLERT, FAITH, YAEGER, GRISAMORE, SILVEY, LAIR, CARTER, FISCHER (107), FRAME, RUCKER, STORCH, HOLSMAN, WEBB, BURNETT, TALBOY, BIVINS, SCHAAF, JONES (117), NANCE, JONES (89), FUNDERBURK, BROWN (149), WEBBER, GRILL, DENISON, DEEKEN, ENGLUND, HOBBS, SCHARNHORST, FLANIGAN AND WRIGHT (Co-sponsors).

4131L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 620, RSMo, by adding thereto one new section relating to data storage center and server farm facilities.

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

Section A. Chapter 620, RSMo, is amended by adding thereto one new section, to be known as section 620.1011, to read as follows:

**620.1011. 1. Beginning January 1, 2011, in addition to the exemptions granted under chapter 144, there shall also be specifically exempted from state and local sales and use taxes defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235, all electrical energy, gas, water, and other utilities including telecommunication services, machinery, equipment, or computers used by any data storage center and server farm facility and all sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any facility used as a data storage center and server farm.**

**2. To be eligible for a tax exemption under subsection 1 of this section, a minimum investment of one million dollars or more per year shall be required by any data storage center and server farm facility. Such investment shall stand for the lifetime of such facility and shall apply to both the initial equipment brought into the data storage center and**

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.

13 server farm facility as well as any subsequent equipment. As used in this subsection, "per  
14 year" means twelve months.

15 **3. Any data storage center and server farm facility seeking a tax exemption under**  
16 **subsection 1 of this section shall submit a project plan to the department of economic**  
17 **development. The department of economic development, in conjunction with the**  
18 **department of revenue, shall certify the project and anything that goes into the project in**  
19 **terms of all electrical energy, gas, water, other utilities including telecommunication**  
20 **services, machinery, equipment, computers, and construction. The department of**  
21 **economic development shall conduct random audits to make certain the intent of this**  
22 **section is followed.**

23 **4. Any construction of any data storage center and server farm facility within a**  
24 **certified area shall be phased in without any penalty or time frame applied to its**  
25 **construction.**

26 **5. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
27 **created under the authority delegated in this section shall become effective only if it**  
28 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
29 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
30 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
31 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
32 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,**  
33 **shall be invalid and void.**

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