

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE NO. 2 FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 100
96TH GENERAL ASSEMBLY

0725L.06C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.028, 32.087, 32.115, 105.716, 135.025, 135.030, 135.352, 135.484, 135.630, 135.647, 135.1150, 144.083, 168.071, 196.1109, 196.1115, 215.020, 253.545, 253.550, 253.557, 253.559, 348.251, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 348.300, 447.708, 620.1878, 620.1881, and 620.1900, RSMo, and to enact in lieu thereof sixty-two new sections relating to economic incentives and taxation policy, with a penalty provision and an emergency clause for certain sections.

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

Section A. Sections 32.028, 32.087, 32.115, 105.716, 135.025, 135.030, 135.352, 135.484, 135.630, 135.647, 135.1150, 144.083, 168.071, 196.1109, 196.1115, 215.020, 253.545, 253.550, 253.557, 253.559, 348.251, 348.256, 348.261, 348.262, 348.263, 348.264, 348.271, 348.300, 447.708, 620.1878, 620.1881, and 620.1900, RSMo, are repealed and sixty-two new sections enacted in lieu thereof, to be known as sections 32.028, 32.087, 32.088, 32.115, 32.383, 32.385, 32.410, 32.420, 32.430, 32.440, 32.450, 32.460, 67.3000, 105.716, 135.025, 135.030, 135.352, 135.484, 135.630, 135.647, 135.1150, 135.1180, 135.1500, 135.1503, 135.1505, 135.1507, 135.1509, 135.1511, 135.1513, 135.1515, 135.1517, 135.1519, 135.1521, 140.910, 144.083, 144.810, 168.071, 196.1109, 196.1115, 215.020, 253.545, 253.550, 253.557, 253.559, 348.250, 348.251, 348.256, 348.257, 348.261, 348.262, 348.263, 348.264, 348.265, 348.269, 348.271, 348.300, 447.708, 620.1878, 620.1881, 620.1900, 620.2300, and 1, to read as follows:

32.028. 1. There is hereby created a department of revenue in charge of a director appointed by the governor, by and with the advice and consent of the senate. The department shall collect all taxes and fees payable to the state as provided by law, **and may collect, upon referral by a state agency, debts owed to any state agency subject to section 32.420.**

2. The powers, duties and functions of the department of revenue, chapter 32 and others, are transferred by type I transfer to the department of revenue. All powers, duties and function

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.

7 of the collector of revenue are transferred to the director of the department by type I transfer and
8 the position of collector of revenue is abolished.

9 3. The powers, duties and functions of the state tax commission, chapter 138 and others,
10 are transferred by type III transfer to the department of revenue.

11 4. All of the powers, duties and functions of the state tax commission relating to
12 administration of the corporation franchise tax, chapter 152, and others, are transferred by type
13 I transfer to the department of revenue; provided, however, that the provision of section 138.430
14 relating to appeals from decisions of the director of revenue shall apply to these taxes.

15 5. All the powers, duties and functions of the highway reciprocity commission, chapter
16 301, are transferred by type II transfer to the department of revenue.

32.087. 1. Within ten days after the adoption of any ordinance or order in favor of
2 adoption of any local sales tax authorized under the local sales tax law by the voters of a taxing
3 entity, the governing body or official of such taxing entity shall forward to the director of revenue
4 by United States registered mail or certified mail a certified copy of the ordinance or order. The
5 ordinance or order shall reflect the effective date thereof.

6 2. Any local sales tax so adopted shall become effective on the first day of the second
7 calendar quarter after the director of revenue receives notice of adoption of the local sales tax,
8 except as provided in subsection 18 of this section.

9 3. Every retailer within the jurisdiction of one or more taxing entities which has imposed
10 one or more local sales taxes under the local sales tax law shall add all taxes so imposed along
11 with the tax imposed by the sales tax law of the state of Missouri to the sale price and, when
12 added, the combined tax shall constitute a part of the price, and shall be a debt of the purchaser
13 to the retailer until paid, and shall be recoverable at law in the same manner as the purchase
14 price. The combined rate of the state sales tax and all local sales taxes shall be the sum of the
15 rates, multiplying the combined rate times the amount of the sale.

16 4. The brackets required to be established by the director of revenue under the provisions
17 of section 144.285 shall be based upon the sum of the combined rate of the state sales tax and
18 all local sales taxes imposed under the provisions of the local sales tax law.

19 5. The ordinance or order imposing a local sales tax under the local sales tax law shall
20 impose upon all sellers a tax for the privilege of engaging in the business of selling tangible
21 personal property or rendering taxable services at retail to the extent and in the manner provided
22 in sections 144.010 to 144.525, and the rules and regulations of the director of revenue issued
23 pursuant thereto; except that the rate of the tax shall be the sum of the combined rate of the state
24 sales tax or state highway use tax and all local sales taxes imposed under the provisions of the
25 local sales tax law.

26 6. On and after the effective date of any local sales tax imposed under the provisions of
27 the local sales tax law, the director of revenue shall perform all functions incident to the
28 administration, collection, enforcement, and operation of the tax, and the director of revenue
29 shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes

30 authorized under the authority of the local sales tax law. **The director shall retain one percent**
31 **of the amount of any local sales or use tax collected for cost of collection.** All local sales
32 taxes imposed under the local sales tax law together with all taxes imposed under the sales tax
33 law of the state of Missouri shall be collected together and reported upon such forms and under
34 such administrative rules and regulations as may be prescribed by the director of revenue.

35 7. All applicable provisions contained in sections 144.010 to 144.525 governing the state
36 sales tax and section 32.057, the uniform confidentiality provision, shall apply to the collection
37 of any local sales tax imposed under the local sales tax law except as modified by the local sales
38 tax law.

39 8. All exemptions granted to agencies of government, organizations, persons and to the
40 sale of certain articles and items of tangible personal property and taxable services under the
41 provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter
42 be amended, it being the intent of this general assembly to ensure that the same sales tax
43 exemptions granted from the state sales tax law also be granted under the local sales tax law, are
44 hereby made applicable to the imposition and collection of all local sales taxes imposed under
45 the local sales tax law.

46 9. The same sales tax permit, exemption certificate and retail certificate required by
47 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
48 satisfy the requirements of the local sales tax law, and no additional permit or exemption
49 certificate or retail certificate shall be required; except that the director of revenue may prescribe
50 a form of exemption certificate for an exemption from any local sales tax imposed by the local
51 sales tax law.

52 10. All discounts allowed the retailer under the provisions of the state sales tax law for
53 the collection of and for payment of taxes under the provisions of the state sales tax law are
54 hereby allowed and made applicable to any local sales tax collected under the provisions of the
55 local sales tax law.

56 11. The penalties provided in section 32.057 and sections 144.010 to 144.525 for a
57 violation of the provisions of those sections are hereby made applicable to violations of the
58 provisions of the local sales tax law.

59 12. (1) For the purposes of any local sales tax imposed by an ordinance or order under
60 the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard
61 motors, shall be deemed to be consummated at the place of business of the retailer unless the
62 tangible personal property sold is delivered by the retailer or his agent to an out-of-state
63 destination. In the event a retailer has more than one place of business in this state which
64 participates in the sale, the sale shall be deemed to be consummated at the place of business of
65 the retailer where the initial order for the tangible personal property is taken, even though the
66 order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A
67 sale by a retailer's agent or employee shall be deemed to be consummated at the place of business
68 from which he works.

69 (2) For the purposes of any local sales tax imposed by an ordinance or order under the
70 local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be
71 deemed to be consummated at the residence of the purchaser and not at the place of business of
72 the retailer, or the place of business from which the retailer's agent or employee works.

73 (3) For the purposes of any local tax imposed by an ordinance or under the local sales
74 tax law on charges for mobile telecommunications services, all taxes of mobile
75 telecommunications service shall be imposed as provided in the Mobile Telecommunications
76 Sourcing Act, 4 U.S.C. Sections 116 through 124, as amended.

77 13. Local sales taxes imposed pursuant to the local sales tax law on the purchase and sale
78 of motor vehicles, trailers, boats, and outboard motors shall not be collected and remitted by the
79 seller, but shall be collected by the director of revenue at the time application is made for a
80 certificate of title, if the address of the applicant is within a taxing entity imposing a local sales
81 tax under the local sales tax law.

82 14. The director of revenue and any of his **or her** deputies, assistants and employees who
83 have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal,
84 disbursement, safekeeping, accounting, or recording of funds which come into the hands of the
85 director of revenue under the provisions of the local sales tax law shall enter a surety bond or
86 bonds payable to any and all taxing entities in whose behalf such funds have been collected
87 under the local sales tax law in the amount of one hundred thousand dollars for each such tax;
88 but the director of revenue may enter into a blanket bond covering himself **or herself** and all
89 such deputies, assistants and employees. The cost of any premium for such bonds shall be paid
90 by the director of revenue from the share of the collections under the sales tax law retained by
91 the director of revenue for the benefit of the state.

92 15. The director of revenue shall annually report on his **or her** management of each trust
93 fund which is created under the local sales tax law and administration of each local sales tax
94 imposed under the local sales tax law. He **or she** shall provide each taxing entity imposing one
95 or more local sales taxes authorized by the local sales tax law with a detailed accounting of the
96 source of all funds received by him for the taxing entity. Notwithstanding any other provisions
97 of law, the state auditor shall annually audit each trust fund. A copy of the director's report and
98 annual audit shall be forwarded to each taxing entity imposing one or more local sales taxes.

99 16. Within the boundaries of any taxing entity where one or more local sales taxes have
100 been imposed, if any person is delinquent in the payment of the amount required to be paid by
101 him **or her** under the local sales tax law or in the event a determination has been made against
102 him **or her** for taxes and penalty under the local sales tax law, the limitation for bringing suit for
103 the collection of the delinquent tax and penalty shall be the same as that provided in sections
104 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against
105 any person for the collection of delinquent taxes due the state under the state sales tax law, and
106 where such person is also delinquent in payment of taxes under the local sales tax law, the

107 director of revenue shall notify the taxing entity in the event any person fails or refuses to pay
108 the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

109 17. Where property is seized by the director of revenue under the provisions of any law
110 authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed
111 by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax
112 imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join
113 in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing
114 entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums
115 due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

116 18. If a local sales tax has been in effect for at least one year under the provisions of the
117 local sales tax law and voters approve reimposition of the same local sales tax at the same rate
118 at an election as provided for in the local sales tax law prior to the date such tax is due to expire,
119 the tax so reimposed shall become effective the first day of the first calendar quarter after the
120 director receives a certified copy of the ordinance, order or resolution accompanied by a map
121 clearly showing the boundaries thereof and the results of such election, provided that such
122 ordinance, order or resolution and all necessary accompanying materials are received by the
123 director at least thirty days prior to the expiration of such tax. Any administrative cost or
124 expense incurred by the state as a result of the provisions of this subsection shall be paid by the
125 city or county reimposing such tax.

**32.088. 1. Beginning January 1, 2012, the possession of a statement from the
2 department of revenue stating no tax is due under chapters 142, 143, 144, 147, and 149, and
3 that no fees are due under section 260.262 or 260.273, shall be a prerequisite to the issuance
4 or renewal of any city or county occupation license or any state license required for
5 conducting any business. The statement of no tax due shall be dated no longer than ninety
6 days before the date of submission for application or renewal of the city or county license.**

**7 2. Beginning January 1, 2012, in lieu of subsection 1 of this section, the director
8 may enter into an agreement with any state agency responsible for issuing any state license
9 for conducting any business requiring the agency to provide the director of revenue with
10 the name and Missouri tax identification number of each applicant for licensure within one
11 month of the date the application is filed or at least one month prior to the anticipated
12 renewal of a licensee's license. If such licensee is delinquent on any taxes under chapters
13 142, 143, 144, 147, and 149, or fees under section 260.262 or 260.273, the director shall then
14 send notice to each such entity and licensee. In the case of such delinquency or failure to
15 file, the licensee's license shall be suspended within ninety days after notice of such
16 delinquency or failure to file, unless the director of revenue verifies that such delinquency
17 or failure has been remedied or arrangements have been made to achieve such remedy.
18 The director of revenue shall, within ten business days of notification to the governmental
19 entity issuing the license that the delinquency has been remedied or arrangements have
20 been made to remedy such delinquency, send written notification to the licensee that the**

21 **delinquency has been remedied. Tax liability paid in protest or reasonably founded**
22 **disputes with such liability shall be considered paid for the purposes of this section.**

32.115. 1. The department of revenue shall grant a tax credit, to be applied in the
2 following order until used, against:

3 (1) The annual tax on gross premium receipts of insurance companies in chapter 148;

4 (2) The tax on banks determined pursuant to subdivision (2) of subsection 2 of section
5 148.030;

6 (3) The tax on banks determined in subdivision (1) of subsection 2 of section 148.030;

7 (4) The tax on other financial institutions in chapter 148;

8 (5) The corporation franchise tax in chapter 147;

9 (6) The state income tax in chapter 143; and

10 (7) The annual tax on gross receipts of express companies in chapter 153.

11 2. For proposals approved pursuant to section 32.110:

12 (1) The amount of the tax credit shall not exceed fifty percent of the total amount
13 contributed during the taxable year by the business firm or, in the case of a financial institution,
14 where applicable, during the relevant income period in programs approved pursuant to section
15 32.110;

16 (2) Except as provided in subsection 2 or 5 of this section, a tax credit of up to seventy
17 percent may be allowed for contributions to programs where activities fall within the scope of
18 special program priorities as defined with the approval of the governor in regulations
19 promulgated by the director of the department of economic development;

20 (3) Except as provided in subsection 2 or 5 of this section, the tax credit allowed for
21 contributions to programs located in any community shall be equal to seventy percent of the total
22 amount contributed where such community is a city, town or village which has fifteen thousand
23 or less inhabitants as of the last decennial census and is located in a county which is either
24 located in:

25 (a) An area that is not part of a standard metropolitan statistical area;

26 (b) A standard metropolitan statistical area but such county has only one city, town or
27 village which has more than fifteen thousand inhabitants; or

28 (c) A standard metropolitan statistical area and a substantial number of persons in such
29 county derive their income from agriculture. Such community may also be in an unincorporated
30 area in such county as provided in subdivision (1), (2) or (3) of this subsection. Except in no
31 case shall the total economic benefit of the combined federal and state tax savings to the taxpayer
32 exceed the amount contributed by the taxpayer during the tax year;

33 (4) Such tax credit allocation, equal to seventy percent of the total amount contributed,
34 shall not exceed four million dollars in fiscal year 1999 and six million dollars in fiscal year 2000
35 and any subsequent fiscal year. When the maximum dollar limit on the seventy percent tax credit
36 allocation is committed, the tax credit allocation for such programs shall then be equal to fifty
37 percent credit of the total amount contributed. Regulations establishing special program

38 priorities are to be promulgated during the first month of each fiscal year and at such times
39 during the year as the public interest dictates. Such credit shall not exceed two hundred and fifty
40 thousand dollars annually except as provided in subdivision (5) of this subsection. No tax credit
41 shall be approved for any bank, bank and trust company, insurance company, trust company,
42 national bank, savings association, or building and loan association for activities that are a part
43 of its normal course of business. Any tax credit not used in the period the contribution was made
44 may be carried over the next five succeeding calendar or fiscal years until the full credit has been
45 claimed. Except as otherwise provided for proposals approved pursuant to section 32.111,
46 32.112 or 32.117, in no event shall the total amount of all other tax credits allowed pursuant to
47 sections 32.100 to 32.125 exceed thirty-two million dollars in any one fiscal year, of which six
48 million shall be credits allowed pursuant to section 135.460. If six million dollars in credits are
49 not approved, then the remaining credits may be used for programs approved pursuant to sections
50 32.100 to 32.125;

51 (5) The credit may exceed two hundred fifty thousand dollars annually and shall not be
52 limited if community services, crime prevention, education, job training, physical revitalization
53 or economic development, as defined by section 32.105, is rendered in an area defined by federal
54 or state law as an impoverished, economically distressed, or blighted area or as a neighborhood
55 experiencing problems endangering its existence as a viable and stable neighborhood, or if the
56 community services, crime prevention, education, job training, physical revitalization or
57 economic development is limited to impoverished persons.

58 3. For proposals approved pursuant to section 32.111:

59 (1) The amount of the tax credit shall not exceed fifty-five percent of the total amount
60 invested in affordable housing assistance activities or market rate housing in distressed
61 communities as defined in section 135.530 by a business firm. Whenever such investment is
62 made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits
63 may be claimed only where the loan or equity investment is accompanied by a donation which
64 is eligible for federal income tax charitable deduction, and where the total value of the tax credits
65 herein plus the value of the federal income tax charitable deduction is less than or equal to the
66 value of the donation. Any tax credit not used in the period for which the credit was approved
67 may be carried over the next ten succeeding calendar or fiscal years until the full credit has been
68 allowed. If the affordable housing units or market rate housing units in distressed communities
69 for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax
70 credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated
71 basis in proportion to the ratio of the number of square feet devoted to the affordable housing
72 units or market rate housing units in distressed communities, for purposes of determining the
73 amount of the tax credit. The total amount of tax credit granted for programs approved pursuant
74 to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars,
75 to be increased by no more than two million dollars each succeeding fiscal year, until the total
76 tax credits that may be approved reaches ten million dollars in any fiscal year;

77 (2) For any year during the compliance period indicated in the land use restriction
78 agreement, the owner of the affordable housing rental units for which a credit is being claimed
79 shall certify to the commission that all tenants renting claimed units are income eligible for
80 affordable housing units and that the rentals for each claimed unit are in compliance with the
81 provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit
82 the records and accounts of the owner to verify such certification;

83 (3) In the case of owner-occupied affordable housing units, the qualifying owner
84 occupant shall, before the end of the first year in which credits are claimed, certify to the
85 commission that the occupant is income eligible during the preceding two years, and at the time
86 of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further
87 certify to the commission, before the end of the first year in which credits are claimed, that
88 during the compliance period indicated in the land use restriction agreement, the cost of the
89 affordable housing unit to the occupant for the claimed unit can reasonably be projected to be
90 in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant
91 acquiring the affordable housing unit during the compliance period indicated in the land use
92 restriction agreement shall make the same certification;

93 (4) If at any time during the compliance period the commission determines a project for
94 which a proposal has been approved is not in compliance with the applicable provisions of
95 sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one
96 hundred fifty days of notice to the owner either seek injunctive enforcement action against the
97 owner, or seek legal damages against the owner representing the value of the tax credits, or
98 foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and
99 paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax
100 credits allowed herein. The commission shall remit to the director of revenue the portion of the
101 legal damages collected or the sale proceeds representing the value of the tax credits. However,
102 except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for
103 tax credits shall not be revoked.

104 4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall
105 not exceed fifty-five percent of the total amount contributed to a neighborhood organization by
106 business firms. Any tax credit not used in the period for which the credit was approved may be
107 carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed.
108 The total amount of tax credit granted for programs approved pursuant to section 32.112 shall
109 not exceed one million dollars for each fiscal year.

110 5. The total amount of tax credits used for market rate housing in distressed communities
111 pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all
112 tax credits authorized pursuant to sections 32.111 and 32.112.

113 **6. Notwithstanding any provision of law to the contrary, no new projects shall be**
114 **approved under the development tax credit program created under sections 32.100 to**
115 **32.125 after June 30, 2011. The provisions of this subsection shall not be construed to limit**

116 or impair the ability of any administering agency to issue tax credits for any project
117 approved prior to June 30, 2011, or the ability of any taxpayer to redeem any such tax
118 credits.

32.383. 1. Notwithstanding the provisions of any other law to the contrary, with
2 respect to taxes administered by the department of revenue and imposed in chapters 143
3 and 144, an amnesty from the assessment or payment of all penalties, additions to tax, and
4 interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid
5 in full from August 1, 2011, to October 31, 2011, regardless of whether previously assessed,
6 except for penalties, additions to tax, and interest paid before August 1, 2011. The amnesty
7 shall apply only to state tax liabilities due or due but unpaid on or before December 31,
8 2010, and shall not extend to any taxpayer who at the time of payment is a party to any
9 criminal investigations or to any civil or criminal litigation that is pending in any court of
10 the United States or this state for nonpayment, delinquency, or fraud in relation to any
11 state tax imposed by this state.

12 2. Upon written application by the taxpayer, on forms prescribed by the director
13 of revenue, and upon compliance with the provisions of this section, the department of
14 revenue shall not seek to collect any penalty, addition to tax, or interest that may be
15 applicable. The department of revenue shall not seek civil or criminal prosecution for any
16 taxpayer for the taxable period for which the amnesty has been granted, unless subsequent
17 investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct
18 in applying for amnesty.

19 3. Amnesty shall be granted only to those taxpayers who have applied for amnesty
20 within the period stated in this section, who have filed a tax return for each taxable period
21 for which amnesty is requested, who have paid the entire balance due within sixty days of
22 approval by the department of revenue, and who agree to comply with state tax laws for
23 the next eight years from the date of the agreement. No taxpayer shall be entitled to a
24 waiver of any penalty, addition to tax, or interest under this section unless full payment of
25 the tax due is made in accordance with rules established by the director of revenue.

26 4. All taxpayers granted amnesty under this section shall comply with this state's
27 tax laws for the eight years following the date of the amnesty agreement. If any such
28 taxpayer fails to comply with all of this state's tax laws at any time during the eight years
29 following the date of the agreement, all penalties, additions to tax, and interest that were
30 waived under the amnesty agreement shall become due and owing immediately.

31 5. If a taxpayer elects to participate in the amnesty program established in this
32 section as evidenced by full payment of the tax due as established by the director of
33 revenue, that election shall constitute an express and absolute relinquishment of all
34 administrative and judicial rights of appeal. No tax payment received under this section
35 shall be eligible for refund or credit.

36 **6. Nothing in this section shall be interpreted to disallow the department of revenue**
37 **to adjust a taxpayer's tax return as a result of any state or federal audit.**

38 **7. All tax payments received as a result of the amnesty program established in this**
39 **section, other than revenues earmarked by the Constitution of Missouri or this state's**
40 **statutes, shall be deposited in the state general revenue fund.**

41 **8. The department may promulgate rules or issue administrative guidelines as are**
42 **necessary to implement the provisions of this section. Any rule or portion of a rule, as that**
43 **term is defined in section 536.010, that is created under the authority delegated in this**
44 **section shall become effective only if it complies with and is subject to all of the provisions**
45 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
46 **nonseverable and if any of the powers vested with the general assembly under chapter 536**
47 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
48 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
49 **adopted after July 1, 2011, shall be invalid and void.**

32.385. 1. The director of revenue and the commissioner of administration may
2 **jointly enter into a reciprocal collection and offset of indebtedness agreement with the**
3 **federal government, under which the state will offset from state tax refunds and from**
4 **payments otherwise due to vendors and contractors providing goods or services to state**
5 **departments, agencies, or other state agencies nontax debt owed to the federal government;**
6 **and the federal government will offset from federal payments to vendors, contractors, and**
7 **taxpayers debt owed to the state of Missouri.**

8 **2. When used in this section, the following words, terms, and phrases are defined**
9 **as set forth herein:**

10 **(1) "Federal official" means a unit or official of the federal government charged**
11 **with the collection of nontax liabilities payable to the federal government under 31 U.S.C.**
12 **Section 3716;**

13 **(2) "State agency" means any department, division, board, commission, office, or**
14 **other agency of the state of Missouri;**

15 **(3) "Nontax liability due the state" means a liability certified to the director of**
16 **revenue by a state agency and shall include, but shall not be limited to, fines, fees,**
17 **penalties, and other nontax assessments imposed by or payable to any state agency that is**
18 **finally determined to be due and owing;**

19 **(4) "Person" means an individual, partnership, society, association, joint stock**
20 **company, corporation, public corporation, or any public authority, estate, receiver, trustee,**
21 **assignee, referee, and any other person acting in a fiduciary or representative capacity**
22 **whether appointed by a court or otherwise, and any combination of the foregoing;**

23 **(5) "Refund" means an amount described as a refund of tax under the provisions**
24 **of the state tax law that authorized its payment;**

25 (6) "Vendor payment" means any payment, other than a refund, made by the state
26 to any person or entity, and shall include but shall not be limited to any expense
27 reimbursement to an employee of the state; but shall not include a person's salary, wages,
28 or pension;

29 (7) "Offset agreement" is the agreement authorized by this section.

30 3. Under the offset agreement, a federal official may:

31 (1) Certify to the state of Missouri the existence of a person's delinquent nontax
32 liability owed by the person to the federal government; and

33 (2) Request that the state of Missouri withhold any refund and vendor payment to
34 which the person is entitled;

35 (3) Certify and request the state of Missouri to withhold a refund or vendor
36 payment only if the laws of the United States:

37 (a) Allow the state of Missouri to enter into a reciprocal agreement with the United
38 States, under which the federal official would be authorized to offset federal payments to
39 collect delinquent tax and nontax debts owed to the state; and

40 (b) Provide for the payment of the amount withheld to the state;

41 (4) Retain a portion of the proceeds of any collection setoff as provided under the
42 setoff agreement.

43 4. Under the offset agreement, a certification by a federal official to the state of
44 Missouri shall include:

45 (1) The full name of the person and any other names known to be used by the
46 person;

47 (2) The Social Security number or federal tax identification number;

48 (3) The amount of the non-tax liability; and

49 (4) A statement that the debt is past due and legally enforceable in the amount
50 certified.

51 5. If a person for whom a certification is received from a federal official is due a
52 refund of Missouri tax or a vendor payment, the agreement may provide that the state of
53 Missouri shall:

54 (1) Withhold a refund or vendor payment that is due a person whose name has
55 been certified by a federal official;

56 (2) In accordance with the provisions of the offset agreement, notify the person of
57 the amount withheld in satisfaction of a liability certified by a federal official;

58 (3) Pay to the federal official the lesser of:

59 (a) The entire refund or vendor payment; or

60 (b) The amount certified; and

61 (4) Pay any refund or vendor payment in excess of the certified amount to the
62 person.

63 6. Under the agreement, the director of revenue shall:

64 (1) **Certify to a federal official the existence of a person's delinquent tax or nontax**
65 **liability due the state owed by the person to any state agency;**

66 (2) **Request that the federal official withhold any eligible vendor payment to which**
67 **the person is entitled; and**

68 (3) **Provide for the payment of the amount withheld to the state.**

69 **7. A certification by a state agency to the director of revenue and by the director**
70 **of revenue to the federal official under the offset agreement shall include:**

71 (1) **The full name and address of the person and any other names known to be used**
72 **by the person;**

73 (2) **The Social Security number or tax identification number;**

74 (3) **The amount of the tax or nontax liability;**

75 (4) **A statement that the debt is past due and legally enforceable in the amount**
76 **certified; and**

77 (5) **Any other information required by federal statute or regulation applicable to**
78 **the collection of the debt by offset of federal payments.**

79 **8. Any other provisions of law to the contrary notwithstanding, the director of**
80 **revenue and the commissioner of administration shall have the authority to enter into**
81 **reciprocal agreements with any other state which extends a like comity to this state to set**
82 **off offset from state tax refunds and from payments otherwise due to vendors and**
83 **contractors providing goods or services to state departments, agencies, or other state**
84 **agencies nontax debt for debts due the other state that extends a like comity to this state.**

32.410. As used in sections 32.410 to 32.460, the following terms shall mean:

2 (1) **"Debt", an amount owed to the state directly or through a state agency, on**
3 **account of a fee, duty, lease, direct loan, loan insured or guaranteed by the state, rent,**
4 **service, sale of real or personal property, overpayment, fine, assessment, penalty,**
5 **restitution, damages, interest, tax, bail bond, forfeiture, reimbursement, liability owed, an**
6 **assignment, recovery of costs incurred by the state, or any other source of indebtedness to**
7 **the state;**

8 (2) **"Debtor", an individual, a corporation, a partnership, an unincorporated**
9 **association, a limited liability company, a trust, an estate, or any other public or private**
10 **entity, including a state, local, or federal government, or an Indian tribe, that is liable for**
11 **a debt or against whom there is a claim for a debt;**

12 (3) **"Department", the department of revenue;**

13 (4) **"State agency", any division, board, commission, office, or other agency of the**
14 **state of Missouri, including public community college districts and any state or municipal**
15 **court.**

32.420. 1. Notwithstanding any other provision of law to the contrary, all state
2 **agencies may refer to the department for collection debts owed to them. The department**
3 **may provide collection services on debts referred to the department by a state agency.**

4 **2. A referring agency may refer the debt to the department for collection at any**
5 **time after a debt becomes delinquent and uncontested and the debtor shall have no further**
6 **administrative appeal of the amount of the debt. Methods and procedures for referral**
7 **shall be governed by an agreement between the referring agency and the department.**

8 **3. The collection procedures and remedies under this chapter are in addition to any**
9 **other procedure or remedy available by law. If the state agency's applicable state or**
10 **federal law requires the use of a particular remedy or procedure for the collection of a**
11 **debt, that particular remedy or procedure shall govern the collection of that debt to the**
12 **extent the procedure or remedy is inconsistent with this chapter.**

13 **4. The state agency shall send notice to the debtor by United States regular mail at**
14 **the debtor's last known address at least twenty days before the debt is referred to the**
15 **department. The notice shall state the nature and amount of the debt, identify to whom**
16 **the debt is owed, and inform the debtor of the remedies available under this chapter or the**
17 **state agency's own procedures.**

32.430. 1. Except as otherwise provided in this section, the department shall have
2 **the authority to use all general remedies afforded creditors of this state in collection of debt**
3 **as well as any remedies afforded the state agency referring the debt and to the state in**
4 **general as a creditor. The department shall not have authority to prosecute or defend civil**
5 **actions on behalf of any other state agency, except as necessary to defend any challenges**
6 **made to actions under section 140.910 or 143.902 for a debt referred by a state agency or**
7 **to prosecute an action under subsection 10 of section 140.910.**

8 **2. In addition to the remedies identified in sections 32.410 to 32.460, the department**
9 **may use the collection remedies afforded under sections 140.910 and 143.902 in the**
10 **collection of any state debt referred to the department.**

11 **3. The department may employ department staff and attorneys, and at the**
12 **department's discretion, prosecuting attorneys and private collection agencies as**
13 **authorized in sections 136.150 and 140.850 in seeking collection of debts referred to the**
14 **department by a state agency.**

32.440. 1. The department shall add to the amount of debt referred to the
2 **department by a state agency the cost of collection which shall be ten percent of the total**
3 **debt referred by the state agency. The department shall have the same authority to collect**
4 **the cost of collection as the department has in collecting the debt referred by the state**
5 **agency.**

6 **2. The cost of collection shall only be waived when:**

7 **(1) Within thirty days after the initial notice to the debtor by the department, the**
8 **debtor establishes to the department reasonable cause for the failure to pay the debt prior**
9 **to referral of the debt to the department, enters into an agreement satisfactory to the**
10 **department to pay the debt in full, and fully abides by the terms of that agreement;**

11 (2) A good faith dispute as to the legitimacy or the amount of the debt exists, and
12 payment is remitted or an agreement satisfactory to the department to pay the debt in full
13 is entered into within thirty days after resolution of the dispute, and the debtor fully abides
14 by the terms of that agreement; or

15 (3) Collection costs have been added by the state agency and are included in the
16 amount of the referred debt.

17 3. If the department collects an amount less than the total due, the payment shall
18 be applied proportionally to collection costs and the underlying debt unless the department
19 has waived this requirement for certain categories of debt. Collection costs collected by the
20 department under this section shall be deposited in the general revenue fund.

 32.450. The department may compromise state debt referred to the department in
2 accordance with section 32.378 and any agreement with the referring agency.

 32.460. The department and state agencies, including the judiciary, may exchange
2 information, including the debtor's Social Security number, as is necessary for the
3 successful collection of the state debt referred. The referring state agency shall follow all
4 applicable federal and state laws regarding the confidentiality of information and records
5 regarding the debtor. The confidentiality laws applicable to the particular information
6 received and retained by each agency shall apply to the employees of the state agency and
7 to the department when the information has been forwarded to the department.

 67.3000. 1. As used in this section, the following words shall mean:

2 (1) "Active member", an organization located in the state of Missouri, which
3 solicits and services sports events, sports organizations, and other types of sports-related
4 activities in that community;

5 (2) "Applicant" or "applicants", one or more certified sponsors, endorsing
6 counties, endorsing municipalities, or a local organizing committee, acting individually or
7 collectively;

8 (3) "Certified sponsor" or "certified sponsors", a nonprofit organization which is
9 an active member of the National Association of Sports Commissions;

10 (4) "Department", the Missouri department of economic development;

11 (5) "Director", the director of revenue;

12 (6) "Eligible costs", shall include:

13 (a) Costs necessary for conducting the sporting event;

14 (b) Costs relating to the preparations necessary for the conduct of the sporting
15 event; and

16 (c) An applicant's pledged obligations to the site selection organization as evidenced
17 by the support contract for the sporting event.

18

19 Eligible costs shall not include any cost associated with (i) the rehabilitation or construction
20 of any facilities used to host the sporting event but may include costs associated with the

21 retrofitting of a facility necessary to accommodate the sporting event, and (ii) direct
22 payments to a for-profit site selection organization;

23 (7) "Endorsing municipality" or "endorsing municipalities", any city, town,
24 incorporated village, or county that contains a site selected by a site selection organization
25 for one or more sporting events;

26 (8) "Joinder agreement", an agreement entered into by one or more applicants,
27 acting individually or collectively, and a site selection organization setting out
28 representations and assurances by each applicant in connection with the selection of a site
29 in this state for the location of a sporting event;

30 (9) "Joinder undertaking", an agreement entered into by one or more applicants,
31 acting individually or collectively, and a site selection organization that each applicant will
32 execute a joinder agreement in the event that the site selection organization selects a site
33 in this state for a sporting event;

34 (10) "Local organizing committee", a nonprofit corporation or its successor in
35 interest that:

36 (a) Has been authorized by one or more certified sponsors, endorsing
37 municipalities, or endorsing counties, acting individually or collectively, to pursue an
38 application and bid on its or the applicant's behalf to a site selection organization for
39 selection as the site of one or more sporting events; or

40 (b) With the authorization of one or more certified sponsors, endorsing
41 municipalities, or endorsing counties, acting individually or collectively, executes an
42 agreement with a site selection organization regarding a bid to host one or more sporting
43 events;

44 (11) "Site selection organization", the National Collegiate Athletic Association
45 (NCAA); an NCAA member conference, university, or institution; the National Association
46 of Intercollegiate Athletics (NAIA); the United States Olympic Committee (USOC); a
47 national governing body (NGB) or international federation of a sport recognized by the
48 USOC; the United States Golf Association (USGA); the United States Tennis Association
49 (USTA); the Amateur Athletic Union (AAU); the Amateur Softball Association of America
50 (ASA); other major regional, national, and international sports associations, leagues, and
51 organizations that promote, organize, or administer sporting games, competitions, or
52 events; or other major regional, national, and international organizations that promote or
53 organize eligible events;

54 (12) "Sporting event" or "sporting events", an NCAA national championship,
55 including the Final Four, Frozen Four, wrestling championships, and other Division I, II,
56 and III men's and women's national championship events; NCAA postseason basketball
57 regional and first and second rounds; college football bowl game; NCAA post-season
58 college football game; college football or basketball game played at a neutral site;
59 collegiate athletic conference championship or tournament; NAIA tournament or

60 **championship; a regional or national championship of an amateur sport sanctioned by the**
61 **national governing body of a sport recognized by the USOC; Olympic trials or other**
62 **Olympic competition; USGA amateur event; Davis Cup or Fed Cup tennis match; World**
63 **Cup soccer match; AAU, ASA, US Youth Soccer, or other major regional or national youth**
64 **sports tournaments; or other major sporting events approved by the department that**
65 **generate new tax revenue for the state of Missouri. The term includes any event and**
66 **activity related to or associated with a sporting event;**

67 **(13) "Support contract" or "support contracts", an event award notification,**
68 **joinder undertaking, joinder agreement, or contract executed by an applicant and a site**
69 **selection organization;**

70 **(14) "Tax credit" or "tax credits", a credit or credits issued by the department**
71 **against the tax otherwise due under chapter 143 or 148, excluding withholding tax imposed**
72 **by sections 143.191 to 143.265.**

73 **2. An applicant may submit a copy of a support contract for a sporting event to the**
74 **department. Within sixty days of receipt of the sporting event support contract, the**
75 **department shall review the applicant's support contract and certify such support contract**
76 **if it complies with the requirements of this section. Upon certification of the support**
77 **contract by the department, the applicant shall be authorized to receive the tax credit**
78 **under subsection 4 of this section. In addition, at any time, including during the site**
79 **selection process, an applicant may request that the department estimate the receipts from**
80 **the total tax imposed by chapter 144, determined in the manner set forth in subsection 3**
81 **of this section, that is directly attributable to the preparation for and conduct of the**
82 **sporting event. The applicant may submit the department's estimate to a site selection**
83 **organization.**

84 **3. In making the determinations of the estimated or actual tax receipts provided for**
85 **in this section, the department, in consultation with the director, shall determine the**
86 **geographic boundaries of the market area for the sporting event and the time period for**
87 **which there is likely to be an economic impact attributable to the sporting event. The**
88 **market area shall be the geographic area in which there is a reasonable likelihood of a**
89 **measurable economic impact directly attributable to the preparation for and conduct of**
90 **the sporting event, including areas likely to provide venues, accommodations, and services**
91 **in connection with the sporting event based on the support contract entered into by the**
92 **applicant and the site selection organization. An endorsing municipality that has been**
93 **selected as the site for the sporting event shall be included in the market area for the**
94 **sporting event. The tax revenues in the market area of the sporting event shall be**
95 **calculated from the total tax imposed by chapter 144. The time period shall be the greater**
96 **of:**

97 **(1) The period for which the primary venue is contracted by the site selection**
98 **organization for the sporting event; or**

99 (2) The two-week period that ends at the end of the day after the date on which a
100 sporting event will be held or such longer period as determined by the department.

101 4. No more than thirty days following the conclusion of the sporting event, the
102 applicant shall submit eligible costs and documentation of the costs evidenced by receipts,
103 paid invoices, or other documentation in a manner prescribed by the department.

104 5. No later than sixty days following the conclusion of the sporting event, the
105 department, in consultation with the director, shall determine the amount of tax revenues
106 which are directly attributable to the sporting event or related events, in the manner
107 provided under subsection 3 of this section. No later than sixty days following the receipt
108 of eligible costs and documentation of such costs from the applicant as required in
109 subsection 4 of this section, the department shall issue a refundable tax credit to the
110 applicant for the lesser of one hundred percent of eligible costs incurred by the applicant
111 or fifty percent of the increase in tax revenues within the market area directly attributable
112 to the supporting event. Tax credits authorized by this section may be claimed against
113 taxes imposed by chapters 143 and 148 and shall be claimed within one year of the close
114 of the taxable year for which the credits were issued. Tax credits authorized by this section
115 may be transferred, sold, or assigned by filing a notarized endorsement thereof with the
116 department that names the transferee, the amount of tax credit transferred, and the value
117 received for the credit, as well as any other information reasonably requested by the
118 department.

119 6. In no event shall the amount of tax credits issued by the department under this
120 section exceed ten million dollars in any fiscal year. In any fiscal year, no more than eight
121 million dollars in tax credits shall be available to all applicants which submit support
122 contracts for sporting events to be held in any city not within a county or counties with a
123 population in excess of three hundred thousand inhabitants.

124 7. An applicant shall provide any information necessary as determined by the
125 department for the department and the director to fulfill the duties required by this
126 section. At any time upon the request of the state of Missouri, a certified sponsor will
127 subject itself to an audit conducted by the state.

128 8. This section shall not be construed as creating or requiring a state guarantee of
129 obligations imposed on an endorsing municipality under a support contract or any other
130 agreement relating to hosting one or more sporting events in this state.

131 9. The department shall only certify an applicant's support contract for a sporting
132 event in which the site selection organization has yet to select a location for the sporting
133 event as of August 28, 2014. Support contracts shall not be certified by the department
134 after August 28, 2020, provided that the support contracts may be certified prior to August
135 28, 2020, for sporting events that will be held after such date.

136 10. The department may promulgate rules, statements of policy, procedures, forms,
137 and guidelines as necessary to implement the provisions of this section. Any rule or portion

138 **of a rule, as that term is defined in section 536.010 that is created under the authority**
139 **delegated in this section shall become effective only if it complies with and is subject to all**
140 **of the provisions of chapter 536, and, if applicable, section 536.028. This section and**
141 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
142 **pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul**
143 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
144 **any rule proposed or adopted after August 28, 2011, shall be invalid and void.**

105.716. 1. Any investigation, defense, negotiation, or compromise of any claim
2 covered by sections 105.711 to 105.726 shall be conducted by the attorney general; provided,
3 that in the case of any claim against the department of conservation, the department of
4 transportation or a public institution which awards baccalaureate degrees, or any officer or
5 employee of such department or such institution, any investigation, defense, negotiation, or
6 compromise of any claim covered by sections 105.711 to 105.726 shall be conducted by legal
7 counsel provided by the respective entity against which the claim is made or which employs the
8 person against whom the claim is made. In the case of any payment from the state legal expense
9 fund based upon a claim or judgment against the department of conservation, the department of
10 transportation or any officer or employee thereof, the department so affected shall immediately
11 transfer to the state legal expense fund from the department funds a sum equal to the amount
12 expended from the state legal expense fund on its behalf.

13 2. All persons and entities protected by the state legal expense fund shall cooperate with
14 the attorneys conducting any investigation and preparing any defense under the provisions of
15 sections 105.711 to 105.726 by assisting such attorneys in all respects, including the making of
16 settlements, the securing and giving of evidence, and the attending and obtaining witness to
17 attend hearings and trials. Funds in the state legal expense fund shall not be used to pay claims
18 and judgments against those persons and entities who do not cooperate as required by this
19 subsection.

20 3. The provisions of sections 105.711 to 105.726 notwithstanding, the attorney general
21 may investigate, defend, negotiate, or compromise any claim covered by sections 105.711 to
22 105.726 against any public institution which awards baccalaureate degrees whose governing
23 body has declared a state of financial exigency.

24 4. Notwithstanding the provisions of subsection 2 of section 105.711, funds in the state
25 legal expense fund may be expended prior to the payment of any claim or any final judgment to
26 pay costs of defense, including reasonable attorney's fees for retention of legal counsel, when the
27 attorney general determines that a conflict exists or particular expertise is required, and also to
28 pay for related legal expenses including medical examination fees, expert witness fees, court
29 reporter expenses, travel costs and ancillary legal expenses incurred prior to the payment of a
30 claim or any final judgment.

31 **5. Notwithstanding any other provision of law to the contrary, except for payments**
32 **of less than ten thousand dollars for property damage, no funds shall be expended from**

33 the state legal expense fund for settlement of any liability claim except upon the production
34 of a no tax due statement from the department of revenue by the party making claim or
35 having judgment under section 105.711, which shall be satisfied from such fund. If the
36 party is found by the director of revenue to owe a delinquent tax debt to the state of
37 Missouri under the revenue laws of this state, after the payment of attorneys fees and
38 expenses associated with creating the liability of the fund to the party, any remaining funds
39 to be paid to the party from the state legal expense fund shall be offset to satisfy such tax
40 debt before payment is made to the party making claim or having judgment.

135.025. 1. The property taxes accrued and rent constituting property taxes accrued on
2 each return shall be totaled. This total, up to [seven hundred fifty dollars] **the limit** in rent
3 constituting property taxes actually paid **as provided in subsection 2 of this section** or eleven
4 hundred dollars in actual property tax paid, shall be used in determining the property tax credit.
5 The director of revenue shall prescribe regulations providing for allocations where part of a
6 claimant's homestead is rented to another or used for nondwelling purposes or where a
7 homestead is owned or rented or used as a dwelling for part of a year.

8 **2. The limit on the total of rent constituting property taxes actually paid shall be**
9 **the following amounts:**

10 **(1) For the tax year beginning on January 1, 2012, five hundred seventy-five**
11 **dollars;**

12 **(2) For the tax year beginning on January 1, 2013, three hundred seventy-five**
13 **dollars;**

14 **(3) For the tax year beginning on January 1, 2014, two hundred dollars;**

15 **(4) For all tax years beginning on or after January 1, 2015, no rent constituting**
16 **property taxes actually paid shall be used in determining the property tax credit under**
17 **sections 135.010 to 135.035.**

135.030. 1. As used in this section:

2 (1) The term "maximum upper limit" shall, for each calendar year after December 31,
3 1997, but before calendar year 2008, be the sum of twenty-five thousand dollars. For all calendar
4 years beginning on or after January 1, 2008, the maximum upper limit shall be the sum of
5 twenty-seven thousand five hundred dollars. In the case of a homestead owned and occupied for
6 the entire year by the claimant, the maximum upper limit shall be the sum of thirty thousand
7 dollars;

8 (2) The term "minimum base" shall, for each calendar year after December 31, 1997, but
9 before calendar year 2008, be the sum of thirteen thousand dollars. For all calendar years
10 beginning on or after January 1, 2008, the minimum base shall be the sum of fourteen thousand
11 three hundred dollars.

12 2. If the income on a return is equal to or less than the maximum upper limit for the
13 calendar year for which the return is filed, the property tax credit shall be determined from a table

14 of credits based upon the amount by which the total property tax described in section 135.025
 15 exceeds the percent of income in the following list:

16 If the income on the return is:	The percent is:
17 Not over the minimum base	0 percent with credit
18	not to exceed \$1,100
19	in actual property tax
20	or rent equivalent paid
21	up to [\$750] the amount
22	provided in section 135.025
23 Over the minimum base but	1/16 percent accumulative
24 not over the maximum upper	per \$300 from 0 percent
25 limit	to 4 percent.

26
 27 The director of revenue shall prescribe a table based upon the preceding sentences. The property
 28 tax shall be in increments of twenty-five dollars and the income in increments of three hundred
 29 dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the
 30 basis of the property tax and income at the midpoints of each increment. As used in this
 31 subsection, the term "accumulative" means an increase by continuous or repeated application of
 32 the percent to the income increment at each three hundred dollar level.

33 3. Notwithstanding subsection 4 of section 32.057, the department of revenue or any
 34 duly authorized employee or agent shall determine whether any taxpayer filing a report or return
 35 with the department of revenue who has not applied for the credit allowed pursuant to section
 36 135.020 may qualify for the credit, and shall notify any qualified claimant of the claimant's
 37 potential eligibility, where the department determines such potential eligibility exists.

135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall[, subject
 2 to the limitations provided under the provisions of subsection 3 of this section,] be allowed a
 3 state tax credit, whether or not allowed a federal tax credit, to be termed the Missouri
 4 low-income housing tax credit, if the commission issues an eligibility statement for that project.

5 2. For qualified Missouri projects [placed in service after January 1, 1997, the]
 6 **authorized on or after July 1, 2011, one hundred ten million dollars in** Missouri low-income
 7 housing tax [credit available to a project shall be such amount as the commission shall determine
 8 is necessary to ensure the feasibility of the project, up to an amount equal to the] **credits shall**
 9 **be awarded during each fiscal year to projects which are awarded** federal low-income
 10 housing tax [credit for a qualified Missouri project, for a federal tax period, and such amount
 11 shall be subtracted from the amount of state tax otherwise due for the same tax period] **credits**
 12 **by the commission and such Missouri low-income housing tax credits shall be claimed over**
 13 **a period of time which shall correspond to the time during which the federal low-income**
 14 **housing tax credits awarded for such qualified Missouri projects are claimed. Tax credits**

15 **authorized after July 1, 2011, for projects financed through tax-exempt bond issuance shall**
16 **not be subject to the limitations provided under this section.**

17 3. No more than [six] **three** million dollars in tax credits shall be authorized each fiscal
18 year for projects financed through tax-exempt bond issuance.

19 4. The Missouri low-income housing tax credit shall be taken against the taxes and in
20 the order specified pursuant to section 32.115. The credit authorized by this section shall not be
21 refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be
22 carried back to any of the taxpayer's three prior taxable years or carried forward to any of the
23 taxpayer's five subsequent taxable years. **For projects authorized on or after July 1, 2011, any**
24 **amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back**
25 **to any of the taxpayer's two previous taxable years or carried forward to any of the**
26 **taxpayer's five subsequent taxable years.**

27 5. All or any portion of Missouri tax credits issued in accordance with the provisions of
28 sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the
29 provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects
30 which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify
31 to the director the amount of credit allocated to each taxpayer. The owner of the project shall
32 provide to the director appropriate information so that the low-income housing tax credit can be
33 properly allocated.

34 6. In the event that recapture of Missouri low-income housing tax credits is required
35 pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided
36 in this section shall include the proportion of the state credit required to be recaptured, the
37 identity of each taxpayer subject to the recapture and the amount of credit previously allocated
38 to such taxpayer.

39 7. The director of the department may promulgate rules and regulations necessary to
40 administer the provisions of this section. No rule or portion of a rule promulgated pursuant to
41 the authority of this section shall become effective unless it has been promulgated pursuant to
42 the provisions of section 536.024.

135.484. 1. Beginning January 1, 2000, tax credits shall be allowed pursuant to section
2 135.481 in an amount not to exceed sixteen million dollars per year. Of this total amount of tax
3 credits in any given year, eight million dollars shall be set aside for projects in areas described
4 in subdivision (6) of section 135.478 and eight million dollars for projects in areas described in
5 subdivision (10) of section 135.478. The maximum tax credit for a project consisting of
6 multiple-unit qualifying residences in a distressed community shall not exceed three million
7 dollars.

8 2. **Beginning January 1, 2012, tax credits shall be allowed pursuant to section**
9 **135.481 in an amount not to exceed ten million dollars per year and shall be available for**
10 **projects described under subdivisions (6) and (10) of section 135.478 based upon demand.**

11 **The maximum tax credit for a project consisting of multiple-unit qualifying residences in**
12 **a distress community shall not exceed three million dollars.**

13 **3.** Any amount of credit which exceeds the tax liability of a taxpayer for the tax year in
14 which the credit is first claimed may be carried back to any of the taxpayer's three prior tax years
15 and carried forward to any of the taxpayer's five subsequent tax years. A certificate of tax credit
16 issued to a taxpayer by the department may be assigned, transferred, sold or otherwise conveyed.
17 Whenever a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a
18 notarized endorsement shall be filed with the department specifying the name and address of the
19 new owner of the tax credit and the value of the credit.

20 **[3.] 4.** The tax credits allowed pursuant to sections 135.475 to 135.487 may not be
21 claimed in addition to any other state tax credits, with the exception of the historic structures
22 rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, which insofar as
23 sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax
24 credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for
25 the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to
26 subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections
27 253.545 to 253.559, and in such cases, the amount of the tax credit pursuant to subsection 4 of
28 section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or
29 forty thousand dollars.

30 **5. Notwithstanding any provision of law to the contrary, no tax credits provided**
31 **under sections 135.475 to 135.487 shall be authorized on or after August 28, 2014. The**
32 **provisions of this subsection shall not be construed to limit or in any way impair the**
33 **department's ability to issue tax credits authorized prior to August 28, 2014, or a**
34 **taxpayer's ability to redeem such tax credits.**

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

2 (1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or
3 real property;

4 (2) "Director", the director of the department of social services;

5 (3) "Pregnancy resource center", a nonresidential facility located in this state:

6 (a) Established and operating primarily to provide assistance to women with crisis
7 pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and
8 material support, and other similar services to encourage and assist such women in carrying their
9 pregnancies to term; and

10 (b) Where childbirths are not performed; and

11 (c) Which does not perform, induce, or refer for abortions and which does not hold itself
12 out as performing, inducing, or referring for abortions; and

13 (d) Which provides direct client services at the facility, as opposed to merely providing
14 counseling or referral services by telephone; and

15 (e) Which provides its services at no cost to its clients; and

16 (f) When providing medical services, such medical services must be performed in
17 accordance with Missouri statute; and

18 (g) Which is exempt from income taxation pursuant to the Internal Revenue Code of
19 1986, as amended;

20 (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such
21 taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding sections
22 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability
23 incurred by such taxpayer pursuant to the provisions of chapter 143, excluding sections 143.191
24 to 143.265 and related provisions;

25 (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S
26 corporation doing business in the state of Missouri and subject to the state income tax imposed
27 by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax
28 imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its
29 gross premium receipts in this state, or other financial institution paying taxes to the state of
30 Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or
31 an express company which pays an annual tax on its gross receipts in this state pursuant to
32 chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter
33 143, or any charitable organization which is exempt from federal income tax and whose Missouri
34 unrelated business taxable income, if any, would be subject to the state income tax imposed
35 under chapter 143.

36 2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to
37 claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of
38 the amount such taxpayer contributed to a pregnancy resource center.

39 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's
40 state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not
41 be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However,
42 any tax credit that cannot be claimed in the taxable year the contribution was made may be
43 carried over to the next four succeeding taxable years until the full credit has been claimed.

44 4. Except for any excess credit which is carried over pursuant to subsection 3 of this
45 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such
46 taxpayer's contribution or contributions to a pregnancy resource center or centers in such
47 taxpayer's taxable year has a value of at least one hundred dollars.

48 5. The director shall determine, at least annually, which facilities in this state may be
49 classified as pregnancy resource centers. The director may require of a facility seeking to be
50 classified as a pregnancy resource center whatever information which is reasonably necessary
51 to make such a determination. The director shall classify a facility as a pregnancy resource
52 center if such facility meets the definition set forth in subsection 1 of this section.

53 6. The director shall establish a procedure by which a taxpayer can determine if a facility
54 has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted

55 to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be
56 claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year
57 shall not exceed two million dollars. Tax credits shall be issued in the order contributions are
58 received.

59 7. The director shall establish a procedure by which, from the beginning of the fiscal year
60 until some point in time later in the fiscal year to be determined by the director, the cumulative
61 amount of tax credits are equally apportioned among all facilities classified as pregnancy
62 resource centers. If a pregnancy resource center fails to use all, or some percentage to be
63 determined by the director, of its apportioned tax credits during this predetermined period of
64 time, the director may reapportion these unused tax credits to those pregnancy resource centers
65 that have used all, or some percentage to be determined by the director, of their apportioned tax
66 credits during this predetermined period of time. The director may establish more than one
67 period of time and reapportion more than once during each fiscal year. To the maximum extent
68 possible, the director shall establish the procedure described in this subsection in such a manner
69 as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of
70 tax credits available for the fiscal year.

71 8. Each pregnancy resource center shall provide information to the director concerning
72 the identity of each taxpayer making a contribution to the pregnancy resource center who is
73 claiming a tax credit pursuant to this section and the amount of the contribution. The director
74 shall provide the information to the director of revenue. The director shall be subject to the
75 confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax
76 information.

77 9. Notwithstanding any other law to the contrary, any tax credits granted under this
78 section may be assigned, transferred, sold, or otherwise conveyed without consent or approval.
79 Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange,
80 or otherwise transfer earned tax credits:

81 (1) For no less than seventy-five percent of the par value of such credits; and

82 (2) In an amount not to exceed one hundred percent of annual earned credits.

83 10. Pursuant to section 23.253[, RSMo,] of the Missouri sunset act:

84 (1) [Any new program authorized under this section shall automatically sunset six years
85 after August 28, 2006, unless reauthorized by an act of the general assembly; and

86 (2) If such program is reauthorized,] The program authorized under this section shall
87 [automatically sunset twelve years after the effective date of the reauthorization of this section]
88 **expire on August 28, 2019;** and

89 [(3)] (2) This section shall terminate on September [first of the calendar year
90 immediately following the calendar year in which a program authorized under this section is
91 sunset] **1, 2020.**

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

2 (1) "Local food pantry", any food pantry that is:

3 (a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986,
4 as amended; and

5 (b) Distributing emergency food supplies to Missouri low-income people who would
6 otherwise not have access to food supplies in the area in which the taxpayer claiming the tax
7 credit under this section resides;

8 (2) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or a shareholder
9 in an S corporation doing business in this state and subject to the state income tax imposed by
10 chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

11 2. For all tax years beginning on or after January 1, 2007, any taxpayer who donates cash
12 or food, unless such food is donated after the food's expiration date, to any local food pantry shall
13 be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax
14 imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the
15 donations made to the extent such amounts that have been subtracted from federal adjusted gross
16 income or federal taxable income are added back in the determination of Missouri adjusted gross
17 income or Missouri taxable income before the credit can be claimed. Each taxpayer claiming
18 a tax credit under this section shall file an affidavit with the income tax return verifying the
19 amount of their contributions. The amount of the tax credit claimed shall not exceed the amount
20 of the taxpayer's state tax liability for the tax year that the credit is claimed, and shall not exceed
21 two thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that
22 the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but
23 may be carried forward to any of the taxpayer's three subsequent taxable years. No tax credit
24 granted under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible
25 to receive a credit pursuant to this section if such taxpayer employs persons who are not
26 authorized to work in the United States under federal law.

27 3. The cumulative amount of tax credits under this section which may be allocated to all
28 taxpayers contributing to a local food pantry in any one fiscal year shall not exceed two million
29 dollars. The director of revenue shall establish a procedure by which the cumulative amount of
30 tax credits is apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal
31 year in which the tax credit is claimed. To the maximum extent possible, the director of revenue
32 shall establish the procedure described in this subsection in such a manner as to ensure that
33 taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits
34 available for the fiscal year.

35 4. Any local food pantry may accept or reject any donation of food made under this
36 section for any reason. For purposes of this section, any donations of food accepted by a local
37 food pantry shall be valued at fair market value, or at wholesale value if the taxpayer making the
38 donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

39 5. The department of revenue shall promulgate rules to implement the provisions of this
40 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
41 under the authority delegated in this section shall become effective only if it complies with and

42 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
43 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
44 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
45 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
46 proposed or adopted after August 28, 2007, shall be invalid and void.

47 6. [Under section 23.253 of the Missouri sunset act:]

48 (1) [The provisions of the new program authorized under this section shall automatically
49 sunset four years after August 28, 2007, unless reauthorized by an act of the general assembly;
50 and

51 (2) If such program is reauthorized,] The program authorized under this section shall
52 [automatically sunset twelve years after the effective date of the reauthorization of this section]
53 **expire on August 28, 2019;** and

54 [(3)] (2) This section shall terminate on September [first of the calendar year
55 immediately following the calendar year in which the program authorized under this section is
56 sunset] **1, 2020.**

135.1150. 1. This section shall be known and may be cited as the "Residential
2 Treatment Agency Tax Credit Act".

3 2. As used in this section, the following terms mean:

4 (1) "Certificate", a tax credit certificate issued under this section;

5 (2) "Department", the Missouri department of social services;

6 (3) "Eligible donation", donations received from a taxpayer by an agency that are used
7 solely to provide direct care services to children who are residents of this state. Eligible
8 donations may include cash, publicly traded stocks and bonds, and real estate that will be valued
9 and documented according to rules promulgated by the department of social services. For
10 purposes of this section, "direct care services" include but are not limited to increasing the
11 quality of care and service for children through improved employee compensation and training;

12 (4) "Qualified residential treatment agency" or "agency", a residential care facility that
13 is licensed under section 210.484, accredited by the Council on Accreditation (COA), the Joint
14 Commission on Accreditation of Healthcare Organizations (JCAHO), or the Commission on
15 Accreditation of Rehabilitation Facilities (CARF), and is under contract with the Missouri
16 department of social services to provide treatment services for children who are residents or
17 wards of residents of this state, and that receives eligible donations. Any agency that operates
18 more than one facility or at more than one location shall be eligible for the tax credit under this
19 section only for any eligible donation made to facilities or locations of the agency which are
20 licensed and accredited;

21 (5) "Taxpayer", any of the following individuals or entities who make an eligible
22 donation to an agency:

23 (a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation
24 doing business in the state of Missouri and subject to the state income tax imposed in chapter
25 143;

26 (b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

27 (c) An insurance company paying an annual tax on its gross premium receipts in this
28 state;

29 (d) Any other financial institution paying taxes to the state of Missouri or any political
30 subdivision of this state under chapter 148;

31 (e) An individual subject to the state income tax imposed in chapter 143;

32 (f) Any charitable organization which is exempt from federal income tax and whose
33 Missouri unrelated business taxable income, if any, would be subject to the state income tax
34 imposed under chapter 143.

35 3. For all taxable years beginning on or after January 1, 2007, any taxpayer shall be
36 allowed a credit against the taxes otherwise due under chapter 147, 148, or 143, excluding
37 withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of
38 the amount of an eligible donation, subject to the restrictions in this section. The amount of the
39 tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the
40 tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by
41 this section from claiming in a tax year shall not be refundable, but may be carried forward to
42 any of the taxpayer's four subsequent taxable years.

43 4. To claim the credit authorized in this section, an agency may submit to the department
44 an application for the tax credit authorized by this section on behalf of taxpayers. The
45 department shall verify that the agency has submitted the following items accurately and
46 completely:

47 (1) A valid application in the form and format required by the department;

48 (2) A statement attesting to the eligible donation received, which shall include the name
49 and taxpayer identification number of the individual making the eligible donation, the amount
50 of the eligible donation, and the date the eligible donation was received by the agency; and

51 (3) Payment from the agency equal to the value of the tax credit for which application
52 is made. If the agency applying for the tax credit meets all criteria required by this subsection,
53 the department shall issue a certificate in the appropriate amount.

54 5. An agency may apply for tax credits in an aggregate amount that does not exceed
55 [forty percent of] the payments made by the department to the agency in the preceding twelve
56 months.

57 6. Tax credits issued under this section may be assigned, transferred, sold, or otherwise
58 conveyed, and the new owner of the tax credit shall have the same rights in the credit as the
59 taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a
60 notarized endorsement shall be filed with the department specifying the name and address of the
61 new owner of the tax credit or the value of the credit.

62 7. The department shall promulgate rules to implement the provisions of this section.
63 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
64 authority delegated in this section shall become effective only if it complies with and is subject
65 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
66 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
67 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
68 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
69 or adopted after August 28, 2006, shall be invalid and void.

70 8. [Under section 23.253 of the Missouri sunset act:

71 (1) The provisions of the new program authorized under this section shall automatically
72 sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

73 (2) If such program is reauthorized, the program authorized under this section shall
74 automatically sunset twelve years after the effective date of the reauthorization of this section;
75 and

76 (3) This section shall terminate on September first of the calendar year immediately
77 following the calendar year in which the program authorized under this section is sunset.] **Under**
78 **section 23.253 of the Missouri sunset act, the provisions of the program authorized under**
79 **this section are hereby reauthorized and shall automatically sunset on August 28, 2015.**

135.1180. 1. This section shall be known and may be cited as the "Developmental
2 **Disability Care Provider Tax Credit Program".**

3 **2. As used in this section, the following terms mean:**

4 (1) "Certificate", a tax credit certificate issued under this section;

5 (2) "Department", the Missouri department of social services;

6 (3) "Eligible donation", donations received, by a provider, from a taxpayer that are
7 used solely to provide direct care services to persons with developmental disabilities who
8 are residents of this state. Eligible donations may include cash, publicly traded stocks and
9 bonds, and real estate that will be valued and documented according to rules promulgated
10 by the department of social services. For purposes of this section, "direct care services"
11 include, but are not limited to, increasing the quality of care and service for persons with
12 developmental disabilities through improved employee compensation and training;

13 (4) "Qualified developmental disability care provider" or "provider", a care
14 provider that provides assistance to persons with developmental disabilities, and is under
15 contract with the Missouri department of social services or department of mental health
16 to provide treatment services for such persons, and that receives eligible donations. Any
17 provider that operates more than one facility or at more than one location shall be eligible
18 for the tax credit under this section only for any eligible donation made to facilities or
19 locations of the provider which are licensed and accredited;

20 (5) "Taxpayer", any of the following individuals or entities who make an eligible
21 donation to a provider:

22 (a) A person, firm, partner in a firm, corporation, or a shareholder in an S
23 corporation doing business in the state of Missouri and subject to the state income tax
24 imposed in chapter 143;

25 (b) A corporation subject to the annual corporation franchise tax imposed in
26 chapter 147;

27 (c) An insurance company paying an annual tax on its gross premium receipts in
28 this state;

29 (d) Any other financial institution paying taxes to the state of Missouri or any
30 political subdivision of this state under chapter 148;

31 (e) An individual subject to the state income tax imposed in chapter 143;

32 (f) Any charitable organization which is exempt from federal income tax and whose
33 Missouri unrelated business taxable income, if any, would be subject to the state income
34 tax imposed under chapter 143.

35 3. For all taxable years beginning on or after January 1, 2011, any taxpayer shall
36 be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148
37 excluding withholding tax imposed by sections 143.191 to 143.265 in an amount equal to
38 fifty percent of the amount of an eligible donation, subject to the restrictions in this section.
39 The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state
40 income tax liability in the tax year for which the credit is claimed. Any amount of credit
41 that the taxpayer is prohibited by this section from claiming in a tax year shall not be
42 refundable, but may be carried forward to any of the taxpayer's four subsequent taxable
43 years.

44 4. To claim the credit authorized in this section, a provider may submit to the
45 department an application for the tax credit authorized by this section on behalf of
46 taxpayers. The department shall verify that the provider has submitted the following items
47 accurately and completely:

48 (1) A valid application in the form and format required by the department;

49 (2) A statement attesting to the eligible donation received, which shall include the
50 name and taxpayer identification number of the individual making the eligible donation,
51 the amount of the eligible donation, and the date the eligible donation was received by the
52 provider; and

53 (3) Payment from the provider equal to the value of the tax credit for which
54 application is made.

55

56 If the provider applying for the tax credit meets all criteria required by this subsection, the
57 department shall issue a certificate in the appropriate amount.

58 5. Tax credits issued under this section may be assigned, transferred, sold, or
59 otherwise conveyed, and the new owner of the tax credit shall have the same rights in the
60 credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise

61 conveyed, a notarized endorsement shall be filed with the department specifying the name
62 and address of the new owner of the tax credit or the value of the credit.

63 **6. The department shall promulgate rules to implement the provisions of this**
64 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
65 **created under the authority delegated in this section shall become effective only if it**
66 **complies with and is subject to all of the provisions of chapter 536, and, if applicable,**
67 **section 536.028. This section and chapter 536, are nonseverable and if any of the powers**
68 **vested with the general assembly pursuant to chapter 536, to review, to delay the effective**
69 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
70 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,**
71 **shall be invalid and void.**

72 **7. Under section 23.253 of the Missouri sunset act:**

73 **(1) The provisions of the new program authorized under this section shall**
74 **automatically sunset four years after August 28, 2011, unless reauthorized by an act of the**
75 **general assembly; and**

76 **(2) If such program is reauthorized, the program authorized under this section**
77 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
78 **section; and**

79 **(3) This section shall terminate on September first of the calendar year immediately**
80 **following the calendar year in which the program authorized under this section is sunset.**

135.1500. 1. Sections 135.1500 to 135.1519 shall be known and may be cited as the
2 **"Aerotropolis Trade Incentive and Tax Credit Act".**

3 **2. As used in sections 135.1500 to 135.1519, unless the context clearly requires**
4 **otherwise, the following terms shall mean:**

5 **(1) "Air export tax credit", the tax credit against the taxes imposed under chapters**
6 **143, 147, and 148, except for sections 143.191 to 143.265, to be issued by the department**
7 **to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound**
8 **flight;**

9 **(2) "Airport", an airport which is owned and operated by a city not within a**
10 **county;**

11 **(3) "Cargo activity", the activities within an eligible facility relating to the storage**
12 **and distribution of goods and products through all modes of multimodal commerce,**
13 **including goods and products manufactured or assembled within an eligible facility;**

14 **(4) "Certificate of compliance", a certificate submitted with any application for a**
15 **tax credit or tax incentive specified in section 135.1513, that shall certify that all requisite**
16 **requirements for the issuance of such tax credits and tax incentives have been satisfied for**
17 **such eligible facility and shall provide evidence of such satisfaction;**

18 **(5) "Certificate of occupancy", the certificate or permit issued by a municipality**
19 **that permits the commercial use or occupancy of a building or structure;**

20 (6) "Chargeable kilo", the shipment of a kilo of freight, as measured by the greater
21 of:

22 (a) Actual weight; or

23 (b) A dimensional weight, as determined by the conversion factors promulgated by
24 the International Air Transport Association, on a qualifying outbound flight or a
25 qualifying inbound flight;

26 (7) "Claiming freight forwarder", the freight forwarder designated as the "agent"
27 on the airway bill for the qualifying outbound flight for which such air export tax credit
28 is sought;

29 (8) "Department", the Missouri department of economic development;

30 (9) "Direct all cargo aircraft flight", a flight that flies directly to its destination
31 without stopping, except to receive fuel and maintenance;

32 (10) "Economic incentive laws", any provision of Missouri law under which
33 economic incentives are provided to redevelopers of a parcel or parcels to redevelop the
34 land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or
35 redevelopment projects approved or adopted which include the use of economic incentives
36 to redevelop the land;

37 (11) "Eligible costs", the following costs associated with the development and
38 construction of an eligible facility:

39 (a) Costs and expenses of construction of the eligible facility, including fixtures and
40 equipment; and

41 (b) Demolition costs of vacant structures.

42

43 Eligible costs shall not include costs of site improvements or costs of environmental
44 remediation;

45 (12) "Eligible facility", a qualifying gateway facility, qualifying cold-chain facility,
46 or qualifying assembly and manufacturing facility;

47 (13) "Eligibility period", the time period, not to exceed seven fiscal years, during
48 which an owner of an eligible facility may receive benefits under section 135.1513. Such
49 time period shall begin to run on the date the certificate of occupancy is issued for each
50 eligible facility and shall continue for the next subsequent seven fiscal years;

51 (14) "Fiscal year", the twelve consecutive month time period beginning on the date
52 on which the certificate of occupancy is issued for an eligible facility and ending on the last
53 day of the twelfth month thereafter, with each subsequent fiscal year beginning on the
54 anniversary of such date of the issuance of the certificate of occupancy and ending on the
55 last day of the twelfth month thereafter;

56 (15) "Freight forwarder", a person that assumes responsibility in the ordinary
57 course of its business for the transportation of cargo from the place of receipt to the place
58 of destination, including the utilization of a qualifying outbound flight;

59 (16) "Gateway zone", an area within this state designated under the provisions of
60 sections 135.1500 to 135.1519, which shall be within:

61 (a) A site of at least one hundred contiguous acres located within fifty miles of an
62 airport; provided, however, such one hundred acres need not be contiguous if the acreage
63 is located within a larger designated urban renewal area or redevelopment area under
64 economic incentive laws;

65 (b) An area within the boundaries of an airport; or

66 (c) Any area owned or managed by the port authority of a county or a city not
67 within a county;

68 (17) "Level one air cargo activity", where at least twenty percent of the total cargo
69 activity of an eligible facility consists of:

70 (a) Chargeable kilos shipped from such facility, on a qualifying outbound flight by
71 the owner of, or any tenant in, such facility; or

72 (b) Chargeable kilos shipped on a qualifying inbound flight to the owner of, or any
73 tenant in, an eligible facility, whether or not the inbound shipment is stored at any time
74 within such facility;

75 (18) "Level two air cargo activity", where at least ten percent of the total cargo
76 activity of an eligible facility consists of:

77 (a) Chargeable kilos shipped from such facility, on a qualifying outbound flight by
78 the owner of, or any tenant in, such facility; or

79 (b) Chargeable kilos shipped on a qualifying inbound flight to the owner of, or any
80 tenant in, an eligible facility, whether or not the inbound shipment is stored at any time
81 within such facility;

82 (19) "Multimodal commerce", modes of commerce for the shipment of goods or
83 products, including road transportation, railroad transportation, water transportation or
84 aircraft transportation;

85 (20) "Municipality", any city, town, village, or county;

86 (21) "New building", a new structure or building for which a certificate of
87 occupancy was issued on or after July 1, 2011, for commercial activity, including fixtures
88 and equipment;

89 (22) "Perishable freight", agricultural products, including seeds, garden products,
90 live animals, and processed meat products such as pork and beef;

91 (23) "Qualifying applicant", an owner of, or tenant in, an eligible facility;

92 (24) "Qualifying assembly and manufacturing facility", a new building located
93 within a gateway zone that is equipped for manufacturing or assembly and in which the
94 shipment or receipt of production components or finished products involves at least two
95 modes of multimodal commerce;

96 (25) "Qualifying cargo activity", meeting or exceeding the requirements for level
97 one air cargo activity or level two air cargo activity;

(26) "Qualifying cold-chain facility", a new building located within a gateway zone which has within it equipment for maintaining necessary temperatures for the processing, packaging, or distribution of temperature-sensitive products, provided that at least eighty percent of the usable square footage of such facility is refrigerated;

(27) "Qualifying gateway facility", a new building located within a gateway zone in which qualifying cargo activity occurs, provided that no more than twenty percent of the usable space within the qualifying gateway facility is devoted to office or retail use;

(28) "Qualifying inbound flight", an all cargo aircraft flight originating from an international destination to the airport;

(29) "Qualifying outbound flight", a direct all cargo aircraft flight from the airport to an international destination; and

(30) "Tenant in an eligible facility", a tenant or subtenant who is operating within an eligible facility and is a tenant or subtenant of the owners of an eligible facility, or a licensee who is operating within an eligible facility and is a licensee of such owner, tenant, or subtenant.

135.1503. The executive officer of any county and the mayor of any city not within a county may designate a gateway zone by providing written notification of such designation to the department. Such notification shall include a legal description of the area of the gateway zone.

135.1505. 1. The executive officer of any county, or the mayor of a city not within a county, which contains a gateway zone may appoint a board of supervisors consisting of three members. Each supervisor shall be a resident of the respective county or city, shall be knowledgeable in the principles of business, trade, and development and shall serve staggered terms of three years. Of the first appointees, one shall serve a term of three years, one shall serve for two years, and one shall serve for one year. Appointees may be removed at the discretion of the person who appointed them. Unless removed, appointees shall serve until their successors are appointed.

2. The board shall annually levy special assessments on eligible facilities within the gateway zone, which receive benefits under sections 135.1500 to 135.1521, and shall oversee the use of revenues derived from the special assessments; provided however, any special assessments levied on such eligible facilities located within the boundaries of the airport shall be remitted to the airport.

3. The board of supervisors shall also have the power to contract with entities, including tax exempt regional economic development associations, to market and promote gateway zones.

4. The special assessment on an eligible facility, which receives benefits under sections 135.1500 to 135.1519, shall be twenty cents per rentable square foot of such facility.

20 **5. After the payment of any fees related to the approval and collection of the special**
21 **assessments and the remittance of any special assessments identified for remittance in**
22 **subsection 2 of this section, the remaining revenues collected from the special assessments**
23 **shall be utilized as follows:**

24 **(1) Fifty percent of such revenues shall be annually transferred to the airport to be**
25 **used to market and promote the cargo activities of the airport under an agreement between**
26 **a city not within a county and the board. Such agreement shall, at a minimum, provide:**

27 **(a) That the proceeds of the net special assessments shall be placed in a special fund**
28 **for marketing and promotion of the airport; and**

29 **(b) That the board shall review and approve the annual budget of the airport for**
30 **such marketing and promotion;**

31 **(2) The remaining fifty percent of such revenues shall be annually transferred to**
32 **a tax exempt regional economic development association or associations, selected by the**
33 **board for the marketing and promotion of the gateway zone. The board shall enter into**
34 **an agreement or agreements with such tax exempt economic development business**
35 **association or associations for the marketing and promotion of the gateway zone and shall**
36 **review and approve the annual budget of such association or associations for such**
37 **marketing and promotion.**

135.1507. 1. For all taxable years beginning on or after January 1, 2011, a claiming
2 **freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on**
3 **a qualifying outbound flight in an amount equal to thirty cents per chargeable kilo.**

4 **2. For all taxable years beginning on or after January 1, 2011, a claiming freight**
5 **forwarder shall be entitled to an air export tax credit for the shipment of perishable freight**
6 **on a qualifying outbound flight in an amount equal to thirty-five cents per chargeable kilo.**

7 **3. No claiming freight forwarder shall receive air export tax credits under both**
8 **subsections 1 and 2 of this section for a single shipment of goods.**

9 **4. The department shall index the amount of the air export tax credits to adjust**
10 **each year depending upon fluctuations in the cost of fuel for over-the-road transportation.**

135.1509. 1. To receive benefits provided under section 135.1507, a claiming freight
2 **forwarder shall file an application with the department within sixty calendar days of the**
3 **date that the shipment for which air export tax credits are being sought was transported**
4 **on the qualifying outbound flight. The documentation to be presented by the claiming**
5 **freight forwarder in such an application shall consist of the master airway bill for the**
6 **shipment on the qualifying outbound flight for which the claiming freight forwarder is**
7 **seeking air export tax credits. All master airway bills shall specify an origin located within**
8 **the United States of America for the shipments to qualify for air export tax credits. The**
9 **department shall establish procedures to allow claiming freight forwarders that file**
10 **applications for air export tax credits to receive such tax credits within fifteen business**

11 days of the date of the filing of the application for air export tax credits relating to the
12 qualifying outbound flight.

13 2. If the annual cap on the issuance of air export tax credits provided under section
14 135.1511, is met in a given year, then the amount of such tax credits which have been
15 authorized, but remain unissued, shall be carried forward and issued in the subsequent
16 year.

17 3. No tax credits provided under this section shall be authorized after August 28,
18 2019. Any tax credits authorized on or before August 28, 2019, but not issued prior to such
19 date may be issued until all such authorized tax credits have been issued.

135.1511. The total aggregate amount for air export tax credits authorized under
2 section 135.1507 shall not exceed sixty million dollars. The amount of the air export tax
3 credits issued under section 135.1507 shall not exceed:

4 (1) Three million six hundred thousand dollars for the taxable year beginning on
5 or after January 1, 2011, but ending on or before December 31, 2011;

6 (2) Four million eight hundred thousand dollars for the taxable year beginning on
7 or after January 1, 2012, but ending on or before December 31, 2012; and

8 (3) The greater of one million two hundred thousand dollars per weekly qualifying
9 outbound flight or three million six hundred thousand dollars for all taxable years
10 beginning on or after January 1, 2013.

11

12 The department shall annually determine the number of weekly qualifying outbound
13 flights, which shall be the average number of such flights per week during the month of
14 September of the previous year.

135.1513. 1. For all taxable years beginning on or after January 1, 2013, qualifying
2 applicants shall be entitled to the following benefits:

3 (1) The owner of any eligible facility with level one air cargo activity shall be
4 entitled, during the eligibility period, to receive tax credits against the taxes imposed under
5 chapters 143, 147, and 148, except for sections 143.191 to 143.265, equal to six percent of
6 the eligible costs for such facility for each year that such facility meets or exceeds level one
7 air cargo activity volumes. The total amount of tax credits issued for any such facility shall
8 not exceed thirty percent of such facility's eligible costs. No tax credits provided under this
9 subdivision shall be issued prior to January 1, 2013;

10 (2) The owner of any qualifying gateway facility with level two air cargo activity,
11 a qualifying assembly and manufacturing facility, or a qualifying cold-chain facility shall
12 be entitled, during the eligibility period, to receive tax credits against the taxes imposed
13 under chapters 143, 147, and 148, except for sections 143.191 to 143.265, equal to four
14 percent of the eligible costs for such facility for each year that such facility satisfies the
15 requirements of sections 135.1500 to 135.1519. The total amount of tax credits issued for

16 such facility shall not exceed twenty percent of such facility's eligible costs. No tax credits
17 provided under this subdivision shall be issued prior to January 1, 2013; and

18 (3) Any tenant of an eligible facility and any individuals employed by such tenants
19 shall be exempt from the earnings tax imposed by a city not within a county pursuant to
20 sections 92.110 to 92.200 for each fiscal year during the eligibility period if such facility
21 satisfies the requirements of sections 135.1500 to 135.1519.

22 2. If an eligible facility receives a certificate of occupancy prior to the sunset of the
23 program, the owners of an eligible facility may apply for benefits provided under this
24 section for the term of the eligibility period notwithstanding the sunset of the program
25 prior to the end of the term of the eligibility period for such facility.

135.1515. 1. In order for an owner of an eligible facility to receive benefits
2 provided under section 135.1513 during the eligibility period, the eligible facility shall
3 satisfy all applicable requirements provided under sections 135.1500 to 135.1519 for each
4 such fiscal year by December thirty-first of the calendar year in which an application is
5 filed under subsection 2 of this section.

6 2. Owners of an eligible facility seeking benefits provided under section 135.1513
7 shall file applications for such benefits, accompanied by a certificate of compliance, on or
8 before December thirty-first of each year. If such facility, relating to which such owners
9 are applying for such tax credits satisfies the applicable requirements provided under
10 sections 135.1500 to 135.1519, the department shall grant such benefits on or before July
11 fifteenth of the next calendar year following such time period.

12 3. If the annual cap for any of such tax credits provided under section 135.1517 is
13 met in a year, then the amount of such tax credits authorized, but unissued, shall be carried
14 forward and issued in the subsequent year.

15 4. No owner of an eligible facility shall be entitled to receive benefits provided
16 under section 135.1513 unless a certificate of occupancy has been issued for the eligible
17 facility prior to August 28, 2020. An owner of an eligible facility for which a certificate of
18 occupancy has been issued prior to August 28, 2020, may be granted benefits under this
19 section.

135.1517. The total aggregate amount for all of the tax credits authorized under
2 subdivisions (1) and (2) of subsection 1 of section 135.1513 shall not exceed three hundred
3 million dollars. The annual amount of the tax credits issued under subdivisions (1) and (2)
4 of subsection 1 of section 135.1513 shall not exceed:

5 (1) Two million dollars for the taxable year beginning on or after January 1, 2013,
6 and ending on or before December 31, 2013;

7 (2) Fifteen million dollars for the taxable year beginning on or after January 1,
8 2014, and ending on or before December 31, 2014;

9 (3) Sixteen million dollars for the taxable year beginning on or after January 1,
10 2015, and ending on or before December 31, 2015;

11 (4) Twenty million dollars for all taxable years beginning on or after January 1,
12 2016, but ending on or before December 31, 2019;

13 (5) Thirty million dollars for all taxable years beginning on or after January 1,
14 2020, but ending on or before December 31, 2025; and

15 (6) Seven million dollars for the taxable year beginning on or after January 1, 2026,
16 and ending on or before December 31, 2026.

135.1519. If the amount of any tax credit authorized under sections 135.1500 to
2 135.1519 exceeds the total tax liability for the year in which the applicant is entitled to
3 receive a tax credit, the amount that exceeds the state tax liability may be carried forward
4 for credit against the taxes imposed under chapters 143, 147, and 148, except sections
5 143.191 to 143.265, for the succeeding six years, or until the full credit is used, whichever
6 occurs first. Tax credits authorized under the provisions of sections 135.1500 to 135.1519
7 may be transferred, sold, or otherwise assigned. Tax credits granted to a partnership, a
8 limited liability company taxed as a partnership, or multiple owners of property shall be
9 passed through to the partners, members, or owners respectively pro rata or under an
10 executed agreement among the partners, members, or owners documenting an alternate
11 distribution method.

135.1521. 1. The department may promulgate rules to implement the provisions
2 of sections 135.1500 to 135.1519. Any rule or portion of a rule, as that term is defined in
3 section 536.010 that is created under the authority delegated in this section shall become
4 effective only if it complies with and is subject to all of the provisions of chapter 536, and,
5 if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
6 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
7 the effective date, or to disapprove and to annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
9 after August 28, 2011, shall be invalid and void.

10 **2.** The provisions of the new programs authorized under sections 135.1500 to
11 135.1519 shall automatically sunset eight years after August 28, 2011, unless reauthorized
12 by an act of the general assembly. If such program is reauthorized, the program
13 authorized under this section shall automatically sunset six years after the effective date
14 of the reauthorization of this section. This section shall terminate on September first of the
15 calendar year immediately following the calendar year in which the programs authorized
16 under sections 135.1500 to 135.1519 sunset.

140.910. 1. In addition to any other remedy provided by law for the collection of
2 delinquent taxes due the state of Missouri, if the director has filed a certificate of lien in the
3 circuit court as provided by section 143.902, 144.380, or 144.690, the director or his or her
4 designee may issue an order directing any person to withhold and pay over to the
5 department assets belonging to, due, or to become due the taxpayer. The director or his
6 or her designee shall not issue the administrative garnishment if the taxpayer has entered

7 into a written agreement with the department for an alternative payment arrangement and
8 the taxpayer is in compliance with the agreement.

9 2. An order entered under this section shall be served on the person or other legal
10 entity either by regular mail or by certified mail, return receipt requested, or may be issued
11 through electronic means, and shall be binding on the employer or other payor two weeks
12 after mailing or electronic issuance of such service. The person or other entity in
13 possession of assets belonging to, due, or to become due the taxpayer may deduct an
14 additional sum not to exceed six dollars per month as reimbursement for costs, except that
15 the total amount withheld shall not exceed the limitations contained in the federal
16 Consumer Credit Protection Act, 15 U.S.C. Section 1673.

17 3. A copy of the order shall be mailed to the taxpayer at the taxpayer's last known
18 address. The notice shall advise the taxpayer that the administrative garnishment has
19 commenced and the procedures to contest such garnishment on the grounds that such
20 garnishment is improper due to a mistake of fact by requesting a hearing within thirty
21 days from mailing or electronic issuance of the notice. At such a hearing the certified
22 records of the department shall constitute prima facie evidence that the director's order
23 is valid and enforceable. If a prima facie case is established, the obligor may only assert
24 as a defense mistake as to the identity of the taxpayer, mistake as to payments made, or
25 existence of an alternative payment agreement for which no default has occurred. The
26 taxpayer shall have the burden of proof on such issues. The taxpayer may obtain relief
27 from the garnishment by paying the amount owed.

28 4. An employer or other payor shall withhold from the earnings or other income
29 of each taxpayer the amount specified in the order. The employer or other payor shall
30 transmit the payments as directed in the order within ten business days of the date the
31 earnings, money due, or other income was payable to the taxpayer. For purposes of this
32 section, "business day" means a day that state offices are open for regular business. The
33 employer or other payor shall, along with the amounts transmitted, provide the date the
34 amount was withheld from the taxpayer.

35 5. An order issued under subsection 1 of this section shall be a continuing order and
36 shall remain in effect and be binding upon any employer or other payor upon whom it is
37 directed until a further order of the director. The director shall notify an employer or
38 other payor upon whom such an order has been directed whenever the deficiency is paid
39 in full.

40 6. If the order is served on a person other than an employer or other payor, it shall
41 be a lien against any money belonging to the taxpayer that is in the possession of the person
42 on the date of service. The person other than an employer or other payor shall pay over
43 any assets within ten business days of the service date of the order. A financial institution
44 ordered to surrender an account shall be entitled to collect its normally scheduled account
45 activity surcharges to maintain the account during the period of time the account is

46 garnished. For purposes of this section, the interest of the taxpayer in any joint financial
47 accounts shall be presumed to be equal to all other joint owners.

48 7. An order issued under subsection 1 of this section shall have priority over any
49 other legal process under state law against the same income or other asset, except that
50 where the other legal process is an order issued under section 452.350, 454.505, or 454.507,
51 the withholding for child support shall have priority.

52 8. No person who complies with an order entered under this section shall be liable
53 to the taxpayer, or to any other person claiming rights derived from the taxpayer, for
54 wrongful withholding. A person who fails or refuses to withhold or pay the amounts as
55 ordered under this section shall be liable to the state in a sum equal to the value of the
56 wages or property not surrendered, but not to exceed the amount of tax deficiency. The
57 director is hereby authorized to bring an action in circuit court to determine the liability
58 of a person for failure to withhold or pay the amounts as ordered. If a court finds that a
59 violation has occurred, the court may fine the person in an amount not to exceed five
60 hundred dollars. The court may also enter a judgment against the person or other legal
61 entity for the amounts to be withheld or paid, court costs, and reasonable attorney's
62 surcharges.

63 9. The remedy provided by this section shall be available where the state or any of
64 its political subdivisions is the employer or other payor of the taxpayer in the same manner
65 and to the same extent as where the employer or other payor is a private party.

66 10. An employer shall not discharge, or refuse to hire or otherwise discipline, an
67 employee as a result of an order to withhold and pay over certain money authorized by this
68 section. If any such employee is discharged within thirty days of the date upon which an
69 order to withhold and pay over certain money is to take effect, there shall arise a
70 rebuttable presumption that such discharge was a result of such order. This presumption
71 shall be overcome only by clear, cogent and convincing evidence produced by the employer
72 that the employee was not terminated because of the order to withhold and pay over
73 certain money. The director or his or her designee is hereby authorized to bring an action
74 in circuit court to determine whether the discharge constitutes a violation of this
75 subsection. If the court finds that a violation has occurred, the court may enter an order
76 against the employer requiring reinstatement of the employee and may fine the employer
77 in an amount not to exceed five hundred dollars. Further, the court may enter judgment
78 against the employer for the back wages, costs, attorney's surcharges, and for the amount
79 of taxes that should have been withheld and paid over during the period of time the
80 employee was wrongfully discharged.

81 11. If a taxpayer for whom an order to withhold has been issued under subsection
82 1 of this section terminates the taxpayer's employment, the employer shall, within ten days
83 of the termination, notify the department of the termination, shall provide to the
84 department the last known address of the taxpayer, if known to the employer, and shall

85 provide to the department the name and address of the taxpayer's new employer, if known.
86 The director or his or her designee may issue an order to the new employer as provided in
87 subsection 1 of this section.

88 12. For purposes of this section, "assets" include, but are not limited to, currency,
89 any financial account or other liquid asset, and any income or other periodic form of
90 payment due to a taxpayer regardless of source, including, but not limited to, wages,
91 salaries, commissions, bonuses, workers' compensation benefits, disability benefits,
92 payments pursuant to a pension or a retirement program, and interest.

144.083. 1. The director of revenue shall require all persons who are responsible for the
2 collection of taxes under the provisions of section 144.080 to procure a retail sales license at no
3 cost to the licensee which shall be prominently displayed at the licensee's place of business, and
4 the license is valid until revoked by the director or surrendered by the person to whom issued
5 when sales are discontinued. The director shall issue the retail sales license within ten working
6 days following the receipt of a properly completed application. Any person applying for a retail
7 sales license or reinstatement of a revoked sales tax license who owes any tax under sections
8 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and
9 penalties before the department may issue the applicant a license or reinstate the revoked license.
10 All persons beginning business subsequent to August 13, 1986, and who are required to collect
11 the sales tax shall secure a retail sales license prior to making sales at retail. Such license may,
12 after ten days' notice, be revoked by the director of revenue only in the event the licensee shall
13 be in default for a period of sixty days in the payment of any taxes levied under section 144.020
14 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event
15 of revocation, the director of revenue may publish the status of the business account including
16 the date of revocation in a manner as determined by the director.

17 2. The possession of a retail sales license and a statement from the department of revenue
18 that the licensee owes no tax due under [sections 144.010 to 144.510 or sections 143.191 to
19 143.261] **section 32.088** shall be a prerequisite to the issuance or renewal of any city or county
20 occupation license or any state license which is required for conducting any business [where
21 goods are sold at retail]. The date of issuance on the statement that the licensee owes no tax due
22 shall be no more than ninety days before the date of submission for application or renewal of the
23 local license. The revocation of a retailer's license by the director shall render the occupational
24 license or the state license null and void.

25 3. No person responsible for the collection of taxes under section 144.080 shall make
26 sales at retail unless such person is the holder of a valid retail sales license. After all appeals
27 have been exhausted, the director of revenue may notify the county or city law enforcement
28 agency representing the area in which the former licensee's business is located that the retail sales
29 license of such person has been revoked, and that any county or city occupation license of such
30 person is also revoked. The county or city may enforce the provisions of this section, and may
31 prohibit further sales at retail by such person.

32 4. In addition to the provisions of subsection 2 of this section, beginning January 1,
33 2009, **and until December 31, 2011**, the possession of a statement from the department of
34 revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510
35 shall also be a prerequisite to the issuance or renewal of any city or county occupation license
36 or any state license required for conducting any business where goods are sold at retail. The
37 statement of no tax due shall be dated no longer than ninety days before the date of submission
38 for application or renewal of the city or county license.

39 5. Notwithstanding any law or rule to the contrary, sales tax shall only apply to the sale
40 price paid by the final purchaser and not to any off-invoice discounts or other pricing discounts
41 or mechanisms negotiated between manufacturers, wholesalers, and retailers.

2 **144.810. 1. As used in this section, unless the context clearly indicates otherwise,**
3 **the following terms mean:**

4 (1) "Commencement of commercial operations", shall be deemed to occur during
5 the first calendar year for which the data storage center is first available for use by the
6 operating taxpayer, or first capable of being used by the operating taxpayer, as a data
7 storage center;

8 (2) "Constructing taxpayer", where more than one taxpayer is responsible for a
9 project, a taxpayer responsible for the construction of the facility, as opposed to a taxpayer
10 responsible for the equipping and ongoing operations of the facility;

11 (3) "County average wage", the average wages in each county as determined by the
12 department for the most recently completed full calendar year. However, if the computed
13 county average wage is above the statewide average wage, the statewide average wage shall
14 be deemed the county average wage for such county for the purpose of determining
15 eligibility;

16 (4) "Data storage center" or "facility", a facility constructed, extended, improved,
17 or operating under this section, provided that such business facility is engaged primarily
18 in:

19 (a) Data processing, hosting, and related services (NAICS 518210); or

20 (b) Internet publishing and broadcasting and web search portals (NAICS 519130),
21 at the business facility;

22 (5) "Existing facility", a data storage center in this state as it existed prior to
23 August 28, 2011, as determined by the department;

24 (6) "Expanding facility" or "expanding data storage center", an existing facility
25 or replacement facility that expands its operations in this state on or after August 28, 2011,
26 and has net new investment related to the expansion of operations in this state of at least
27 five million dollars during a period of up to twelve consecutive months and results in the
28 creation of at least five new jobs during a period of up to twenty-four consecutive months
29 from the date of conditional approval for an exemption under this section, if the average
wage of the new jobs equals or exceeds one hundred fifty percent of the county average

30 wage. An expanding facility shall continue to be an expanding facility regardless of a
31 subsequent change in or addition of operating taxpayers or constructing taxpayers;

32 (7) "Expanding facility project" or "expanding data storage center project", the
33 construction, extension, improvement, equipping, and operation of an expanding facility;

34 (8) "Investment", shall include the value of real and depreciable personal property,
35 acquired as part of the new or expanding facility project which is used in the operation of
36 the facility following conditional approval of an exemption under this section;

37 (9) "NAICS", the 2007 edition of the North American Industry Classification
38 System as prepared by the Executive Office of the President, Office of Management and
39 Budget. Any NAICS sector, subsector, industry group, or industry identified in this section
40 shall include its corresponding classification in previous and subsequent federal industry
41 classification systems;

42 (10) "New facility" or "new data storage center", a facility in this state meeting the
43 following requirements:

44 (a) The facility is acquired by, or leased to, an operating taxpayer on or after
45 August 28, 2011. A facility shall be deemed to have been acquired by, or leased to, an
46 operating taxpayer on or after August 28, 2011, if the transfer of title to an operating
47 taxpayer, the transfer of possession under a binding contract to transfer title to an
48 operating taxpayer, or the commencement of the term of the lease to an operating taxpayer
49 occurs on or after August 28, 2011, or, if the facility is constructed, erected, or installed by
50 or on behalf of an operating taxpayer, such construction, erection, or installation is
51 commenced on or after August 28, 2011;

52 (b) If such facility was acquired by an operating or constructing taxpayer from
53 another person or persons on or after August 28, 2011, and such facility was employed
54 prior to August 28, 2011, by any other person or persons in the operation of a data storage
55 center the facility shall not be considered a new facility;

56 (c) Such facility is not an expanding or replacement facility, as defined in this
57 section;

58 (d) The new facility project investment is at least thirty-seven million dollars during
59 a period of up to thirty-six consecutive months from the date of the conditional approval
60 for an exemption under this section. Where more than one taxpayer is responsible for a
61 project, the investment requirement may be met by an operating taxpayer, a constructing
62 taxpayer, or a combination of constructing taxpayers and operating taxpayers;

63 (e) At least thirty new jobs are created at the new facility during a period of up to
64 thirty-six consecutive months from the date of conditional approval for an exemption
65 under this section if the average wage of the new jobs equals or exceeds one hundred fifty
66 percent of the county average wage; and

67 (f) A new facility shall continue to be a new facility regardless of a subsequent
68 change in or addition of operating taxpayers or constructing taxpayers;

69 (11) "New data storage center project", or "new facility project", the construction,
70 extension, improvement, equipping, and operation of a new facility;

71 (12) "New job", in the case of a new data center project, the total number of
72 full-time employees located at a new data storage center a period of up to thirty-six
73 consecutive months from the date of conditional approval for an exemption under this
74 section. In the case of an expanding data storage center project, the total number of
75 full-time employees located at the expanding data storage center that exceeds the greater
76 of the number of full-time employees located at the project facility on the date of the
77 submission of a project plan under this section or for the twelve-month period prior to the
78 date of the submission of a project plan, the average number of full-time employees located
79 at the expanding data storage center facility. In the event the expanding data storage
80 center facility has not been in operation for a full twelve-month period at the time of the
81 submission of a project plan, the average number of full-time employees for the number
82 of months the expanding data storage center facility has been in operation prior to the date
83 of the submission of the project plan;

84 (13) "Operating taxpayer", where more than one taxpayer is responsible for a
85 project, a taxpayer responsible for the equipping and ongoing operations of the facility, as
86 opposed to a taxpayer responsible for the purchasing or construction of the facility;

87 (14) "Project taxpayers", each constructing taxpayer and each operating taxpayer
88 for a data storage center project;

89 (15) "Replacement facility", a facility in this state otherwise described in
90 subdivision (8) of this subsection, but which replaces another facility located within the
91 state, which the taxpayer or a related taxpayer previously operated but discontinued
92 operating within one year prior to the commencement of commercial operations at the new
93 facility;

94 (16) "Taxpayer", the purchaser of tangible personal property or a service that is
95 subject to state or local sales or use tax and from whom state or local sales or use tax is
96 owed. "Taxpayer" shall not mean the seller charged by law with collecting the sales tax
97 from the purchaser.

98 2. Beginning August 28, 2011, in addition to the exemptions granted under chapter
99 144, project taxpayers for a new data storage center project shall be entitled, for a project
100 period not to exceed fifteen years from the date of conditional approval under this section
101 and subject to the requirements of subsection 3 of this section, to an exemption of one
102 hundred percent of the state and local sales and use taxes defined, levied, or calculated
103 under section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section
104 238.235, limited to the net fiscal benefit of the state calculated over a ten-year period, on:

105 (1) All electrical energy, gas, water, and other utilities including telecommunication
106 and internet services used in a new data storage center;

107 (2) All machinery, equipment, and computers used in any new data storage center;
108 and

109 (3) All sales at retail of tangible personal property and materials for the purpose
110 of constructing any new data storage center.

111
112 The amount of any exemption provided under this subsection shall not exceed the
113 projected net fiscal benefit to the state over a period of ten years, as determined by the
114 department of economic development using the Regional Economic Modeling, Inc. dataset
115 or comparable data.

116 3. Any data storage center project seeking a tax exemption under subsection 2 of
117 this section shall submit a project plan to the department of economic development, which
118 shall identify each known constructing taxpayer and known operating taxpayer for the
119 project and include any additional information the department of economic development
120 may require to determine eligibility for the exemption. The department of economic
121 development shall review the project plan and determine whether the project is eligible for
122 the exemption under subsection 2 of this section, conditional upon subsequent verification
123 by the department that the project meets the requirements in subsection 1 of this section
124 for a new facility. The department of economic development shall convey such conditional
125 approval to the department of revenue and the identified project taxpayers. After a
126 conditionally approved new facility has met the requirements in subsection 1 of this section
127 for a new facility and the execution of the agreement specified in subsection 6 of this
128 section, the project taxpayers shall provide proof of the same to the department of
129 economic development. Upon verification of such proof, the department of economic
130 development shall certify the new facility to the department of revenue as being eligible for
131 the exemption dating retroactively to the first day of the thirty-six month period. The
132 department of revenue, upon receipt of adequate proof of the amount of sales taxes paid
133 since the first day of the thirty-six month period, shall issue a refund of taxes paid but
134 eligible for exemption under subsection 2 of this section to each operating taxpayer and
135 each constructing taxpayer and issue a certificate of exemption to each new project
136 taxpayer for ongoing exemptions under subsection 2 of this section.

137 4. Beginning August 28, 2011, in addition to the exemptions granted under chapter
138 144, upon approval by the department of economic development, project taxpayers for
139 expanding data center projects may, for a period not to exceed ten years, be specifically
140 exempted from state and local sales and use taxes defined, levied, or calculated under
141 section 32.085, sections 144.010 to 144.525, sections 144.600 to 144.761, or section 238.235
142 on:

143 (1) All electrical energy, gas, water, and other utilities including telecommunication
144 and internet services used in an expanding data storage center which, on an annual basis,
145 exceeds the amount of electrical energy, gas, water, and other utilities including

telecommunication and internet services used in the existing facility or the replaced facility prior to the expansion, provided that any substantial renovation, as defined in section 8.800, at an expanding facility shall meet applicable provisions of the International Energy Conservation Code 2009 or most recent version thereof. For purposes of this subdivision only, "amount" shall be measured in kilowatt hours, gallons, cubic feet, or other measures applicable to a utility service as opposed to in dollars, to account for increases in utility rates;

(2) All machinery, equipment, and computers used in any expanding data storage center, the cost of which, on an annual basis, exceeds the average of the previous three years' expenditures on machinery, equipment, and computers at the existing facility or the replaced facility prior to the expansion. Existing facilities or replaced facilities in existence for less than three years shall have the average expenditures calculated based upon the applicable time of existence; and

(3) All sales at retail of tangible personal property and materials for the purpose of constructing, repairing, or remodeling any expanding data storage center.

The amount of any exemption provided under this subsection shall not exceed the projected net fiscal benefit to the state over a period of ten years, as determined by the department of economic development.

5. Any data storage center project seeking a tax exemption under subsection 4 of this section shall submit a project plan to the department of economic development, which shall identify each known constructing taxpayer and each known operating taxpayer for the project and include any additional information the department of economic development may reasonably require to determine eligibility for the exemption. The department of economic development shall review the project plan and determine whether the project is eligible for the exemption under subsection 4 of this section, conditional upon subsequent verification by the department that the project meets the requirements in subsection 1 of this section for an expanding facility project and the execution of the agreement specified in subsection 6 of this section. The department of economic development shall convey such conditional approval to the department of revenue and the identified project taxpayers. After a conditional approved facility has met the requirements in subsection 1 of this section, the project taxpayers shall provide proof of the same to the department of economic development. Upon verification of such proof, the department of economic development shall certify the project to the department of revenue as being eligible for the exemption dating retroactively to the first day of the thirty-six month period. The department of revenue, upon receipt of adequate proof of the amount of sales taxes paid since the first day of the thirty-six month period, shall issue a refund of taxes paid but eligible for exemption under subsection 4 of this section to any applicable

184 **project taxpayer and issue a certificate of exemption to any applicable project taxpayer for**
185 **ongoing exemptions under subsection 4 of this section.**

186 **6. (1) The exemptions in subsections 2 and 4 of this section shall be tied to the new**
187 **or expanding facility project. A certificate of exemption in the hands of a taxpayer that is**
188 **no longer an operating or constructing taxpayer of the new or expanding facility project**
189 **shall be invalid as of the date the taxpayer was no longer an operating or constructing**
190 **taxpayer of the new or expanding facility project. New certificates of exemption shall be**
191 **issued to successor constructing taxpayers and operating taxpayers at such new or**
192 **expanding facility projects. The right to the exemption by successor taxpayers shall exist**
193 **without regard to subsequent levels of investment in the new or expanding facility by**
194 **successor taxpayers.**

195 **(2) As a condition of receiving an exemption under subsection 2 or 4 of this section,**
196 **the project taxpayers shall enter into an agreement with the department of economic**
197 **development providing for repayment penalties in the event the data storage center project**
198 **fails to comply with any of the requirements of this section.**

199 **(3) The department of revenue shall credit any amounts remitted by the project**
200 **taxpayers under this subsection to the fund to which the sales and use taxes exempted**
201 **would have otherwise been credited.**

202 **7. The department of economic development and the department of revenue shall**
203 **cooperate in conducting random audits to ensure that the intent of this section is followed.**

204 **8. Notwithstanding any other provision of law to the contrary, no recipient of an**
205 **exemption under this section shall be eligible for benefits under any business recruitment**
206 **tax credit as defined in section 135.800.**

207 **9. The department of economic development and the department of revenue shall**
208 **jointly prescribe such rules and regulations necessary to carry out the provisions of this**
209 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
210 **created under the authority delegated in this section shall become effective only if it**
211 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
212 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
213 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
214 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
215 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,**
216 **shall be invalid and void.**

168.071. 1. The state board of education may refuse to issue or renew a certificate, or
2 may, upon hearing, discipline the holder of a certificate of license to teach for the following
3 causes:

4 **(1) A certificate holder or applicant for a certificate has pleaded to or been found guilty**
5 **of a felony or crime involving moral turpitude under the laws of this state, any other state, of the**
6 **United States, or any other country, whether or not sentence is imposed;**

7 (2) The certification was obtained through use of fraud, deception, misrepresentation or
8 bribery;

9 (3) There is evidence of incompetence, immorality, or neglect of duty by the certificate
10 holder;

11 (4) A certificate holder has been subject to disciplinary action relating to certification
12 issued by another state, territory, federal agency, or country upon grounds for which discipline
13 is authorized in this section; [or]

14 (5) If charges are filed by the local board of education, based upon the annulling of a
15 written contract with the local board of education, for reasons other than election to the general
16 assembly, without the consent of the majority of the members of the board that is a party to the
17 contract; **or**

18 (6) **Beginning, January 1, 2012, the government entity issuing a valid certificate of**
19 **license to teach in Missouri under section 168.011, shall at least one time each year provide**
20 **the name and Social Security number of each certificate holder or applicant for certificate**
21 **of a license to teach in Missouri to the director of revenue. The director of revenue shall**
22 **at least one time each year check the status of each certificate holder or applicant for**
23 **certificate of a license to teach in Missouri against a database developed by the director to**
24 **determine if all state income tax returns have been filed and all state income taxes owed**
25 **have been paid. If such certificate holder or applicant for certificate of a license to teach**
26 **in Missouri is delinquent on any state taxes, or has failed to file state income tax returns**
27 **in the last three years, the director shall then send notice to the certificate holder or**
28 **applicant for certificate of a license to teach in Missouri and the department of elementary**
29 **and secondary education. In the case of such delinquency or failure to file, the certificate**
30 **holder's license shall be suspended within ninety days after notice of such delinquency or**
31 **failure to file, and the applicant for certificate's license shall not be issued unless the**
32 **director of revenue verifies that such certificate holder or applicant for certificate has**
33 **remedied such delinquency or failure or has made arrangements to achieve such remedy.**
34 **The director of revenue shall, within ten business days of notification to the government**
35 **entity issuing the certificate of license to teach, that the delinquency has been remedied or**
36 **arrangements have been made to remedy such delinquency, and send written notification**
37 **to the certificate holder or applicant for certificate that the delinquency has been remedied.**
38 **Tax liability paid in protest or reasonably founded disputes with such liability shall be**
39 **considered paid for the purposes of this section.**

40 2. A public school district may file charges seeking the discipline of a holder of a
41 certificate of license to teach based upon any cause or combination of causes outlined in
42 subsection 1 of this section, including annulment of a written contract. Charges shall be in
43 writing, specify the basis for the charges, and be signed by the chief administrative officer of the
44 district, or by the president of the board of education as authorized by a majority of the board of
45 education. The board of education may also petition the office of the attorney general to file

46 charges on behalf of the school district for any cause other than annulment of contract, with
47 acceptance of the petition at the discretion of the attorney general.

48 3. The department of elementary and secondary education may file charges seeking the
49 discipline of a holder of a certificate of license to teach based upon any cause or combination of
50 causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall
51 be in writing, specify the basis for the charges, and be signed by legal counsel representing the
52 department of elementary and secondary education.

53 4. If the underlying conduct or actions which are the basis for charges filed pursuant to
54 this section are also the subject of a pending criminal charge against the person holding such
55 certificate, the certificate holder may request, in writing, a delayed hearing on advice of counsel
56 under the fifth amendment of the Constitution of the United States. Based upon such a request,
57 no hearing shall be held until after a trial has been completed on this criminal charge.

58 5. The certificate holder shall be given not less than thirty days' notice of any hearing
59 held pursuant to this section.

60 6. Other provisions of this section notwithstanding, the certificate of license to teach
61 shall be revoked or, in the case of an applicant, a certificate shall not be issued, if the certificate
62 holder or applicant has pleaded guilty to or been found guilty of any of the following offenses
63 established pursuant to Missouri law or offenses of a similar nature established under the laws
64 of any other state or of the United States, or any other country, whether or not the sentence is
65 imposed:

66 (1) Any dangerous felony as defined in section 556.061 or murder in the first degree;

67 (2) Any of the following sexual offenses: rape; statutory rape in the first degree;
68 statutory rape in the second degree; sexual assault; forcible sodomy; statutory sodomy in the first
69 degree; statutory sodomy in the second degree; child molestation in the first degree; child
70 molestation in the second degree; deviate sexual assault; sexual misconduct involving a child;
71 sexual misconduct in the first degree; sexual abuse; enticement of a child; or attempting to entice
72 a child;

73 (3) Any of the following offenses against the family and related offenses: incest;
74 abandonment of child in the first degree; abandonment of child in the second degree;
75 endangering the welfare of a child in the first degree; abuse of a child; child used in a sexual
76 performance; promoting sexual performance by a child; or trafficking in children; and

77 (4) Any of the following offenses involving child pornography and related offenses:
78 promoting obscenity in the first degree; promoting obscenity in the second degree when the
79 penalty is enhanced to a class D felony; promoting child pornography in the first degree;
80 promoting child pornography in the second degree; possession of child pornography in the first
81 degree; possession of child pornography in the second degree; furnishing child pornography to
82 a minor; furnishing pornographic materials to minors; or coercing acceptance of obscene
83 material.

84 7. When a certificate holder pleads guilty or is found guilty of any offense that would
85 authorize the state board of education to seek discipline against that holder's certificate of license
86 to teach, the local board of education or the department of elementary and secondary education
87 shall immediately provide written notice to the state board of education and the attorney general
88 regarding the plea of guilty or finding of guilty.

89 8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this
90 section may appeal such revocation to the state board of education. Notice of this appeal must
91 be received by the commissioner of education within ninety days of notice of revocation pursuant
92 to this subsection. Failure of the certificate holder to notify the commissioner of the intent to
93 appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent
94 to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner
95 of education, with the final decision made by the state board of education, based upon the record
96 of that hearing. The certificate holder shall be given not less than thirty days' notice of the
97 hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

98 9. In the case of any certificate holder who has surrendered or failed to renew his or her
99 certificate of license to teach, the state board of education may refuse to issue or renew, or may
100 suspend or revoke, such certificate for any of the reasons contained in this section.

101 10. In those cases where the charges filed pursuant to this section are based upon an
102 allegation of misconduct involving a minor child, the hearing officer may accept into the record
103 the sworn testimony of the minor child relating to the misconduct received in any court or
104 administrative hearing.

105 11. Hearings, appeals or other matters involving certificate holders, licensees or
106 applicants pursuant to this section may be informally resolved by consent agreement or agreed
107 settlement or voluntary surrender of the certificate of license pursuant to the rules promulgated
108 by the state board of education.

109 12. The final decision of the state board of education is subject to judicial review
110 pursuant to sections 536.100 to 536.140.

111 13. A certificate of license to teach to an individual who has been convicted of a felony
112 or crime involving moral turpitude, whether or not sentence is imposed, shall be issued only
113 upon motion of the state board of education adopted by a unanimous affirmative vote of those
114 members present and voting.

196.1109. All moneys that are appropriated by the general assembly from the life
2 sciences research trust fund shall be appropriated to the life sciences research board to increase
3 the capacity for quality of life sciences research at public and private not-for-profit institutions
4 in the state of Missouri and to thereby:

5 (1) Improve the quantity and quality of life sciences research at public and private
6 not-for-profit institutions, including but not limited to basic research (including the discovery
7 of new knowledge), translational research (including translating knowledge into a usable form),
8 and clinical research (including the literal application of a therapy or intervention to determine

9 its efficacy), including but not limited to health research in human development and aging,
10 cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease, and plant
11 sciences, including but not limited to nutrition and food safety; and

12 (2) Enhance technology transfer and technology commercialization derived from
13 research at public and private not-for-profit institutions within the centers for excellence. For
14 purposes of sections 196.1100 to 196.1130, "technology transfer and technology
15 commercialization" includes stages of the regular business cycle occurring after research and
16 development of a life science technology, including but not limited to reduction to practice, proof
17 of concept, and achieving federal Food and Drug Administration, United States Department of
18 Agriculture, or other regulatory requirements in addition to the definition in section 348.251.
19 Funds received by the board may be used for purposes authorized in sections 196.1100 to
20 196.1130 and shall be subject to the restrictions of sections 196.1100 to 196.1130, including but
21 not limited to the costs of personnel, supplies, equipment, and renovation or construction of
22 physical facilities; provided that in any single fiscal year no more than **[ten] thirty** percent of the
23 moneys appropriated shall be used for the construction of physical facilities and further provided
24 that in any fiscal year **up to** eighty percent of the moneys shall be appropriated to build research
25 capacity at public and private not-for-profit institutions and **at least** twenty percent **and no more**
26 **than fifty percent** of the moneys shall be appropriated for grants to public or private not-for-
27 profit institutions to promote life science technology transfer and technology commercialization.
28 Of the moneys appropriated to build research capacity, twenty percent of the moneys shall be
29 appropriated to promote the development of research of tobacco-related illnesses.

196.1115. 1. The moneys appropriated to the life sciences research board that are not
2 distributed by the board in any fiscal year to a center for excellence or a center for excellence
3 endorsed program pursuant to section 196.1112, if any, shall be held in reserve by the board or
4 shall be awarded on the basis of peer review panel recommendations for capacity building
5 initiatives proposed by public and private not-for-profit academic, research, or health care
6 institutions or organizations, or individuals engaged in competitive research in targeted fields
7 consistent with the provisions of sections 196.1100 to 196.1130.

8 2. The life sciences research board may, in view of the limitations expressed in section
9 196.1130:

- 10 (1) Award and enter into grants or contracts relating to increasing Missouri's research
11 capacity at public or private not-for-profit institutions;
- 12 (2) Make provision for peer review panels to recommend and review research projects;
- 13 (3) Contract for [administrative and] support services;
- 14 (4) Lease or acquire facilities and equipment;
- 15 (5) Employ administrative staff; and
- 16 (6) Receive, retain, hold, invest, disburse or administer any moneys that it receives from
17 appropriations or from any other source.

18 3. **The Missouri technology corporation, established under section 348.251, shall**
19 **serve as the administrative agent for the life sciences research board.**

20 4. The life sciences research board shall utilize as much of the moneys as reasonably
21 possible for building capacity at public and private not-for-profit institutions to do research rather
22 than for administrative expenses. The board shall not in any fiscal year expend more than two
23 percent of the total moneys appropriated to it and of the moneys that it has in reserve or has
24 received from other sources for its own administrative expenses **for appropriations over twenty**
25 **million dollars; three percent for appropriations less than twenty million dollars but more**
26 **than fifteen million dollars; four percent for appropriations less than fifteen million dollars**
27 **but more than ten million dollars; five percent for appropriations less than ten million**
28 **dollars;** provided, however, that the general assembly by appropriation from the life sciences
29 research trust fund may authorize a limited amount of additional moneys to be expended for
30 administrative costs.

 215.020. 1. There is hereby created and established as a governmental instrumentality
2 of the state of Missouri the "Missouri Housing Development Commission" which shall constitute
3 a body corporate and politic.

4 2. The commission shall consist of the governor, lieutenant governor, the state treasurer,
5 the state attorney general, and six members to be selected by the governor, with the advice and
6 consent of the senate. The persons to be selected by the governor shall be individuals
7 knowledgeable in the areas of housing, finance or construction. Not more than four of the
8 members appointed by the governor shall be from the same political party. The members of the
9 commission appointed by the governor shall serve the following terms: Two shall serve two
10 years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each
11 appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor,
12 with the advice and consent of the senate, shall appoint a new member to fill the unexpired term.
13 Members are eligible for reappointment.

14 3. Six members of the commission shall constitute a quorum. No vacancy in the
15 membership of the commission shall impair the right of a quorum to exercise all the rights and
16 perform all the duties of the commission. No action shall be taken by the commission except
17 upon the affirmative vote of at least six of the members of the commission.

18 4. Each member of the commission appointed by the governor is entitled to
19 compensation of fifty dollars per diem plus his reasonable and necessary expenses actually
20 incurred in discharging his duties under sections 215.010 to 215.250.

21 **5. The department staff shall report to an executive director who shall be appointed**
22 **by the governor and such executive director shall implement only those policies which are**
23 **presented by the executive director and approved by the commission.**

24 **6. The employment of the executive director including the executive director**
25 **serving in such capacity on the effective date of this section shall be subject to the advice**
26 **and consent of the senate in the same manner as an appointment subject to the provisions**

27 **of article IV, section 51 of the Missouri Constitution; and shall be for a term of three years**
28 **subject to reappointment for additional terms; each such additional term shall also be**
29 **subject to the advice and consent of the senate. The operating budget of the commission**
30 **shall be subject to annual appropriation.**

253.545. As used in sections 253.545 to 253.559, the following terms mean, unless the
2 context requires otherwise:

3 (1) **"Applicant", a taxpayer applying for tax credits provided under sections**
4 **253.545 to 253.559, or any bank, financial institution, or political subdivision acquiring**
5 **such taxpayer's interest, including all rehabilitation work in progress, by deed or**
6 **foreclosure;**

7 (2) **"Certified historic structure", a property located in Missouri and listed individually**
8 **on the National Register of Historic Places;**

9 [(2)] (3) **"Deed in lieu of foreclosure or voluntary conveyance", a transfer of title from**
10 **a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;**

11 [(3)] (4) **"Department", the department of economic development;**

12 (5) **"Eligible property", property located in Missouri and offered or used for residential**
13 **or business purposes;**

14 [(4)] (6) **"Leasehold interest", a lease in an eligible property for a term of not less than**
15 **thirty years;**

16 [(5)] (7) **"Principal", a managing partner, general partner, or president of a taxpayer;**

17 [(6)] (8) **"Structure in a certified historic district", a structure located in Missouri which**
18 **is certified by the department of natural resources as contributing to the historic significance of**
19 **a certified historic district listed on the National Register of Historic Places, or a local district**
20 **that has been certified by the United States Department of the Interior;**

21 [(7)] (9) **"Taxpayer", any person, firm, partnership, trust, estate, limited liability**
22 **company, or corporation;**

23 (10) **"Total costs and expenses of rehabilitation", includes but is not limited to**
24 **qualified rehabilitation expenditures as defined in Section 47(c)(2) of the Internal Revenue**
25 **Code of 1986, as amended, and any related regulations promulgated under such section,**
26 **and other reasonable costs and expenses related to the rehabilitation of eligible property**
27 **that is a certified historic structure or a structure in a certified historic district. Taxpayers**
28 **may incur qualifying expenses included in the total costs and expenses of rehabilitation at**
29 **their own risk up to one year before the date of submission of a preliminary application**
30 **under section 253.559. Such other reasonable costs shall include, but not be limited to,**
31 **rehabilitation work in progress and accrued developer fees if an agreement or other**
32 **contractual document provides for payment of such accrued developer fees within twelve**
33 **years of project completion. The department shall accept such costs and expenses as**
34 **certified by a licensed certified public accountant that is not an affiliate of the applicant,**
35 **so long as such cost and expense certification is the same as being used to determine**

36 **qualified rehabilitation expenditures as defined in Section 47(c)(2) of the Internal Revenue**
37 **Code of 1986, as amended.**

253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible
2 property, which is a certified historic structure or structure in a certified historic district[, may,]
3 **shall be** subject to the provisions of this section and section 253.559, receive a credit against the
4 taxes imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such
5 taxpayer in an amount equal to twenty-five percent of the total costs and expenses of
6 rehabilitation incurred [after January 1, 1998, which shall include, but not be limited to, qualified
7 rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code
8 of 1986, as amended, and the related regulations thereunder,] provided the rehabilitation costs
9 associated with rehabilitation and the expenses exceed fifty percent of the total basis in the
10 property and the rehabilitation meets standards consistent with the standards of the Secretary of
11 the United States Department of the Interior for rehabilitation as determined by the state historic
12 preservation officer of the Missouri department of natural resources.

13 2. During the period beginning on January 1, 2010, but ending on or after June 30, 2010,
14 the department of economic development shall not approve applications for tax credits under the
15 provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed seventy
16 million dollars, increased by any amount of tax credits for which approval shall be rescinded
17 under the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010,
18 **but ending on or before June 30, 2011**, the department of economic development shall not
19 approve applications for tax credits under the provisions of subsections 3 and 8 of section
20 253.559 which, in the aggregate, exceed one hundred forty million dollars, increased by any
21 amount of tax credits for which approval shall be rescinded under the provisions of section
22 253.559. The limitations provided under this subsection shall not apply to applications approved
23 under the provisions of [subsection 3 of] section 253.559 for projects to receive less than two
24 hundred seventy-five thousand dollars in tax credits.

25 3. For all applications for tax credits approved on or after January 1, 2010, **but before**
26 **June 30, 2011**, no more than two hundred fifty thousand dollars in tax credits may be issued for
27 eligible costs and expenses incurred in the rehabilitation of an eligible property which is a
28 nonincome producing single-family, owner-occupied residential property and is either a certified
29 historic structure or a structure in a certified historic district.

30 4. The limitations on tax credit authorization provided under the provisions of
31 subsections 2 and 3 of this section shall not apply to:

32 (1) Any application submitted by a taxpayer, which has received approval from the
33 department prior to January 1, 2010; or

34 (2) Any taxpayer applying for tax credits, provided under this section, which, on or
35 before January 1, 2010, has filed an application with the department evidencing that such
36 taxpayer:

37 (a) Has incurred costs and expenses for an eligible property which exceed the lesser of
38 five percent of the total project costs or one million dollars and received an approved Part I from
39 the Secretary of the United States Department of Interior; or

40 (b) Has received certification, by the state historic preservation officer, that the
41 rehabilitation plan meets the standards consistent with the standards of the Secretary of the
42 United States Department of the Interior, and the rehabilitation costs and expenses associated
43 with such rehabilitation shall exceed fifty percent of the total basis in the property.

44 **5. For each fiscal year beginning on or after July 1, 2011, the department shall not**
45 **approve applications for tax credits under the provisions of subsections 3 and 8 of section**
46 **253.559 which, in the aggregate, exceed one hundred fifteen million dollars, increased by**
47 **any amount of tax credits for which approval shall be rescinded or carried forward under**
48 **the provisions of section 253.559. The limitations provided under this subsection shall not**
49 **apply to applications approved under the provisions of section 253.559 for projects to**
50 **receive less than five hundred thousand dollars in tax credits.**

51 **6. For all applications for tax credits approved on or after July 1, 2011, no more**
52 **than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and**
53 **expenses incurred in the rehabilitation of an eligible property which is a nonincome**
54 **producing single-family, owner-occupied residential property and is either a certified**
55 **historic structure or a structure in a certified historic district. For purposes of this**
56 **subsection, "eligible property" shall not include any property with a purchase price in**
57 **excess of four hundred thousand dollars.**

58 **7. In lieu of the limitations on tax credit authorization provided under the**
59 **provisions of subsections 5 and 6 of this section, the limitations on tax credit authorization**
60 **provided under the provisions of subsections 2 and 3 of this section shall apply to:**

61 **(1) Any application submitted by an applicant, which has received approval from**
62 **the department prior to July 1, 2011;**

63 **(2) Any application for a project which is authorized to receive federal low-income**
64 **housing tax credits;**

65 **(3) Any applicant for tax credits provided under this section, which, on or before**
66 **July 1, 2011, has filed an application with the department evidencing that such applicant:**

67 **(a) Has incurred costs and expenses for an eligible property which exceed the lesser**
68 **of fifteen percent of the total project costs or three million dollars and received an**
69 **approved Part I from the Secretary of the United States Department of the Interior; or**

70 **(b) Has received certification, by the state historic preservation officer, that the**
71 **rehabilitation plan meets the standards consistent with the standards of the Secretary of**
72 **the United States Department of the Interior, and the rehabilitation costs and expenses**
73 **associated with such rehabilitation would, upon completion, be expected to exceed fifty**
74 **percent of the total basis in the property.**

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years and carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first. **For all tax credits authorized under the provisions of sections 253.545 to 253.559 on or after July 1, 2011, if the total amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to the preceding year and carried forward for credit against the taxes imposed chapters 143 and 148, except for sections 143.191 to 143.265 for the succeeding five years, or until the full credit is used, whichever occurs first.** Not-for-profit entities, including but not limited to corporations organized as not-for-profit corporations pursuant to chapter 355 shall be ineligible for the tax credits authorized under sections 253.545 [through 253.561] **to 253.559**. Taxpayers eligible for such tax credits may transfer, sell or assign the credits. Credits granted to a partnership, a limited liability company taxed as a partnership or multiple owners of property shall be passed through to the partners, members or owners respectively pro rata or pursuant to an executed agreement among the partners, members or owners documenting an alternate distribution method.

2. The assignee of the tax credits, hereinafter the assignee for purposes of this subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265. The assignor shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective date of the transfer and shall provide any information as may be required by the department of economic development to administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the department [of economic development]. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection 8 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each **preliminary** application shall be reviewed by the department [of economic development] for approval. In order to receive approval, [an] **a preliminary** application, other than applications submitted under the provisions of subsection 8 of this section, shall include:

(1) Proof of ownership or site control. Proof of ownership shall include evidence that the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing statement. Proof of site control may be evidenced by a leasehold interest or an option to acquire

15 such an interest. If the taxpayer is in the process of acquiring fee simple ownership, proof of site
16 control shall include an executed sales contract or an executed option to purchase the eligible
17 property;

18 (2) Floor plans of the existing structure, architectural plans, and, where applicable, plans
19 of the proposed alterations to the structure, as well as proposed additions;

20 (3) The estimated cost of rehabilitation, the anticipated total costs of the project, the
21 actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total
22 labor costs, the estimated **or actual** project start date, and the estimated project completion date;
23 **and**

24 (4) Proof that the property is an eligible property and a certified historic structure or a
25 structure in a certified historic district[; and

26 (5) Any other information which the department of economic development may
27 reasonably require to review the project for approval].

28

29 Only the property for which a property address is provided in the application shall be reviewed
30 for approval. Once selected for review, a taxpayer shall not be permitted to request the review
31 of another property for approval in the place of the property contained in such application. Any
32 disapproved application shall be removed from the review process. If an application is removed
33 from the review process, the department [of economic development] shall notify the taxpayer in
34 writing of the decision to remove such application. Disapproved applications shall lose priority
35 in the review process. A disapproved application, which is removed from the review process,
36 may be resubmitted, but shall be deemed to be a new submission for purposes of the priority
37 procedures described in this section.

38 3. If the department [of economic development] deems the application sufficient, the
39 taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the
40 amount provided under section 253.550 less any amount of tax credits previously approved.
41 Such approvals shall be granted to applications in the order of priority established under this
42 section and shall require full compliance thereafter with all other requirements of law as a
43 condition to any claim for such credits.

44 4. Following approval of an application, the identity of the taxpayer contained in such
45 application shall not be modified except:

46 (1) The taxpayer may add partners, members, or shareholders as part of the ownership
47 structure, so long as the principal remains the same, provided however, that subsequent to the
48 commencement of renovation and the expenditure of at least ten percent of the proposed
49 rehabilitation budget, removal of the principal for failure to perform duties and the appointment
50 of a new principal thereafter shall not constitute a change of the principal; or

51 (2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of
52 a foreclosure or voluntary conveyance, or a transfer in bankruptcy. **Upon any such change in**

53 **ownership, the applicant identified in such application shall notify the department of such**
54 **change within ninety days of such change.**

55 5. In the event that the department [of economic development] grants approval for tax
56 credits equal to the total amount available under subsection 2 of section 253.550, or sufficient
57 that when totaled with all other approvals, the amount available under subsection 2 of section
58 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter
59 submitted for approval shall be notified by the department [of economic development] that no
60 additional approvals shall be granted during the fiscal year and shall be notified of the priority
61 given to such taxpayer's application then awaiting approval. Such applications shall be kept on
62 file by the department [of economic development] and shall be considered for approval for tax
63 credits in the order established in this section in the event that additional credits become
64 available due to the rescission of approvals or when a new fiscal year's allocation of credits
65 becomes available for approval.

66 6. All taxpayers with applications receiving approval on or after the effective date of this
67 act shall commence rehabilitation, **if rehabilitation has not previously begun**, within two years
68 of the date of issuance of the letter from the department [of economic development] granting the
69 approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in
70 which actual physical work, contemplated by the architectural plans submitted with the
71 application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs
72 of rehabilitation provided in the application. Taxpayers with approval of a project shall submit
73 evidence of compliance with the provisions of this subsection. **Taxpayers may commence**
74 **rehabilitation and incur qualifying expenses at their own risk before the property is listed**
75 **on the required historic register. If the rehabilitation receives final approval under this**
76 **section, including the necessary verification of the total costs and expenses of rehabilitation,**
77 **the taxpayer shall receive tax credits for all qualifying expenses.** If the department [of
78 economic development] determines that a taxpayer has failed to comply with the requirements
79 provided under this section, the approval for the amount of tax credits for such taxpayer shall be
80 rescinded and such amount of tax credits shall then be included in the total amount of tax credits,
81 provided under subsection 2 of section 253.550, from which approvals may be granted. Any
82 taxpayer whose approval shall be subject to rescission shall be notified of such from the
83 department [of economic development] and, upon receipt of such notice, may submit a new
84 application for the project.

85 7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with
86 approval shall apply for final approval and issuance of tax credits from the department [of
87 economic development] which, in consultation with the department of natural resources, shall
88 determine (i) the final amount of eligible rehabilitation costs and expenses **based solely on a**
89 **certification of such costs and expenses prepared in a manner prescribed by the**
90 **department and submitted with the final application submitted under this section** and (ii)
91 whether the completed rehabilitation meets the standards of the Secretary of the United States

92 Department of the Interior for rehabilitation as determined by the state historic preservation
93 officer of the Missouri department of natural resources. For financial institutions credits
94 authorized pursuant to sections 253.550 to 253.561 shall be deemed to be economic development
95 credits for purposes of section 148.064. The approval of all applications and the issuing of
96 certificates of eligible credits to taxpayers shall be performed by the department [of economic
97 development]. The department [of economic development] shall inform a taxpayer of final
98 approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall
99 attach the certificate to all Missouri income tax returns on which the credit is claimed.

100 8. Except as expressly provided in this subsection, tax credit certificates shall be issued
101 in the final year that costs and expenses of rehabilitation of the project are incurred, or within the
102 twelve-month period immediately following the conclusion of such rehabilitation. In the event
103 the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in
104 the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's
105 approval granted under subsection 3 of this section, such taxpayer may apply to the department
106 for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax
107 credits in excess of the amount provided under a taxpayer's application shall be made on a form
108 prescribed by the department. Such applications shall be **automatically approved**, subject **only**
109 to **availability of tax credits and** all provisions regarding priority provided under subsection 1
110 of this section.

111 9. The department [of economic development] shall determine, on an annual basis, the
112 overall economic impact to the state from the rehabilitation of eligible property.

113 **10. Taxpayers or duly authorized representatives may appeal any official decision,**
114 **including all preliminary or final approvals and denials of approvals, made by the**
115 **department or the department of natural resources with regard to an application**
116 **submitted under sections 253.550 to 253.559 to an independent third-party appeals officer**
117 **designated by the department. Such appeals under this section shall constitute an**
118 **administrative review of the decision appealed from and shall not be conducted as an**
119 **adjudicative proceeding.**

120 **(1) Appeals shall be submitted to the designated appeals officer in writing within**
121 **thirty days of receipt by the taxpayer or the taxpayer's duly authorized representative of**
122 **the decision that is the subject of the appeal, and shall include all information the appellant**
123 **wishes the appeals officer to consider in deciding the appeal.**

124 **(2) Upon receipt of an appeal, the appeals officer shall notify the department or the**
125 **department of natural resources that an appeal is pending, identify the decision being**
126 **appealed, and forward a copy of the information submitted by the appellant. The**
127 **department or the department of natural resources may submit a written response to the**
128 **appeal.**

129 **(3) The appellant shall be entitled to one meeting with the appeals officer to discuss**
130 **the appeal, but the appeals officer may schedule additional meetings at the officer's**

131 discretion. The department or the department of natural resources may appear at all
132 meetings.

133 (4) The appeals officer shall consider the record of the decision in question, any
134 further written submissions by the appellant and the department or the department of
135 natural resources, and other available information, and shall deliver a written decision to
136 all parties as promptly as circumstances permit.

2 348.250. Sections 348.250 to 348.275 shall be known and may be cited as the
2 "Missouri Science and Innovation Reinvestment Act".

348.251. 1. As used in sections 348.251 to 348.266, the following terms mean:

2 (1) "Applicable percentage", six percent for the fiscal year beginning July 1, 2012,
3 and the next fourteen consecutive fiscal years; five percent for the immediately subsequent
4 five fiscal years; and four percent for the immediately subsequent five fiscal years;

5 (2) "Applied research", any activity that seeks to utilize, synthesize, or apply
6 existing knowledge, information, or resources to the resolution of a specific problem,
7 question, or issue of science and innovation, including but not limited to translational
8 research;

9 (3) "Base year", fiscal year ending June 30, 2010;

10 (4) "Base year gross wages", gross wages paid by science and innovation companies
11 to science and innovation employees during fiscal year ending June 30, 2010;

12 (5) "Basic research", any original investigation for the advancement of scientific
13 or technical knowledge of science and innovation;

14 (6) "Commercialization", any of the full spectrum of activities required for a new
15 technology, product, or process to be developed from the basic research or conceptual stage
16 through applied research or development to the marketplace, including without limitation,
17 the steps leading up to and including licensing, sales, and service;

18 (7) "Corporation", the Missouri technology corporation established under this
19 section;

20 (8) "Fields of applicable expertise", any of the following fields: science and
21 innovation research, development, or commercialization, including basic research and
22 applied research; corporate finance, venture capital, and private equity related to science
23 and innovation; the business and management of science and innovation companies;
24 education related to science and innovation; or civic or corporate leadership in areas
25 related to science and innovation;

26 (9) "Inherent conflict of interest", a fundamental or systematic conflict of interest
27 that prevents a person from serving as a disinterested director of the corporation and from
28 routinely performing his or her duties as a director of the corporation;

29 (10) "NAICS industry groups" or "NAICS codes", the North American Industry
30 Classification System developed under the auspices of the United States Office of

31 **Management and Budget and adopted in 1997, as may be amended, revised, or replaced**
32 **by similar classification systems for similar uses from time to time;**

33 **(11) "Science and innovation", the use of compositions and methods in research,**
34 **development, and manufacturing processes for such diverse areas as agriculture-**
35 **biotechnology, animal health, biochemistry, bioinformatics, energy, environment, forestry,**
36 **homeland security, information technology, medical devices, medical diagnostics, medical**
37 **instruments, medical therapeutics, microbiology, nanotechnology, pharmaceuticals, plant**
38 **biology, and veterinary medicine, including future developments in such areas;**

39 **(12) "Science and innovation company", a corporation, limited liability company,**
40 **S corporation, partnership, registered limited liability partnership, foundation, association,**
41 **nonprofit entity, sole proprietorship, business trust, person, group, or other entity that is:**

42 **(a) Engaged in the research, development, commercialization, or business of science**
43 **and innovation in the state, including, without limitation, research, development, or**
44 **production directed toward developing or providing science and innovation products,**
45 **processes, or services for specific commercial or public purposes, including hospitals,**
46 **nonprofit research institutions, incubators, accelerators, and universities currently located**
47 **or involved in the research, development, commercialization, or business of science and**
48 **innovation in the state; or**

49 **(b) Identified by the following NAICS industry groups or NAICS codes or any**
50 **amended or successor code sections covering such areas of research, development, and**
51 **commercial endeavors: 3251; 3253; 3254; 3391; 51121; 54138; 54171; 62231; 111191;**
52 **111421; 111920; 111998; 311119; 311211; 311221; 311222; 311223; 325193; 325199;**
53 **325221; 325222; 325611; 325612; 325613; 325311; 325312; 325314; 325320; 325411;**
54 **325412; 325414; 333298; 334510; 334516; 334517; 339111; 339112; 339113; 339114;**
55 **339115; 339116; 424910; 541710; 621511; and 621512.**

56
57 **Each of the above listed four-digit and five-digit codes shall include all six-digit codes in**
58 **such four-digit and five-digit industry; however, each six-digit code shall stand alone and**
59 **not indicate the inclusion of other omitted six-digit codes that also are subsets of the**
60 **pertinent four-digit or five-digit industry to which the included six-digit code belongs;**

61 **(13) "Science and innovation employee", any employee, officer, or director of a**
62 **science and innovation company who is a state income taxpayer and any employee of a**
63 **university who is associated with or supports the research, development,**
64 **commercialization, or business of science and technology in the state and is obligated to pay**
65 **state income tax to the state;**

66 **(14) "Technology application", the introduction and adaptation of refined management**
67 **practices in fields such as scheduling, inventory management, marketing, product development,**
68 **and training in order to improve the quality, productivity and profitability of an existing firm.**
69 **Technology application shall be considered a component of business modernization;**

70 [(2)] "Technology commercialization", the process of moving investment-grade
71 technology from a business, university or laboratory into the marketplace for application;

72 (3)] (15) "Technology development", strategically focused research directed at
73 developing investment-grade technologies which are important for market competitiveness.

74 2. The governor may, on behalf of the state and in accordance with chapter 355, RSMo,
75 establish a private not-for-profit corporation named the "Missouri Technology Corporation", to
76 carry out the provisions of sections 348.251 to 348.266. As used in sections [348.251 to
77 348.266] **348.250 to 348.275** the word "corporation" means the Missouri technology corporation
78 authorized by this section. Before certification by the governor, the corporation shall conduct
79 a public hearing for the purpose of giving all interested parties an opportunity to review and
80 comment [upon] **on** the articles of incorporation, bylaws and [method] **methods** of operation of
81 the corporation. Notice of the hearing shall be given at least fourteen days prior to the hearing.

 348.256. 1. The articles of incorporation [and] , bylaws, **and methods of operation** of
2 the Missouri technology corporation shall [provide that:] **be consistent with the provisions of**
3 **sections 348.250 to 348.275.**

4 [(1)] 2. The purposes of the corporation are to contribute to the strengthening of the
5 economy of the state through the development of science and [technology] **innovation**, to
6 promote the modernization of Missouri businesses by supporting the transfer of science,
7 technology and quality improvement methods to the workplace[, and] ; to enhance the
8 productivity and modernization of Missouri businesses by providing leadership in the
9 establishment of methods of technology application, technology commercialization and
10 technology development; **to make Missouri businesses, institutions, and universities more**
11 **competitive and increase their likelihood of success; to support and enhance local and**
12 **regional strategies and initiatives that capitalize on the unique science and innovation**
13 **assets across the state; to make Missouri a highly desirable state in which to conduct,**
14 **facilitate, support, fund, and perform science and innovation research, development, and**
15 **commercialization; to facilitate and effect the creation, attraction, retention, growth, and**
16 **enhancement of both existing and new science and innovation companies in the state; to**
17 **make Missouri a national and international leader in economic activity based on science**
18 **and innovation; to enhance workforce development; to create and retain quality jobs; to**
19 **advance scientific knowledge; and to improve the quality of life for the citizens of the state**
20 **of Missouri in both urban and rural communities.**

21 [(2)] 3. The board of directors of the corporation [is] **shall be** composed of fifteen
22 persons. The governor shall annually appoint one of its members, who must be from the private
23 sector, as [chairman] **chairperson**. The board shall consist of the following members:

24 [(a)] (1) The director of the department of economic development, or the director's
25 designee;

26 [(b)] (2) The president of the University of Missouri system, or the president's designee;

27 [(c)] (3) A member of the state senate, appointed by the president pro tem of the senate;

28 [(d)] (4) A member of the house of representatives, appointed by the speaker of the
29 house;

30 [(e)] (5) Eleven members appointed by the governor, [two of which shall be from the
31 public sector and nine members from the private sector who shall include, but shall not be
32 limited to, individuals who represent technology-based businesses and industrial interests;

33 (f)] **with the advice and consent of the senate, who are recognized for outstanding**
34 **knowledge, leadership, and expertise in one or more of the fields of applicable expertise.**

35

36 Each of the directors of the corporation who is appointed by the governor shall serve for a term
37 of four years and until a successor is duly appointed[; except that, of the directors serving on the
38 corporation as of August 28, 1995, three directors shall be designated by the governor to serve
39 a term of four years, three directors shall be designated to serve a term of three years, three
40 directors shall be designated to serve a term of two years, and two directors shall be designated
41 to serve a term of one year. Each director shall continue to serve until a successor is duly
42 appointed by the governor;

43 (3) The corporation may receive money from any source, may borrow money, may enter
44 into contracts, and may expend money for any activities appropriate to its purpose;

45 (4) The corporation may appoint staff and do all other things necessary or incidental to
46 carrying out the functions listed in section 348.261;

47 (5)] .

48 **4.** Any changes in the articles of incorporation or bylaws must be approved by the
49 governor[:].

50 [(6) The corporation shall submit an annual report to the governor and to the Missouri
51 general assembly. The report shall be due on the first day of November for each year and shall
52 include detailed information on the structure, operation and financial status of the corporation.
53 The corporation shall conduct an annual public hearing to receive comments from interested
54 parties regarding the report, and notice of the hearing shall be given at least fourteen days prior
55 to the hearing; and

56 (7)] **5. At the discretion of the state auditor,** the corporation is subject to an [annual]
57 audit [by the state auditor] and [that] the corporation shall bear the full cost of the audit.

58 **6. Each of the directors of the corporation provided for in subdivisions (1) and (2)**
59 **of subsection 3 of this section shall remain a director until the designating individual**
60 **specified in such subdivisions designates a replacement by sending a written**
61 **communication to the governor and the chairperson of the board of the corporation;**
62 **provided however, that if the director of economic development or the president of the**
63 **University of Missouri system designates himself or herself to the corporation board, such**
64 **person's service as a corporation director shall cease immediately when that person no**
65 **longer serves as the director of economic development or as the president of the University**
66 **of Missouri system. Each of the directors of the corporation provided for in subdivisions**

67 (3) and (4) of subsection 3 of this section shall remain a director until the appointing
68 member of the general assembly specified in such subdivisions appoints a replacement by
69 sending a written communication to the governor and the chairperson of the corporation
70 board; provided however, that if the speaker of the house or the president pro tem of the
71 senate appoints himself or herself to the corporation board, such person's service as a
72 corporation director shall cease immediately when that person no longer serves as the
73 speaker of the house or the president pro tem of the senate.

74 7. Each of the eleven members of the board appointed by the governor shall:

75 (1) Hold office for the term of appointment and until the governor duly appoints
76 his or her successor; provided that if a vacancy is created by the death, permanent
77 disability, resignation, or removal of a director, such vacancy shall become immediately
78 effective;

79 (2) Be eligible for reappointment, but members of the board shall not be eligible to
80 serve more than two consecutive four-year terms and shall not be reappointed to the board
81 until they have not served on the board for a period of at least four interim years;

82 (3) Not have a known inherent conflict of interest at the time of appointment; and

83 (4) Not have served in an elected office or a cabinet position in state government
84 for a period of two years prior to appointment, unless otherwise provided in this section.

85 8. Any member of the board may be removed by affirmative vote of eleven
86 members of the board for malfeasance or misfeasance in office, regularly failing to attend
87 meetings, failure to comply with the corporation's conflicts of interest policy, conviction
88 of a felony, or for any cause that renders the member incapable of or unfit to discharge the
89 duties of a director of the corporation.

90 9. The board shall meet at least four times per year and at such other times as it
91 deems appropriate, or upon call by the president or the chairperson, or upon written
92 request of a majority of the directors of the board. Unless otherwise restricted by Missouri
93 law, the directors may participate in a meeting of the board by means of telephone
94 conference or other electronic communications equipment whereby all persons
95 participating in the meeting can communicate clearly with each other, and participation
96 in a meeting in such manner will constitute presence in person at such meeting.

97 10. A majority of the total voting membership of the board shall constitute a
98 quorum for meetings. The board may act by a majority of those at any meeting where a
99 quorum is present, except upon such issues as the board may determine shall require a vote
100 of more members of the board for approval or as required by law. All resolutions and
101 orders of the board shall be recorded and authenticated by the signature of the secretary
102 or any assistant secretary of the board.

103 11. Members of the board shall serve without compensation. Members of the board
104 attending meetings of the board, or attending committee or advisory meetings thereof, shall
105 be paid mileage and all other applicable expenses, provided that such expenses are

106 reasonable, consistent with policies established from time to time by the board, and not
107 otherwise inconsistent with law.

108 **12. The board may adopt, repeal, and amend such articles of incorporation, bylaws,**
109 **and methods of operation that are not contrary to law or inconsistent with sections 348.250**
110 **to 348.275, as it deems expedient for its own governance and for the governance and**
111 **management of the corporation and its committees and advisory boards; provided that any**
112 **changes in the articles of incorporation or bylaws approved by the board must also be**
113 **approved by the governor.**

114 **13. A president shall direct and supervise the administrative affairs and the general**
115 **management of the corporation. The president shall be a person of national prominence**
116 **that has expertise and credibility in one or more of the fields of applicable expertise with**
117 **a demonstrated track record of success in leading a mission-driven organization. The**
118 **president's salary and other terms and conditions of employment shall be set by the board.**
119 **The board may negotiate and enter into an employment agreement with the president of**
120 **the corporation, which may provide for compensation, allowances, benefits, and expenses.**
121 **The president of the corporation shall not be eligible to serve as a member of the board**
122 **until two years after the end of his or her employment with the corporation. The president**
123 **of the corporation shall be bound by, and agree to obey, the corporation's conflicts of**
124 **interest policy, including annually completing and submitting to the board a disclosure and**
125 **compliance certificate in accordance with such conflicts of interest policy.**

126 **14. The corporation may employ such employees as it may require and upon such**
127 **terms and conditions as it may establish that are consistent with state and federal law. The**
128 **corporation may establish personnel, payroll, benefit, and other such systems as authorized**
129 **by the board, and provide death and disability benefits. Corporation employees, including**
130 **the president, shall be considered state employees for the purposes of membership in the**
131 **Missouri state employees' retirement system and the Missouri consolidated health care**
132 **plan. Compensation paid by the corporation shall constitute pay from a department for**
133 **purposes of accruing benefits under the Missouri state employees' retirement system. The**
134 **corporation may also adopt, in accordance with requirements of the federal Internal**
135 **Revenue Code of 1986, as amended, a defined contribution plan sponsored by the**
136 **corporation with respect to employees, including the president, employed by the**
137 **corporation. Nothing in sections 348.250 to 348.275 shall be construed as placing any**
138 **officer or employee of the corporation or member of the board in the classified or the**
139 **unclassified service of the state of Missouri under Missouri laws and regulations governing**
140 **civil service. No employee of the corporation shall be eligible to serve as a member of the**
141 **board until two years immediately following the end of his or her employment with the**
142 **corporation. All employees of the corporation shall be bound by, and agree to obey, the**
143 **corporation's conflicts of interest policy, including annually completing and submitting to**

144 the board a disclosure and compliance certificate in accordance with such conflicts of
145 interest policy.

146 15. No later than the first day of January each year, the corporation shall submit
147 an annual report to the governor and to the Missouri general assembly which the
148 corporation may contract with a third party to prepare and which shall include:

149 (1) A complete and detailed description of the operating and financial conditions
150 of the corporation during the prior fiscal year;

151 (2) Complete and detailed information about the distributions from the Missouri
152 science and innovation reinvestment fund and from any income of the corporation;

153 (3) Information about the growth of science and innovation research and industry
154 in the state;

155 (4) Information regarding financial or performance audits performed in such year,
156 including any recommendations with reference to additional legislation or other action that
157 may be necessary to carry out the purposes of the corporation; and

158 (5) Whether or not the corporation made any distribution during the prior fiscal
159 year to a research project or other project for which a report shall be filed under
160 subsection 4 of section 38(d), article III, Constitution of Missouri. If such a distribution
161 was made, the corporation shall disclose in the annual report the amount of the
162 distribution, the recipient of the distribution, and the project description.

163 16. The corporation shall keep its books and records in accordance with generally
164 accepted accounting procedures. Within four months following the end of each fiscal year,
165 the corporation shall cause a firm of independent certified public accountants of national
166 repute to conduct and deliver to the board an audit of the financial statements of the
167 corporation and an opinion thereon, to be conducted in accordance with generally accepted
168 audit standards, provided, however, that this section shall be inapplicable if the board of
169 directors of the corporation determines that insufficient funds have been appropriated to
170 pay for the costs of compliance with these requirements.

171 17. Within four months following the end of every odd numbered fiscal year,
172 beginning with fiscal year 2016, the corporation shall cause an independent firm of
173 national repute that has expertise in science and innovation research and industry to
174 conduct and deliver to the board an evaluation of the performance of the corporation for
175 the prior two fiscal years, including detailed recommendations for improving the
176 performance of the corporation, provided, however, that this section shall be inapplicable
177 if the board of directors of the corporation determines that insufficient funds have been
178 appropriated to pay for the costs of compliance with these requirements.

179 18. The corporation shall provide the state auditor a copy of the financial and
180 performance evaluations prepared under subsections 16 and 17 of this section.

181 19. The corporation shall have perpetual existence until an act of law expressly
182 dissolves the corporation; provided that no such law shall take effect so long as the

corporation has obligations or bonds outstanding unless adequate provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the corporation, all property, funds, and assets thereof shall be vested in the state.

20. Except as provided under section 348.266, the state hereby pledges to, and agrees with, recipients of corporation funding or beneficiaries of corporation programs under sections 348.250 to 348.275 that the state shall not limit or alter the rights vested in the corporation under sections 348.250 to 348.275 to fulfill the terms of any agreements made or obligations incurred by the corporation with or to such third parties, or in any way impair the rights and remedies of such third parties until the obligations of the corporation and the state are fully met and discharged in accordance with sections 348.250 to 348.275.

21. The corporation shall be exempt from:

(1) Any general ad valorem taxes upon any property of the corporation acquired and used for its public purposes;

(2) Any taxes or assessments upon any projects or upon any operations of the corporation or the income therefrom;

(3) Any taxes or assessments upon any project or any property or local obligation acquired or used by the corporation under the provisions of sections 348.250 to 348.275, or upon income therefrom.

Purchases by the corporation to be used for its public purposes shall not be subject to sales or use tax under chapter 144. The exemptions hereby granted shall not extend to persons or entities conducting business on the corporations' property for which payment of state and local taxes would otherwise be required.

22. No funds of the corporation shall be distributed to its employees or members of the board; except that, the corporation may make reasonable payments for expenses incurred on its behalf relating to any of its lawful purposes and the corporation shall be authorized and empowered to pay reasonable compensation for services rendered to, or for, its benefit relating to any of its lawful purposes, including to pay its employees reasonable compensation.

23. The corporation shall adopt and maintain a conflicts of interest policy to protect the corporation's interests by requiring disclosure by an interested party, appropriate recusal by such person, and appropriate action by the interested party or the board where a conflict of interest may exist or arise between the corporation and a director, officer, employee, or agent of the corporation.

348.257. 1. The board shall establish an executive committee of the corporation, to be composed of the chairperson, the vice-chairperson, and the secretary of the corporation, and two additional directors. The chairperson of the corporation shall serve as the chairperson of the executive committee.

5 2. The executive committee, in intervals between meetings of the board, may
6 transact any business of the board that has been expressly delegated to the executive
7 committee by the board. If so stipulated by the board, action delegated to the executive
8 committee may be subject to subsequent ratification by the board; provided, however that
9 until ratified or rejected by the board, any action delegated to, and taken by, the executive
10 committee between meetings of the board will be binding upon the corporation as if
11 ratified, and may be relied upon by third parties.

12 3. The board shall establish an audit committee of the corporation, to be composed
13 of the chairperson of the corporation and four additional directors. The secretary of the
14 corporation shall serve as the chairperson of the audit committee. The audit committee
15 shall be responsible for oversight of the administration of the conflicts of interest policy,
16 working with the president of the corporation to facilitate communications with the
17 corporation's contract auditors, and such other responsibilities delegated to it by the
18 board.

19 4. The board shall establish and maintain a research alliance of Missouri to be
20 comprised of the chief research officers, or their designee, of the state's leading research
21 universities and a representative of other leading not-for-profit research institutes
22 headquartered in Missouri. Members of the research alliance of Missouri shall be selected
23 for such terms of membership under such terms and condition as the board deems
24 necessary and appropriate to advance the purposes of sections 348.250 to 348.275 and as
25 comparable to other similar public sector bodies. The research alliance of Missouri shall
26 elect a chairperson on an annual basis. The research alliance of Missouri shall prepare
27 annual reports at the direction of the corporation that:

28 (1) Evaluate the specific areas of Missouri's research strengths and weaknesses and
29 outline current research priorities of the state;

30 (2) Evaluate the ability of each member to realign their research and development
31 resources, policies, and practices to seize emerging opportunities;

32 (3) Evaluate and summarize the best national and international practices for
33 technology commercialization of university research and describe efforts that each
34 university member has undertaken to implement best practices, including a description of
35 the specific outcomes university members have achieved in technology commercialization;
36 and

37 (4) Describe research collaborations by and between members and identify
38 collaboration best practices that can or should be instituted in Missouri.

39 5. The board may establish other committees, both permanent and temporary, as
40 it deems necessary. Such committees may include national strategic, scientific and/or
41 commercialization advisory boards comprised of individuals of national or international
42 prominence in science and innovation and/or the business and commercialization of science
43 and innovation.

44 **6. The board may establish rules, policies, and procedures for the selection and**
45 **conduct of committees and advisory boards, and the research alliance of Missouri;**
46 **provided however, that the members of such committees and advisory boards agree to be**
47 **bound by a conflict of interest policy consistent with the highest ethical standards that is**
48 **suitable for such advisory roles and annually complete and certify to the board a disclosure**
49 **and compliance certificate in accordance with such conflicts of interest policy.**

 348.261. [The corporation, after being certified by the governor as provided by section
2 348.251, may] **1. The corporation shall have all of the powers necessary or convenient to**
3 **carry out the purposes and provisions of sections 348.250 to 348.275, including the powers**
4 **as specified therein, and without limitation, the power to:**

5 (1) Establish a statewide business modernization network to assist Missouri businesses
6 in identifying ways to enhance productivity and market competitiveness;

7 (2) Identify scientific and technological problems and opportunities related to the
8 economy of Missouri and formulate proposals to overcome those problems or realize those
9 opportunities;

10 (3) Identify specific areas where scientific research and technological investigation will
11 contribute to the improvement of productivity of Missouri manufacturers and farmers;

12 (4) Determine specific areas in which financial investment in scientific and technological
13 research and development from private businesses located in Missouri could be enhanced or
14 increased if state resources were made available to assist in financing activities;

15 (5) Assist in establishing cooperative associations of universities in Missouri and of
16 private enterprises for the purpose of coordinating research and development programs that will,
17 consistent with the primary educational function of the universities, aid in the creation of new
18 jobs in Missouri;

19 (6) Assist in financing the establishment and continued development of
20 technology-intensive businesses in Missouri;

21 (7) Advise universities of the research needs of Missouri business and improve the
22 exchange of scientific and technological information for the mutual benefit of universities and
23 private business;

24 (8) Coordinate programs established by universities to provide Missouri businesses with
25 scientific and technological information;

26 (9) Establish programs in scientific education which will support the accelerated
27 development of technology-intensive businesses in Missouri;

28 (10) Provide financial assistance through contracts, grants and loans to programs of
29 scientific and technological research and development;

30 (11) Determine how public universities can increase income derived from the sale or
31 licensure of products or processes having commercial value that are developed as a result of
32 university sponsored research programs;

33 (12) Contract with innovation centers, as established in section 348.271, small business
34 development corporations, as established in sections 620.1000 to 620.1007, centers for advanced
35 technology, as established in section 348.272, and other entities or organizations for the
36 provision of technology application, technology commercialization and technology development
37 services. [Such contracting procedures shall not be subject to the provisions of chapter 34; and]
38 ;

39 (13) Make direct seed capital or venture capital investments in Missouri business
40 investment funds or businesses [which] **that** demonstrate the promise of growth and job creation.
41 Investments from the corporation may be in the form of debt or equity in the respective
42 businesses;

43 (14) **Make and execute contracts, guarantees, or any other instruments and**
44 **agreements necessary or convenient for the exercise of its powers and functions;**

45 (15) **Contract for and to accept any gifts, grants, and loans of funds, property, or**
46 **any other aid in any form from the federal government, the state, any state agency, or any**
47 **other source, or any combination thereof, and to comply with the provisions of the terms**
48 **and conditions thereof;**

49 (16) **Procure such insurance, participate in such insurance plans, or provide such**
50 **self insurance or both as it deems necessary or convenient; provided however, the purchase**
51 **of insurance, participation in an insurance plan, or creation of a self-insurance fund by the**
52 **corporation shall not be deemed as a waiver or relinquishment of any sovereign immunity**
53 **to which the corporation or its officers, directors, employees, or agents are otherwise**
54 **entitled;**

55 (17) **Partner with universities or other research institutions in Missouri to attract**
56 **and recruit world-class science and innovation talent to Missouri;**

57 (18) **Expend any and all funds from the Missouri science and innovation**
58 **reinvestment fund and all other assets and resources of the corporation for the exclusive**
59 **purpose of fulfilling any purpose, power, or duty of the corporation under sections 348.250**
60 **to 348.275, including but not limited to implementing the powers, purposes, and duties of**
61 **the corporation as enumerated in this section;**

62 (19) **Participate in joint ventures and collaborate with any taxpayer, governmental**
63 **body or agency, insurer, university, or college of the state, or any other entity to facilitate**
64 **any activities or programs consistent with the purpose and intent of sections 348.250 to**
65 **348.275; and**

66 (20) **In carrying out any activities authorized by sections 348.250 to 348.275, the**
67 **corporation provides appropriate assistance, including the making of investments, grants,**
68 **and loans, and providing time of employees, to any taxpayer, governmental body, or**
69 **agency, insurer, university, or college of the state, or any other entity, whether or not any**
70 **such taxpayer, governmental body or agency, insurer, university, or college of the state, or**

71 any other entity, is owned or controlled in whole or in part, directly or indirectly, by the
72 corporation.

73 **2. The corporation shall endeavor to maximize the amount of leveraging of nonstate**
74 **resources, including public and private, cash and in-kind, attained with its investments,**
75 **grants, loans, or other forms of support. In the case of investments, grants, loans, or other**
76 **forms of support that emphasize or are specifically intended to impact a particular**
77 **Missouri county, municipality, or other geographic subdivision of the state, or are**
78 **otherwise local in nature, the corporation shall give consideration and weight to local**
79 **matching funds and other matching resources, public and private.**

80 **3. Except as expressly provided in sections 348.250 to 348.275, all monies earned**
81 **or received by the corporation, including all funds derived from the commercialization of**
82 **science and innovation products, methods, services, and technology by the corporation, or**
83 **any affiliate or subsidiary thereof, or from the Missouri science and innovation**
84 **reinvestment fund, shall belong exclusively to and be subject to the exclusive control of the**
85 **corporation.**

86 **4. The corporation shall have all the powers of a not-for-profit corporation**
87 **established under Missouri law.**

88 **5. The corporation shall assume all moneys, property, or other assets remaining**
89 **with the Missouri seed capital investment board, established in section 620.641. All**
90 **powers, duties, and functions performed by the Missouri seed capital investment board**
91 **shall be transferred to the Missouri technology corporation.**

92 **6. The corporation shall not be subject to the provisions of chapter 34.**

348.262. In order to assist the corporation in achieving the objectives identified in
2 section 348.261, the department of economic development may contract with the corporation for
3 activities consistent with the corporation's purpose, as specified in [section 348.256] **sections**
4 **348.250 to 348.275.** When contracting with the corporation under the provisions of this section,
5 the department of economic development may directly enter into agreements with the
6 corporation and shall not be bound by the provisions of chapter 34, RSMo.

348.263. 1. [The Missouri business modernization and technology corporation shall
2 replace the corporation for science and technology. All moneys, property or any other assets
3 remaining with the corporation for science and technology after all obligations are satisfied on
4 August 28, 1993, shall be transferred to the Missouri business modernization and technology
5 corporation. All powers, duties and functions performed by the Missouri corporation of science
6 and technology on August 28, 1993, shall be transferred to the Missouri business modernization
7 and technology corporation.] **Except as otherwise provided in sections 348.250 to 348.275,**
8 **the corporation shall be subject to requirements applicable to governmental bodies and**
9 **records contained in sections 610.010 to 610.225.**

10 2. [The Missouri technology corporation shall replace the Missouri business
11 modernization and technology corporation. All moneys, property or any other assets remaining

12 with the Missouri business modernization and technology corporation after all obligations are
13 satisfied on August 28, 1994, shall be transferred to the Missouri technology corporation. All
14 powers, duties and functions performed by the Missouri business modernization and technology
15 corporation on August 28, 1994, shall be transferred to the Missouri technology corporation.]

16 **In addition to the exceptions available under sections 610.010 to 610.225, the records of the**
17 **corporation shall not be subject to the provisions of sections 610.010 to 610.225, when,**
18 **upon determination by the corporation, the disclosure of the information in the records**
19 **would be harmful to the competitive position of the corporation and such records contain:**

20 (1) **Proprietary information gathered by, or in the possession of, the corporation**
21 **from third parties pursuant to a promise of confidentiality;**

22 (2) **Contract cost estimates prepared for confidential use in awarding contracts for**
23 **research, development, construction, renovation, commercialization, or the purchase of**
24 **goods or services;**

25 (3) **Data, records, or information of a proprietary nature produced or collected by,**
26 **or for, the corporation, its employees, officers, or members of its board;**

27 (4) **Third-party financial statements, records, and related data not publicly**
28 **available that may be shared with the corporation;**

29 (5) **Consulting or other reports paid for by the corporation to assist the corporation**
30 **in connection with its strategic planning and goals; or**

31 (6) **The determination of marketing and operational strategies where disclosure of**
32 **such strategies would be harmful to the competitive position of the corporation.**

33 **3. In addition to the exceptions available under sections 610.010 to 610.225, the**
34 **corporation, including the board, executive committee, audit committee, and research**
35 **alliance of Missouri, or other such committees or boards that the corporation may**
36 **authorize from time to time, may discuss, consider, and take action on any the following**
37 **in closed session, when upon determination by the corporation, including as appropriate**
38 **the board, executive committee, audit committee, and research alliance of Missouri, or**
39 **other such committees or boards that the corporation may authorize from time to time,**
40 **disclosure of such items would be harmful to the competitive position of the corporation:**

41 (1) **Plans that could affect the value of property, real or personal, owned, or**
42 **desirable for ownership by the corporation;**

43 (2) **The condition, acquisition, use, or disposition of real or personal property; or**

44 (3) **Contracts for applied research; basic research; science and innovation product**
45 **development, manufacturing, or commercialization; construction and renovation of science**
46 **and innovation facilities; or marketing or operational strategies.**

348.264. [1.] There is hereby established in the state treasury a special fund to be known
2 as the "Missouri [Technology Investment] **Science and Innovation Reinvestment Fund**", which
3 shall consist of all moneys which may be appropriated to it by the general assembly **based on**
4 **the applicable percentage of the amount by which science and innovation employees' gross**

5 **wages for the year exceeds the base year gross wages pursuant to section 348.265; other**
6 **funds appropriated to it by the general assembly**, and also any gifts, contributions, grants or
7 bequests received from federal, private or other sources. [Such moneys shall include federal
8 funds which may be received from the National Institute for Science and Technology, the Small
9 Business Administration and the Department of Defense through its Technology Reinvestment
10 Program.] Money in the Missouri [technology investment program] **science and innovation**
11 **reinvestment fund** shall be used to carry out the provisions of sections [348.251] **348.250** to
12 348.275. Moneys for business modernization programs, technology application programs,
13 technology commercialization programs and technology development programs established
14 pursuant to the provisions of sections [348.251] **348.250** to 348.275 shall be available from
15 appropriations made by the general assembly from the Missouri [technology investment] **science**
16 **and innovation reinvestment** fund. Any moneys remaining in the Missouri [technology
17 investment] **science and innovation reinvestment** fund at the end of any fiscal year shall not
18 lapse to the general revenue fund, as provided in section 33.080, but shall remain in the Missouri
19 [technology investment] **science and innovation reinvestment** fund.

20 [2. Notwithstanding the provisions of sections 173.500 to 173.565, RSMo, the Missouri
21 technology investment fund shall be utilized to fund projects which would previously have been
22 funded through the higher education applied projects fund.]

348.265. 1. As soon as practicable after August 28, 2011, the director of the
2 **department of economic development, with the assistance of the director of the department**
3 **of revenue, shall establish the base year gross wages and report the amount of the base year**
4 **gross wages to the president and board of the corporation, the governor, and the general**
5 **assembly. Within one hundred eighty days after the end of each fiscal year beginning with**
6 **the fiscal year ending June 30, 2011, and for each subsequent fiscal year prior to the end**
7 **of the last funding year, the director of economic development, with the assistance of the**
8 **director of the department of revenue, shall determine and report to the president and**
9 **board of the corporation, governor, and general assembly the amount by which aggregate**
10 **science and innovation employees' gross wages for the fiscal year exceeds the base year**
11 **gross wages. The director of economic development and the director of the department of**
12 **revenue may consider any verifiable evidence, including but not limited to the NAICS**
13 **codes assigned or recorded by the United States Department of Labor for companies with**
14 **employees in the state, when determining which organizations should be classified as**
15 **science and innovation companies.**

16 **2. Notwithstanding section 23.250 to the contrary, for each of the twenty-five**
17 **funding years, beginning July 1, 2012, subject to appropriation, the director of revenue**
18 **shall transfer to the Missouri science and innovation reinvestment fund an amount not to**
19 **exceed an amount equal to the product of the applicable percentage multiplied by an**
20 **amount equal to the increase in aggregate science and innovation employees' gross wages**
21 **for the prior fiscal year, over the base year gross wages. The director of revenue may make**

22 estimated payments to the Missouri science and innovation reinvestment fund more
23 frequently based on estimates provided by the director of revenue and reconciled annually.

24 3. Local political subdivisions may contribute to the Missouri science and
25 innovation reinvestment fund through a grant, contract, or loan by dedicating a portion
26 of any sales tax or property tax increase resulting from increases in science and innovation
27 company economic activity occurring after August 28, 2011, or other such taxes or fees as
28 such local political subdivisions may establish.

29 4. Funding generated by the provisions of this section shall be expended by the
30 corporation to further its purposes as specified in section 348.256.

31 5. Upon enactment of this section, the corporation shall prepare a strategic plan for
32 the use of the funding to be generated by the provisions of this section, and may consult
33 with science and innovation partners, including, but not limited to the research alliance of
34 Missouri, as established in section 348.257; the life sciences research board established in
35 section 196.1003; and the innovation centers or centers for advanced technology, as
36 established in section 348.272. The corporation shall make a draft strategic plan available
37 for public comment prior to publication of the final strategic plan.

 348.269. 1. Nothing contained in sections 348.250 to 348.275 shall be construed as
2 a restriction or limitation upon any powers that the corporation might otherwise have
3 under chapter 355, and the provisions of sections 348.250 to 348.275 are cumulative to such
4 powers.

5 2. Nothing in sections 348.250 to 348.275 shall be construed as allowing the board
6 to sell the corporation or substantially all of the assets of the corporation, or to merge the
7 corporation with another institution, without prior authorization by the general assembly.

8 3. Notwithstanding the provisions of section 23.253 to the contrary, the provisions
9 of sections 348.250 to 348.275 shall not sunset. The provisions of sections 348.250 to
10 348.275 shall not terminate before the satisfaction of all outstanding obligations, notes, and
11 bonds provided for under sections 348.250 to 348.275.

12 4. The provisions of sections 348.250 to 348.275 shall not terminate before the
13 satisfaction of all outstanding obligations, notes, and bonds provided for under sections
14 348.250 to 348.275.

15 5. If any provision of this Act or the application thereof is held invalid, the
16 invalidity shall not affect other provisions or applications of the Act that can be given effect
17 without the invalid provision or application, and to this end the provisions of this Act are
18 severable. Insofar as the provisions of sections 348.250 to 348.275 are inconsistent with the
19 provisions of any other law, general, specific or local, the provisions of sections 348.250 to
20 348.275 shall be controlling.

 348.271. 1. In order to foster the growth of Missouri's economy and to stimulate the
2 creation of new jobs in [technology-based] science and innovation-based industry for the state's
3 work force, the Missouri technology corporation, in accordance with the provisions of this

4 section and within the limits of appropriations therefor is authorized to contract with Missouri
5 not-for-profit corporations for the operation of innovation centers within the state. The primary
6 emphasis of some, if not of all innovation centers, shall be in the areas of [technology
7 commercialization, finance and business modernization. Innovation centers operated under the
8 provisions of this section shall provide assistance to individuals and business organizations
9 during the early stages of the development of new technology-based] **science and innovation-**
10 **based** business ventures. Such assistance may include the provision of facilities, equipment,
11 administrative and managerial support, planning assistance, and such other services and
12 programs that enhance the development of such ventures and such assistance may be provided
13 for fees or other consideration.

14 2. The innovation centers operated under this section shall counsel and assist the new
15 [technology-based] **science and innovation-based** business ventures in finding a suitable site
16 in the state of Missouri for location of the business upon its graduation from the innovation
17 program. Each innovation center shall annually submit a report of its activities to the department
18 of economic development and the Missouri technology corporation which shall include, but not
19 be limited to, the success rate of the businesses graduating from the center, the progress and
20 locations of businesses which have graduated from the center, the types of businesses which have
21 graduated from the center, and the number of jobs created by the businesses involved in the
22 center.

23 **3. Any contract signed between the corporation and any not-for-profit organization**
24 **to operate an innovation center in accordance with the provisions of this section shall**
25 **require that the not-for-profit organization must provide at least a one-hundred-percent**
26 **match for the funding received from the corporation pursuant to appropriation therefor.**

348.300. As used in sections 348.300 to 348.318, the following terms mean:

2 (1) "Commercial activity located in Missouri", any research, development, prototype
3 fabrication, and subsequent precommercialization activity, or any activity related thereto,
4 conducted in Missouri for the purpose of producing a service or a product or process for
5 manufacture, assembly or sale or developing a service based on such a product or process by any
6 person, corporation, partnership, joint venture, unincorporated association, trust or other
7 organization doing business in Missouri. Subsequent to January 1, 1999, a commercial activity
8 located in Missouri shall mean only such activity that is located within a distressed community,
9 as defined in section 135.530;

10 (2) "Follow-up capital", capital provided to a commercial activity located in Missouri
11 in which a qualified fund has previously invested seed capital or start-up capital and which does
12 not exceed ten times the amount of such seed and start-up capital;

13 (3) "Person", any individual, corporation, partnership, or other entity, including any
14 charitable corporation which is exempt from federal income tax and whose Missouri unrelated
15 business taxable income, if any, would be subject to the state income tax imposed under chapter
16 143;

17 (4) "Qualified contribution", cash contribution to a qualified fund;

18 (5) "Qualified economic development organization", any corporation organized under
19 the provisions of chapter 355 which has as of January 1, 1991, obtained a contract with the
20 department of economic development to operate an innovation center to promote, assist and
21 coordinate the research and development of new services, products or processes in the state of
22 Missouri; and the Missouri technology corporation organized pursuant to the provisions of
23 sections [348.253 to 348.266] **348.250 to 348.275**;

24 (6) "Qualified fund", any corporation, partnership, joint venture, unincorporated
25 association, trust or other organization which is established under the laws of Missouri after
26 December 31, 1985, which meets all of the following requirements established by this
27 subdivision. The fund shall have as its sole purpose and business the making of investments, of
28 which at least ninety percent of the dollars invested shall be qualified investments. The fund
29 shall enter into a contract with one or more qualified economic development organizations which
30 shall entitle the qualified economic development organizations to receive not less than ten
31 percent of all distributions of equity and dividends or other earnings of the fund. Such contracts
32 shall require the qualified fund to transfer to the Missouri technology corporation organized
33 pursuant to the provisions of sections [348.253 to 348.266] **348.250 to 348.275** this interest and
34 make corresponding distributions thereto in the event the qualified economic development
35 organization holding such interest is dissolved or ceases to do business for a period of one year
36 or more;

37 (7) "Qualified investment", any investment of seed capital, start-up capital, or follow-up
38 capital in any commercial activity located in Missouri;

39 (8) "Seed capital", capital provided to a commercial activity located in Missouri for
40 research, development and precommercialization activities to prove a concept for a new product
41 or process or service, and for activities related thereto;

42 (9) "Start-up capital", capital provided to a commercial activity located in Missouri for
43 use in preproduction product development or service development or initial marketing thereof,
44 and for activities related thereto;

45 (10) "State tax liability", any state tax liability incurred by a taxpayer under the
46 provisions of chapters 143, 147 and 148, exclusive of the provisions relating to the withholding
47 of tax as provided for in sections 143.191 to 143.265 and related provisions;

48 (11) "Uninvested capital", the amount of any distribution, other than of earnings, by a
49 qualified fund made within five years of the issuance of a certificate of tax credit as provided by
50 sections 348.300 to 348.318; or the portion of all qualified contributions to a qualified fund
51 which are not invested as qualified investments within five years of the issuance of a certificate
52 of tax credit as provided by sections 348.300 to 348.318 to the extent that the amount not so
53 invested exceeds ten percent of all such qualified contributions.

447.708. 1. For eligible projects, the director of the department of economic
2 development, with notice to the directors of the departments of natural resources and revenue,

3 and subject to the other provisions of sections 447.700 to 447.718, may not create a new
4 enterprise zone but may decide that a prospective operator of a facility being remedied and
5 renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions
6 pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits
7 allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143,
8 excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed
9 by chapter 147, or the tax otherwise imposed by chapter 148. For purposes of this subsection:

10 (1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible
11 project must create at least ten new jobs or retain businesses which supply at least twenty-five
12 existing jobs. The city, or county if the eligible project is not located in a city, must provide ad
13 valorem tax abatement of at least fifty percent for a period not less than ten years and not more
14 than twenty-five years;

15 (2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit
16 for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225,
17 the eligible project must create at least ten new jobs or retain businesses which supply at least
18 twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718,
19 the tax credits described in section 135.225 are modified as follows: the tax credit shall be four
20 hundred dollars per employee per year, an additional four hundred dollars per year for each
21 employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new
22 and existing businesses, respectively, an additional four hundred dollars per year for each person
23 who is a person difficult to employ as defined by section 135.240, and investment tax credits at
24 the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

25 (3) For eligibility to receive the income tax refund pursuant to section 135.245, the
26 eligible project must create at least ten new jobs or retain businesses which supply at least
27 twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of
28 section 135.245 for application and use of the refund and the eligibility requirements of this
29 section;

30 (4) The eligible project operates in compliance with applicable environmental laws and
31 regulations, including permitting and registration requirements, of this state as well as the federal
32 and local requirements;

33 (5) The eligible project operator shall file such reports as may be required by the director
34 of economic development or the director's designee;

35 (6) The taxpayer may claim the state tax credits authorized by this subsection and the
36 state income exemption for a period not in excess of ten consecutive tax years. For the purpose
37 of this section, "taxpayer" means an individual proprietorship, partnership or corporation
38 described in section 143.441 or 143.471 who operates an eligible project. The director shall
39 determine the number of years the taxpayer may claim the state tax credits and the state income
40 exemption based on the projected net state economic benefits attributed to the eligible project;

41 (7) For the purpose of meeting the new job requirement prescribed in subdivisions (1),
42 (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and
43 maintained during the taxpayer's tax period for which the credits are earned, in the case of an
44 eligible project that does not replace a similar facility in Missouri. "New job" means a person
45 who was not previously employed by the taxpayer or related taxpayer within the twelve-month
46 period immediately preceding the time the person was employed by that taxpayer to work at, or
47 in connection with, the eligible project on a full-time basis. "Full-time basis" means the
48 employee works an average of at least thirty-five hours per week during the taxpayer's tax period
49 for which the tax credits are earned. For the purposes of this section, related taxpayer has the
50 same meaning as defined in subdivision (9) of section 135.100;

51 (8) For the purpose of meeting the existing job retention requirement, if the eligible
52 project replaces a similar facility that closed elsewhere in Missouri prior to the end of the
53 taxpayer's tax period in which the tax credits are earned, it shall be required that at least
54 twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time
55 basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a
56 person who was previously employed by the taxpayer or related taxpayer, at a facility similar to
57 the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period
58 in which the tax credits are earned, within the tax period immediately preceding the time the
59 person was employed by the taxpayer to work at, or in connection with, the eligible project on
60 a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five
61 hours per week during the taxpayer's tax period for which the tax credits are earned;

62 (9) In the case where an eligible project replaces a similar facility that closed elsewhere
63 in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the
64 owner and operator of the eligible project shall provide the director with a written statement
65 explaining the reason for discontinuing operations at the closed facility. The statement shall
66 include a comparison of the activities performed at the closed facility prior to the date the facility
67 ceased operating, to the activities performed at the eligible project, and a detailed account
68 describing the need and rationale for relocating to the eligible project. If the director finds the
69 relocation to the eligible project significantly impaired the economic stability of the area in
70 which the closed facility was located, and that such move was detrimental to the overall
71 economic development efforts of the state, the director may deny the taxpayer's request to claim
72 tax benefits;

73 (10) Notwithstanding any provision of law to the contrary, for the purpose of this
74 section, the number of new jobs created and maintained, the number of existing jobs retained,
75 and the value of new qualified investment used at the eligible project during any tax year shall
76 be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals
77 employed at the eligible project, or in the case of new qualified investment, the value of new
78 qualified investment used at the eligible project, on the last business day of each full calendar
79 month of the tax year. If the eligible project is in operation for less than the entire tax year, the

80 number of new jobs created and maintained, the number of existing jobs retained, and the value
81 of new qualified investment created at the eligible project during any tax year shall be
82 determined by dividing the sum of the number of individuals employed at the eligible project,
83 or in the case of new qualified investment, the value of new qualified investment used at the
84 eligible project, on the last business day of each full calendar month during the portion of the tax
85 year during which the eligible project was in operation, by the number of full calendar months
86 during such period;

87 (11) For the purpose of this section, "new qualified investment" means new business
88 facility investment as defined and as determined in subdivision (7) of section 135.100 which is
89 used at and in connection with the eligible project. "New qualified investment" shall not include
90 small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand
91 held.

92 2. The determination of the director of economic development pursuant to subsection
93 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval
94 of the granting of real property tax abatement by the municipal or county government where the
95 eligible project is located.

96 3. (1) The director of the department of economic development, with the approval of
97 the director of the department of natural resources, may, in addition to the tax credits allowed
98 in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one
99 hundred percent of the costs of materials, supplies, equipment, labor, professional engineering,
100 consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement,
101 **environmental insurance premiums, backfill of areas where contaminated soil excavation**
102 **occurs**, and direct utility charges for performing the voluntary remediation activities for the
103 preexisting hazardous substance contamination and releases, including, but not limited to, the
104 costs of performing operation and maintenance of the remediation equipment at the property
105 beyond the year in which the systems and equipment are built and installed at the eligible project
106 and the costs of performing the voluntary remediation activities over a period not in excess of
107 four tax years following the taxpayer's tax year in which the system and equipment were first put
108 into use at the eligible project, provided the remediation activities are the subject of a plan
109 submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to
110 260.575. The tax credit may also include up to one hundred percent of the costs of demolition
111 that are not directly part of the remediation activities, provided that the demolition is on the
112 property where the voluntary remediation activities are occurring, the demolition is necessary
113 to accomplish the planned use of the facility where the remediation activities are occurring, and
114 the demolition is part of a redevelopment plan approved by the municipal or county government
115 and the department of economic development. The demolition may occur on an adjacent
116 property if the project is located in a municipality which has a population less than twenty
117 thousand and the above conditions are otherwise met. The adjacent property shall independently
118 qualify as abandoned or underutilized. The amount of the credit available for demolition not

119 associated with remediation cannot exceed the total amount of credits approved for remediation
120 including demolition required for remediation.

121 (2) The amount of remediation tax credits issued shall be limited to the least amount
122 necessary to cause the project to occur, as determined by the director of the department of
123 economic development.

124 (3) The director may, with the approval of the director of natural resources, extend the
125 tax credits allowed for performing voluntary remediation maintenance activities, in increments
126 of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed
127 in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding
128 tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the
129 tax otherwise imposed by chapter 148.

130 The remediation tax credit may be taken in the same tax year in which the tax credits are
131 received or may be taken over a period not to exceed twenty years.

132 (4) The project facility shall be projected to create at least ten new jobs or at least
133 twenty-five retained jobs, or a combination thereof, as determined by the department of
134 economic development, to be eligible for tax credits pursuant to this section.

135 (5) No more than seventy-five percent of earned remediation tax credits may be issued
136 when the remediation costs were paid, and the remaining percentage may be issued when the
137 department of natural resources issues a letter of completion letter or covenant not to sue
138 following completion of the voluntary remediation activities. It shall not include any costs
139 associated with ongoing operational environmental compliance of the facility or remediation
140 costs arising out of spills, leaks, or other releases arising out of the ongoing business operations
141 of the facility. In the event the department of natural resources issues a letter of completion for
142 a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion
143 of a site improvement, a prorated amount of the remaining percentage may be released based on
144 the percentage of the total site receiving a letter of completion.

145 4. In the exercise of the sound discretion of the director of the department of economic
146 development or the director's designee, the tax credits and exemptions described in this section
147 may be terminated, suspended or revoked, if the eligible project fails to continue to meet the
148 conditions set forth in this section. In making such a determination, the director shall consider
149 the severity of the condition violation, actions taken to correct the violation, the frequency of any
150 condition violations and whether the actions exhibit a pattern of conduct by the eligible facility
151 owner and operator. The director shall also consider changes in general economic conditions and
152 the recommendation of the director of the department of natural resources, or his or her designee,
153 concerning the severity, scope, nature, frequency and extent of any violations of the
154 environmental compliance conditions. The taxpayer or person claiming the tax credits or
155 exemptions may appeal the decision regarding termination, suspension or revocation of any tax
156 credit or exemption in accordance with the procedures outlined in subsections 4 [to 6] **and 5** of
157 section 135.250. The director of the department of economic development shall notify the

158 directors of the departments of natural resources and revenue of the termination, suspension or
159 revocation of any tax credits as determined in this section or pursuant to the provisions of section
160 447.716.

161 5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax
162 credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection
163 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits,
164 exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245,
165 respectively, for the same facility for the same tax period.

166 6. The total amount of the tax credits allowed in subsection 1 of this section may not
167 exceed the greater of:

168 (1) That portion of the taxpayer's income attributed to the eligible project; or

169 (2) One hundred percent of the total business' income tax if the eligible facility does not
170 replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax
171 period in which the tax credits are earned, and further provided the taxpayer does not operate any
172 other facilities besides the eligible project in Missouri; fifty percent of the total business' income
173 tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the
174 end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer
175 does not operate any other facilities besides the eligible project in Missouri; or twenty-five
176 percent of the total business income if the taxpayer operates, in addition to the eligible facility,
177 any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible
178 project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business
179 income in any tax period. That portion of the taxpayer's income attributed to the eligible project
180 as referenced in subdivision (1) of this subsection, for which the credits allowed in sections
181 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same
182 manner as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's
183 franchise tax attributed to the eligible project for which the remediation tax credit may offset,
184 shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of
185 section 135.100.

186 7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of
187 subsection 1 of this section shall be required to file all applicable tax credit applications, forms
188 and schedules prescribed by the director during the taxpayer's tax period immediately after the
189 tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to
190 claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax
191 credits shall not be carried forward but shall be initially claimed for the tax period during which
192 the eligible project was first capable of being used, and during any applicable subsequent tax
193 periods.

194 8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section
195 shall be required to file all applicable tax credit applications, forms and schedules prescribed by
196 the director during the taxpayer's tax period immediately after the tax period in which the eligible

197 project was first put into use, or during the taxpayer's tax period immediately after the tax period
198 in which the voluntary remediation activities were performed.

199 9. The recipient of remediation tax credits, for the purpose of this subsection referred to
200 as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed
201 in subsection 3 of this section to any other person, for the purpose of this subsection referred to
202 as assignee. To perfect the transfer, the assignor shall provide written notice to the director of
203 the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective,
204 the assignee's name, address and the assignee's tax period and the amount of tax credits to be
205 transferred. The number of tax periods during which the assignee may subsequently claim the
206 tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor
207 previously claimed the credits before the transfer occurred.

208 10. In the case where an operator and assignor of an eligible project has been certified
209 to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and
210 sells or otherwise transfers title of the eligible project to another taxpayer or assignee who
211 continues the same or substantially similar operations at the eligible project, the director shall
212 allow the assignee to claim the credits for a period of time to be determined by the director;
213 except that, the total number of tax periods the tax credits may be earned by the assignor and the
214 assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice
215 to the director of the assignor's intent to transfer the tax credits to the assignee, the date the
216 transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount
217 of tax credits to be transferred.

218 11. For the purpose of the state tax benefits described in this section, in the case of a
219 corporation described in section 143.471 or partnership, in computing Missouri's tax liability,
220 such state benefits shall be allowed to the following:

- 221 (1) The shareholders of the corporation described in section 143.471;
222 (2) The partners of the partnership. The credit provided in this subsection shall be
223 apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion
224 to their share of ownership on the last day of the taxpayer's tax period.

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 at least fifty percent of such
25 insurance premiums;

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

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

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

36 (12) **"New capital investment", shall include funds spent by the qualified company**
37 **at the project facility after the approval of the notice of intent for real or personal**
38 **property, and may include the present value of finance or capital leases for real or personal**
39 **property for the term of such lease at the project facility executed after approval of the**
40 **notice of intent;**

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

46 [(13)] (14) "New investment", the purchase or leasing of new tangible assets to be placed
47 in operation at the project facility, which will be directly related to the new jobs;

48 [(14)] (15) "New job", the number of full-time employees located at the project facility
49 that exceeds the project facility base employment less any decrease in the number of full-time
50 employees at related facilities below the related facility base employment. No job that was

51 created prior to the date of the notice of intent shall be deemed a new job. An employee that
52 spends less than fifty percent of the employee's work time at the facility is still considered to be
53 located at a facility if the employee receives his or her directions and control from that facility,
54 is on the facility's payroll, one hundred percent of the employee's income from such employment
55 is Missouri income, and the employee is paid at or above the state average wage;

56 [(15)] (16) "New payroll", the amount of taxable wages of full-time employees,
57 excluding owners, located at the project facility that exceeds the project facility base payroll. If
58 full-time employment at related facilities is below the related facility base employment, any
59 decrease in payroll for full-time employees at the related facilities below that related facility base
60 payroll shall also be subtracted to determine new payroll;

61 [(16)] (17) "Notice of intent", a form developed by the department, completed by the
62 qualified company and submitted to the department which states the qualified company's intent
63 to hire new jobs and request benefits under this program;

64 [(17)] (18) "Percent of local incentives", the amount of local incentives divided by the
65 amount of new direct local revenue;

66 [(18)] (19) "Program", the Missouri quality jobs program provided in sections 620.1875
67 to 620.1890;

68 [(19)] (20) "Project facility", the building used by a qualified company at which the new
69 jobs and new investment will be located. A project facility may include separate buildings that
70 are located within fifteen miles of each other or within the same county such that their purpose
71 and operations are interrelated;

72 [(20)] (21) "Project facility base employment", the greater of the number of full-time
73 employees located at the project facility on the date of the notice of intent or for the
74 twelve-month period prior to the date of the notice of intent, the average number of full-time
75 employees located at the project facility. In the event the project facility has not been in
76 operation for a full twelve-month period, the average number of full-time employees for the
77 number of months the project facility has been in operation prior to the date of the notice of
78 intent;

79 [(21)] (22) "Project facility base payroll", the total amount of taxable wages paid by the
80 qualified company to full-time employees of the qualified company located at the project facility
81 in the twelve months prior to the notice of intent, not including the payroll of the owners of the
82 qualified company unless the qualified company is participating in an employee stock ownership
83 plan. For purposes of calculating the benefits under this program, the amount of base payroll
84 shall increase each year based on an appropriate measure, as determined by the department;

85 [(22)] (23) "Project period", the time period that the benefits are provided to a qualified
86 company;

87 [(23)] (24) "Qualified company", a firm, partnership, joint venture, association, private
88 or public corporation whether organized for profit or not, or headquarters of such entity
89 registered to do business in Missouri that is the owner or operator of a project facility, offers

90 health insurance to all full-time employees of all facilities located in this state, and pays at least
91 fifty percent of such insurance premiums. For the purposes of sections 620.1875 to 620.1890,
92 the term "qualified company" shall not include:

- 93 (a) Gambling establishments (NAICS industry group 7132);
- 94 (b) Retail trade establishments (NAICS sectors 44 and 45);
- 95 (c) Food and drinking places (NAICS subsector 722);
- 96 (d) Public utilities (NAICS 221 including water and sewer services);
- 97 (e) Any company that is delinquent in the payment of any nonprotested taxes or any
98 other amounts due the state or federal government or any other political subdivision of this state;
- 99 (f) Any company that has filed for or has publicly announced its intention to file for
100 bankruptcy protection. However, a company that has filed for or has publicly announced its
101 intention to file for bankruptcy between January 1, 2009, and December 31, 2009, may be a
102 qualified company provided that such company:

- 103 a. Certifies to the department that it plans to reorganize and not to liquidate; and
- 104 b. After its bankruptcy petition has been filed, it produces proof, in a form and at times
105 satisfactory to the department, that it is not delinquent in filing any tax returns or making any
106 payment due to the state of Missouri, including but not limited to all tax payments due after the
107 filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer
108 who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of
109 the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and
110 shall forfeit such benefits and shall repay the state an amount equal to any state tax credits
111 already redeemed and any withholding taxes already retained;

- 112 (g) Educational services (NAICS sector 61);
- 113 (h) Religious organizations (NAICS industry group 8131);
- 114 (i) Public administration (NAICS sector 92);
- 115 (j) Ethanol distillation or production; or
- 116 (k) Biodiesel production. Notwithstanding any provision of this section to the contrary,
117 the headquarters or administrative offices of an otherwise excluded business may qualify for
118 benefits if the offices serve a multistate territory. In the event a national, state, or regional
119 headquarters operation is not the predominant activity of a project facility, the new jobs and
120 investment of such headquarters operation is considered eligible for benefits under this section
121 if the other requirements are satisfied;

122 [(24)] (25) "Qualified renewable energy sources" shall not be construed to include
123 ethanol distillation or production or biodiesel production; however, it shall include:

- 124 (a) Open-looped biomass;
- 125 (b) Close-looped biomass;
- 126 (c) Solar;
- 127 (d) Wind;
- 128 (e) Geothermal; and

129 (f) Hydropower;

130 [(25)] **(26)** "Related company" means:

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

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

134 (c) Corporations, partnerships, trusts or associations controlled by an individual,
135 corporation, partnership, trust or association in control of the qualified company. As used in this
136 subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock
137 possessing at least fifty percent of the total combined voting power of all classes of stock entitled
138 to vote, "control of a partnership or association" shall mean ownership of at least fifty percent
139 of the capital or profits interest in such partnership or association, "control of a trust" shall mean
140 ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal
141 or income of such trust, and ownership shall be determined as provided in Section 318 of the
142 Internal Revenue Code of 1986, as amended;

143 [(26)] **(27)** "Related facility", a facility operated by the qualified company or a related
144 company located in this state that is directly related to the operations of the project facility;

145 [(27)] **(28)** "Related facility base employment", the greater of the number of full-time
146 employees located at all related facilities on the date of the notice of intent or for the
147 twelve-month period prior to the date of the notice of intent, the average number of full-time
148 employees located at all related facilities of the qualified company or a related company located
149 in this state;

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

157 [(29)] **(30)** "Rural area", a county in Missouri with a population less than seventy-five
158 thousand or that does not contain an individual city with a population greater than fifty thousand
159 according to the most recent federal decennial census;

160 [(30)] **(31)** "Small and expanding business project", a qualified company that within two
161 years of the date of the approval creates a minimum of twenty new jobs if the project facility is
162 located in a rural area or a minimum of forty new jobs if the project facility is not located in a
163 rural area and creates fewer than one hundred new jobs regardless of the location of the project
164 facility;

165 [(31)] **(32)** "Tax credits", tax credits issued by the department to offset the state income
166 taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this
167 program;

168 [(32)] **(33)** "Technology business project", a qualified company that within two years of
169 the date of the approval creates a minimum of ten new jobs involved in the operations of a
170 company:

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

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

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

180 (d) Which is a clinical molecular diagnostic laboratory focused on detecting and
181 monitoring infections in immunocompromised patient populations;

182 [(33)] **(34)** "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For
183 purposes of this program, the withholding tax shall be computed using a schedule as determined
184 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 another
22 notice of intent, the department shall apply the definition of project facility under [subdivision

23 (19) of] section 620.1878 to the new notice of intent as well as all previously approved notices
24 of intent and shall determine the application of the definitions of new job, new payroll, project
25 facility base employment, and project facility base payroll accordingly.

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

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

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

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

78 (3) High impact projects: in exchange for the consideration provided by the new tax
79 revenues and other economic stimuli that will be generated by the new jobs created by the
80 program, a qualified company may retain an amount from the withholding tax of the new jobs
81 that would otherwise be withheld and remitted by the qualified company under the provisions
82 of sections 143.191 to 143.265, equal to three percent of new payroll for a period of five years
83 from the date the required number of jobs were created if the average wage of the new payroll
84 equals or exceeds the county average wage of the county in which the project facility is located.
85 For high-impact projects in a facility located within two adjacent counties, the new payroll shall
86 equal or exceed the higher county average wage of the adjacent counties. The percentage of
87 payroll allowed under this subdivision shall be three and one-half percent of new payroll if the
88 average wage of the new payroll in any year exceeds one hundred twenty percent of the county
89 average wage in the county in which the project facility is located. The percentage of payroll
90 allowed under this subdivision shall be four percent of new payroll if the average wage of the
91 new payroll in any year exceeds one hundred forty percent of the county average wage in the
92 county in which the project facility is located. An additional one percent of new payroll may be
93 added to these percentages if local incentives equal between ten percent and twenty-four percent
94 of the new direct local revenue; an additional two percent of new payroll is added to these
95 percentages if the local incentives equal between twenty-five percent and forty-nine percent of
96 the new direct local revenue; or an additional three percent of payroll is added to these
97 percentages if the local incentives equal fifty percent or more of the new direct local revenue.
98 The department shall issue a refundable tax credit for any difference between the amount of
99 benefit allowed under this subdivision and the amount of withholding tax retained by the

100 company, in the event the withholding tax is not sufficient to provide the entire amount of benefit
101 due to the qualified company under this subdivision;

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

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

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

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

117 (d) The qualified company in the project facility will cause to be invested a minimum
118 of seventy million dollars in new investment prior to the end of two years or will cause to be
119 invested a minimum of thirty million dollars in new investment prior to the end of two years and
120 maintain an annual payroll of at least seventy million dollars during each of the years for which
121 a credit is claimed; and

122 (e) The local taxing entities shall provide local incentives of at least fifty percent of the
123 new direct local revenues created by the project over a ten-year period. The quality jobs advisory
124 task force may recommend to the department of economic development that appropriate
125 penalties be applied to the company for violating the agreement. The amount of the job retention
126 credit granted may be equal to up to fifty percent of the amount of withholding tax generated by
127 the full-time jobs at the project facility for a period of five years. The calendar year annual
128 maximum amount of tax credit that may be issued to any qualified company for a job retention
129 project or combination of job retention projects shall be seven hundred fifty thousand dollars per
130 year, but the maximum amount may be increased up to one million dollars if such action is
131 proposed by the department and approved by the quality jobs advisory task force established in
132 section 620.1887; provided, however, until such time as the initial at-large members of the
133 quality jobs advisory task force are appointed, this determination shall be made by the director
134 of the department of economic development. In considering such a request, the task force shall
135 rely on economic modeling and other information supplied by the department when requesting
136 the increased limit on behalf of the job retention project. In no event shall the total amount of
137 all tax credits issued for the entire job retention program under this subdivision exceed three

138 million dollars annually. Notwithstanding the above, no tax credits shall be issued for job
139 retention projects approved by the department after August 30, 2013;

140 (5) (a) **Job retention projects: In lieu of the benefits provided under subdivision**
141 **(4) of this subsection and in exchange for the consideration provided by the tax revenues**
142 **and other economic stimuli that will be generated by the retention of jobs and the making**
143 **of new capital investment in this state, a qualified company may be eligible to receive the**
144 **benefits described in this subdivision if the department determines that there is a**
145 **significant probability that the qualified company would relocate to another state in the**
146 **absence of the benefits authorized under this subdivision.**

147 (b) **A qualified company meeting the requirements of this subdivision may be**
148 **authorized to retain an amount not to exceed one hundred percent of the withholding tax**
149 **from full-time jobs that would otherwise be withheld and remitted by the qualified**
150 **company under the provisions of sections 143.191 to 143.265, for a period of ten years if**
151 **the average wage of the retained jobs equals or exceeds ninety percent of the county**
152 **average wage. In order to receive benefits under this subdivision, a qualified company**
153 **shall enter into written agreement with the department containing detailed performance**
154 **requirements and repayment penalties in event of nonperformance. The amount of**
155 **benefits awarded to a qualified company under this subdivision and subdivision (6) of this**
156 **subsection shall not exceed the projected net fiscal benefit and shall not exceed the least**
157 **amount necessary to obtain the qualified company's commitment to retain the necessary**
158 **number of jobs and make the required new capital investment.**

159 (c) **In order to be eligible to receive benefits under this subdivision, the qualified**
160 **company shall meet each of the following conditions:**

161 a. **The qualified company shall agree to retain, for a period of ten years from the**
162 **date of approval, at least one hundred and twenty-five retained jobs; and**

163 b. **The qualified company shall agree to make a new capital investment at the**
164 **project facility within two years of the approval in an amount at least three times the**
165 **amount of the benefits, available under this subdivision, which are offered to the qualified**
166 **company by the department.**

167 (d) **In awarding benefits under this subdivision, the department shall consider the**
168 **following factors:**

169 a. **The significance of the qualified company's need for program benefits;**

170 b. **The amount of projected net fiscal benefit to the state of the project and the**
171 **period in which the state would realize such net fiscal benefit;**

172 c. **The overall size and quality of the proposed project, including the number of new**
173 **jobs, new capital investment, proposed wages, growth potential of the qualified company,**
174 **the potential multiplier effect of the project, and similar factors;**

175 d. **The financial stability and creditworthiness of the qualified company;**

176 e. **The level of economic distress in the area;**

177 **f. An evaluation of the competitiveness of alternative locations for the project**
178 **facility, as applicable; and**

179 **g. The percent of local incentives committed;**

180 **(e) Upon approval of a notice of intent to request benefits under this subdivision,**
181 **the department and the qualified company shall enter into a written agreement covering**
182 **the applicable project period. The agreement shall specify, at a minimum:**

183 **a. The committed number of retained jobs, payroll, and new capital investment for**
184 **each year during the project period;**

185 **b. Clawback provisions, as may be required by the department; and**

186 **c. Any other provisions the department may require.**

187 **(f) In no event shall the total amount of benefits available to all qualified companies**
188 **under this subdivision exceed:**

189 **a. Three million dollars for the fiscal year beginning on or after July 1, 2011, and**
190 **ending on or before June 30, 2012;**

191 **b. Four million dollars for the fiscal year beginning on or after July 1, 2012, and**
192 **ending on or before June 30, 2013;**

193 **c. Five million dollars for the fiscal year beginning on or after July 1, 2013, and**
194 **ending on or before June 30, 2014; and**

195 **d. Six million dollars for all fiscal years beginning on or after July 1, 2014.**

196 **(6) (a) The department may award a qualified company meeting the requirements**
197 **of subdivision (5) of this subsection tax credits in an amount not to exceed eighty percent**
198 **of the amount the qualified company may otherwise be eligible to retain for a period of five**
199 **years under subdivision (5) of this subsection.**

200 **(b) In addition to satisfying each of the requirements of subdivision (5) of this**
201 **subsection, a qualified company requesting tax credits under this subdivision shall provide**
202 **to the department, prior to approval, evidence of commitments for the financing of any**
203 **applicable new capital investment. The new capital investment shall be made at the project**
204 **facility within two years of the date of approval.**

205 **(c) Upon approval of a notice of intent to request tax credits under this subdivision,**
206 **the department and the qualified company shall enter into a written agreement covering**
207 **the applicable project period. The agreement shall specify, at a minimum:**

208 **a. The committed number of jobs, payroll, and new capital investment for each**
209 **year during the project period;**

210 **b. The date or time period during which the tax credits shall be issued, which may**
211 **be immediately or over a period not to exceed two years from the date of approval;**

212 **c. Penalties, including the recapture of tax credits awarded under this subdivision,**
213 **for failure to satisfy the requirements provided under this subdivision and subdivision (5)**
214 **of this subsection; and**

215 **d. Any other provisions the department may require.**

(d) No later than October 1, 2011, and the first day of October each year thereafter, the department shall provide to the budget committee of the house of representatives and the appropriations committee of the senate a request for an appropriation for the tax credits authorized under this subdivision. Appropriations made under the provisions of this subdivision shall provide the amount of tax credits which may be authorized during the fiscal year immediately following the fiscal year in which such appropriation is made. Appropriations provided under this subdivision shall only be made in the annual appropriation bill relating to public debt.

(e) No tax credits shall be authorized under the provisions of this subdivision, unless an appropriation is made under the provisions of paragraph (d) of this subdivision. In any fiscal year for which an appropriation is made under the provisions of paragraph (d) of this subdivision, no more than the amount of tax credits so appropriated shall be authorized. There is hereby created in the state treasury the "Missouri Quality Jobs Retention Tax Credit Program Fund", which shall consist of money appropriated under this subsection. The state treasurer shall be custodian of the fund and may approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the administration of this subdivision. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund for tax credits which have been authorized but not yet redeemed at the end of the fiscal year shall not revert to the credit of the general revenue fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits which remain unauthorized at the end of the fiscal year shall revert to the credit of the general revenue fund. Provisions of section 32.057 to the contrary notwithstanding, the department of revenue shall notify the director of the department upon redemption of each tax credit authorized under the provisions of this subdivision. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this subdivision to the general revenue fund. In the event the department determines that any tax credit authorized under this subsection is precluded from being redeemed due to contractual agreement entered into by the department and the tax credit applicant or is otherwise precluded by law from being redeemed, an amount equal to such tax credit shall be transferred from the fund created in this subdivision to the general revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the general revenue fund at the end of each fiscal year.

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

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

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

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

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

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

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

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

270 (h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company
271 cumulatively invests at least two million dollars in capital improvements in facilities and
272 equipment located at such facilities that are not located within a five hundred year flood plain
273 as designated by the Federal Emergency Management Agency, and amended from time to time.
274 The amount of the small business job retention and flood survivor relief credit granted may be
275 equal to up to one hundred percent of the amount of withholding tax generated by the full-time
276 jobs at the project facility for a period of three years. The calendar year annual maximum
277 amount of tax credit that may be issued to any qualified company for a small business job
278 retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the
279 maximum amount may be increased up to five hundred thousand dollars if such action is
280 proposed by the department and approved by the quality jobs advisory task force established in
281 section 620.1887. In considering such a request, the task force shall rely on economic modeling
282 and other information supplied by the department when requesting an increase in the limit on
283 behalf of the small business job retention and flood survivor relief project. In no event shall the
284 total amount of all tax credits issued for the entire small business job retention and flood survivor
285 relief program under this subdivision exceed five hundred thousand dollars annually.
286 Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued
287 for small business job retention and flood survivor relief projects approved by the department
288 after August 30, 2010.

289 4. The qualified company shall provide an annual report of the number of jobs and such
290 other information as may be required by the department to document the basis for the benefits
291 of this program. The department may withhold the approval of any benefits until it is satisfied
292 that proper documentation has been provided, and shall reduce the benefits to reflect any
293 reduction in full-time employees or new payroll. Upon approval by the department, the qualified

294 company may begin the retention of the withholding taxes when it reaches the minimum number
295 of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be
296 issued upon satisfaction by the department that the qualified company has exceeded the county
297 average wage and the minimum number of new jobs. In such annual report, if the average wage
298 is below the county average wage, the qualified company has not maintained the employee
299 insurance as required, or if the number of new jobs is below the minimum, the qualified
300 company shall not receive tax credits or retain the withholding tax for the balance of the benefit
301 period. In the case of a qualified company that initially filed a notice of intent and received an
302 approval from the department for high-impact benefits and the minimum number of new jobs
303 in an annual report is below the minimum for high-impact projects, the company shall not
304 receive tax credits for the balance of the benefit period but may continue to retain the
305 withholding taxes if it otherwise meets the requirements of a small and expanding business under
306 this program.

307 5. The maximum calendar year annual tax credits issued for the entire program shall not
308 exceed eighty million dollars. Notwithstanding any provision of law to the contrary, the
309 maximum annual tax credits authorized under section 135.535 are hereby reduced from ten
310 million dollars to eight million dollars, with the balance of two million dollars transferred to this
311 program. There shall be no limit on the amount of withholding taxes that may be retained by
312 approved companies under this program.

313 6. The department shall allocate the annual tax credits based on the date of the approval,
314 reserving such tax credits based on the department's best estimate of new jobs and new payroll
315 of the project, and the other factors in the determination of benefits of this program. However,
316 the annual issuance of tax credits is subject to the annual verification of the actual new payroll.
317 The allocation of tax credits for the period assigned to a project shall expire if, within two years
318 from the date of commencement of operations, or approval if applicable, the minimum
319 thresholds have not been achieved. The qualified company may retain authorized amounts from
320 the withholding tax under this section once the minimum new jobs thresholds are met for the
321 duration of the project period. No benefits shall be provided under this program until the
322 qualified company meets the minimum new jobs thresholds. In the event the qualified company
323 does not meet the minimum new job threshold, the qualified company may submit a new notice
324 of intent or the department may provide a new approval for a new project of the qualified
325 company at the project facility or other facilities.

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

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

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

337 10. Prior to the issuance of tax credits, the department shall verify through the
338 department of revenue, or any other state department, that the tax credit applicant does not owe
339 any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent
340 fees or assessments levied by any state department and through the department of insurance,
341 financial institutions and professional registration that the applicant does not owe any delinquent
342 insurance taxes. Such delinquency shall not affect the authorization of the application for such
343 tax credits, except that at issuance credits shall be first applied to the delinquency and any
344 amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue
345 or the department of insurance, financial institutions and professional registration, or any other
346 state department, concludes that a taxpayer is delinquent after June fifteenth but before July first
347 of any year and the application of tax credits to such delinquency causes a tax deficiency on
348 behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the
349 deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all
350 available credits toward a tax delinquency, the administering agency shall notify the appropriate
351 department and that department shall update the amount of outstanding delinquent tax owed by
352 the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax
353 delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions
354 of other provisions of law.

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

358 12. An employee of a qualified company will receive full credit for the amount of tax
359 withheld as provided in section 143.211.

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

620.1900. 1. The department of economic development may charge a fee to the recipient
2 of any tax credits issued by the department, in an amount up to two and one-half percent of the
3 amount of tax credits issued. The fee shall be paid by the recipient upon the issuance of the tax
4 credits. However, no fee shall be charged for the tax credits issued under section 135.460, or
5 section 208.770, or under sections 32.100 to 32.125, if issued for community services, crime
6 prevention, education, job training, or physical revitalization.

7 2. All fees received by the department of economic development under this section shall
8 be deposited solely to the credit of the economic development advancement fund, created under
9 subsection 3 of this section.

10 3. There is hereby created in the state treasury the "Economic Development
11 Advancement Fund", which shall consist of money collected under this section. The state
12 treasurer shall be custodian of the fund and shall approve disbursements from the fund in
13 accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be
14 used solely for the administration of this section. Notwithstanding the provisions of section
15 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not
16 revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the
17 fund in the same manner as other funds are invested. Any interest and moneys earned on such
18 investments shall be credited to the fund.

19 4. Such fund shall consist of any fees charged under subsection 1 of this section, any
20 gifts, contributions, grants, or bequests received from federal, private, or other sources, fees or
21 administrative charges from private activity bond allocations, moneys transferred or paid to the
22 department in return for goods or services provided by the department, and any appropriations
23 to the fund.

24 5. At least fifty percent of the fees and other moneys deposited in the fund shall be
25 appropriated for marketing, technical assistance, and training, contracts for specialized economic
26 development services, and new initiatives and pilot programming to address economic trends.
27 **At least twenty percent of the fees and other moneys deposited in the fund shall be**
28 **appropriated for administration of the tax credit program authorized under sections**
29 **253.550 to 253.559, to be split evenly between the department of economic development and**
30 **the state historic preservation fund.** The remainder may be appropriated toward the costs of
31 staffing and operating expenses for the program activities of the department of economic
32 development, and for accountability functions.

620.2300. 1. As used in this section, the following terms shall mean:

- 2 (1) "Department", the Missouri department of economic development;
- 3 (2) "Biomass facility", a biomass renewable energy facility or biomass fuel
4 **production facility that will not be a major source for air quality permitting purposes;**
- 5 (3) "Commission", the Missouri public service commission;
- 6 (4) "County average wage", the average wages in each county as determined by the
7 **department for the most recently completed full calendar year. However, if the computed**
8 **county average wage is above the statewide average wage, the statewide average wage shall**
9 **be deemed the county average wage for such county for the purpose of determining**
10 **eligibility. The department shall publish the county average wage for each county at least**
11 **annually. Notwithstanding the provisions of this subdivision to the contrary, for any**
12 **project that is relocating employees from a Missouri county with a higher county average**
13 **wage, the company shall obtain the endorsement of the governing body of the community**

14 from which jobs are being relocated or the county average wage for their project shall be
15 the county average wage for the county from which the employees are being relocated;

16 (5) "Full-time employee", an employee of the project facility that is scheduled to
17 work an average of at least thirty-five hours per week for a twelve-month period, and one
18 for which the employer offers health insurance and pays at least fifty percent of such
19 insurance premiums;

20 (6) "Major source", the same meaning as is provided under 40 CFR 70.2;

21 (7) "New job", the number of full-time employees located at the project facility that
22 exceeds the project facility base employment less any decrease in the number of full-time
23 employees at related facilities below the related facility base employment. An employee
24 that spends less than fifty percent of the employee's work time at the project facility is still
25 considered to be located at a facility if the employee receives his or her directions and
26 control from that facility, is on the facility's payroll, one hundred percent of the employee's
27 income from such employment is Missouri income, and the employee is paid at or above
28 the state average wage;

29 (8) "Park", an area consisting of a parcel or tract of land, or any combination of
30 parcels or contiguous land that meet all of the following requirements:

31 (a) The area consists of at least fifty contiguous acres;

32 (b) The property within the area is subject to remediation under a clean up
33 program supervised by the Missouri department of natural resources or United States
34 Environmental Protection Agency;

35 (c) The area contains a manufacturing facility that is closed, undergoing closure,
36 idle, underutilized, or curtailed and that at one time employed at least two hundred
37 employees;

38 (d) The development plan for the area includes a biomass facility; and

39 (e) Property located within the area will be used for the development of renewable
40 energy and the demonstration of industrial on-site energy generation;

41 (9) "Project", a cleanfields renewable energy demonstration project located within
42 a park that will result in the creation of at least fifty new jobs and the retention of at least
43 fifty existing jobs;

44 (10) "Project application", an application submitted to the department, by an
45 owner of all or a portion of a park, on a form provided by the department, requesting
46 benefits provided under this section;

47 (11) "Project facility", a biomass facility at which the new jobs will be located. A
48 project facility may include separate buildings that are located within fifty miles of each
49 other or within the same county such that their purpose and operations are interrelated;

50 (12) "Project facility base employment", the greater of the number of full-time
51 employees located at the project facility on the date of the project application or for the
52 twelve-month period prior to the date of the project application, the average number of

53 full-time employees located at the project facility. In the event the project facility has not
54 been in operation for a full twelve-month period, the average number of full-time
55 employees for the number of months the project facility has been in operation prior to the
56 date of the project application.

57 2. The owner of a park seeking to establish a project shall submit a project
58 application to the department for certification of such project. The department shall
59 review all project applications received under this section and, in consultation with the
60 department of natural resources, verify satisfaction of the requirements of this section. If
61 the department approves a project application, the department shall forward such
62 application and approval to the commission.

63 3. Notwithstanding provisions of section 393.1030 to the contrary, upon receipt of
64 an application and approval from the department, the commission shall assign double
65 credit to any electric power, renewable energy, renewable energy credits, or any successor
66 credit generated from:

67 (1) Renewable energy resources purchased from the biomass facility located in the
68 park by an electric power supplier;

69 (2) Electric power generated off-site by utilizing biomass fuel sold by the biomass
70 facility located at the park; or

71 (3) Electric power generated off-site by renewable energy resources utilizing
72 storage equipment manufactured at the park that increases the quantity of electricity
73 delivered to the electric power supplier.

Section 1. An insurance company claiming a state premium tax credit or deduction
2 shall not be required to pay any additional retaliatory tax levied under section 375.916 as
3 a result of claiming such credit or deduction.

Section B. Because immediate action is necessary to secure adequate state revenue and
2 to ensure the creation of jobs through the utilization of alternative energy sources, the enactment
3 of sections 32.383, 135.1500, 135.1503, 135.1505, 135.1507, 135.1509, 135.1511, 135.1513,
4 135.1515, 135.1517, 135.1519, 135.1521, and 620.2300 of section A of this act are deemed
5 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
6 hereby declared to be an emergency act within the meaning of the constitution, and the enactment
7 of sections 32.383, 135.1500, 135.1503, 135.1505, 135.1507, 135.1509, 135.1511, 135.1513,
8 135.1515, 135.1517, 135.1519, 135.1521, and 620.2300 of section A of this act shall be in full
9 force and effect upon its passage and approval.

✓