

HOUSE _____ AMENDMENT NO. _____

Offered By _____

AMEND House Committee Substitute for Senate Bill No. 455, in the Title, Lines 3 and 4 by deleting from said lines the phrase: "duties prescribed to the coordinating board for"; and

Further amend said bill, Page 1, Section A, Line 4, by inserting after all of said section and line the following:

"67.3000. 1. As used in this section and section 67.3005, the following words shall mean:

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

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

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

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

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

(6) "Eligible costs", shall include:

(a) Costs necessary for conducting the sporting event;

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

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

"Eligible costs" shall not include any cost associated with the rehabilitation or construction of any facilities used to host the sporting event or any direct payments to a for-profit site selection organization, but may include costs associated with the retrofitting of a facility necessary to accommodate the sporting event;

(7) "Eligible donation", donations received, by a certified sponsor or local organizing committee, from a taxpayer that may include cash, publically traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department. Such donations shall be used solely to provide funding to attract sporting events to this state;

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

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

(10) "Joinder undertaking", an agreement entered into by one or more applicants, acting

1 individually or collectively, and a site selection organization that each applicant will execute a
2 joinder agreement in the event that the site selection organization selects a site in this state for a
3 sporting event;

4 (11) "Local organizing committee", a nonprofit corporation or its successor in interest
5 that:

6 (a) Has been authorized by one or more certified sponsors, endorsing municipalities, or
7 endorsing counties, acting individually or collectively, to pursue an application and bid on its or
8 the applicant's behalf to a site selection organization for selection to host one or more sporting
9 events; or

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

13 (12) "Site selection organization", the National Collegiate Athletic Association (NCAA);
14 an NCAA member conference, university, or institution; the National Association of
15 Intercollegiate Athletics (NAIA); the United States Olympic Committee (USOC); a national
16 governing body (NGB) or international federation of a sport recognized by the USOC; the United
17 States Golf Association (USGA); the United States Tennis Association (USTA); the Amateur
18 Softball Association of America (ASA); other major regional, national, and international sports
19 associations, and amateur organizations that promote, organize, or administer sporting games, or
20 competitions; or other major regional, national, and international organizations that promote or
21 organize sporting events;

22 (13) "Sporting event" or "sporting events", an amateur or Olympic sporting event that is
23 competitively bid or is awarded to a community by a site selection organization;

24 (14) "Support contract" or "support contracts", an event award notification, joinder
25 undertaking, joinder agreement, or contract executed by an applicant and a site selection
26 organization;

27 (15) "Tax credit" or "tax credits", a credit or credits issued by the department against the
28 tax otherwise due under chapter 143 or 148, excluding withholding tax imposed by sections
29 143.191 to 143.265;

30 (16) "Taxpayer", any of the following individuals or entities who make an eligible
31 donation:

32 (a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation
33 doing business in the state of Missouri and subject to the state income tax imposed under chapter
34 143;

35 (b) A corporation subject to the annual corporation franchise tax imposed under chapter
36 147;

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

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

41 (e) An individual subject to the state income tax imposed under chapter 143;

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

45 2. An applicant may submit a copy of a support contract for a sporting event to the
46 department. Within sixty days of receipt of the sporting event support contract, the department
47 may review the applicant's support contract and certify such support contract if it complies with

1 the requirements of this section. Upon certification of the support contract by the department, the
2 applicant may be authorized to receive the tax credit under subsection 4 of this section.

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

6 4. No later than seven days following the conclusion of the sporting event, the
7 department, in consultation with the director, may determine the total number of tickets sold at
8 face value for such event. No later than sixty days following the receipt of eligible costs and
9 documentation of such costs from the applicant as required in subsection 3 of this section, the
10 department may issue a refundable tax credit to the applicant for the lesser of one hundred percent
11 of eligible costs incurred by the applicant or an amount equal to five dollars multiplied by the
12 event's average per-session admission tickets sold and paid registered participants multiplied by
13 the number of days from the first to the last day of the event. Tax credits authorized by this
14 section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the
15 department that names the transferee, the amount of tax credit transferred, and the value received
16 for the credit, as well as any other information reasonably requested by the department.

17 5. In no event shall the amount of tax credits issued by the department under this section
18 exceed ten million dollars in any fiscal year. In any fiscal year, no more than eight million dollars
19 in tax credits shall be available to all applicants that submit support contracts for sporting events
20 to be held in any city not within a county or in any county with more than three hundred thousand
21 inhabitants.

22 6. An applicant shall provide any information necessary as determined by the department
23 for the department and the director to fulfill the duties required by this section. At any time upon
24 the request of the state of Missouri, a certified sponsor shall subject itself to an audit conducted by
25 the state.

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

29 8. The department shall only certify an applicant's support contract for a sporting event in
30 which the site selection organization has yet to select a location for the sporting event as of
31 August 28, 2012. Support contracts shall not be certified by the department after August 28,
32 2018, provided that the support contracts may be certified on or prior to August 28, 2018, for
33 sporting events that will be held after such date.

34 9. The department may promulgate rules as necessary to implement the provisions of this
35 section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created
36 under the authority delegated in this section shall become effective only if it complies with and is
37 subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section
38 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
39 pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule
40 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
41 proposed or adopted after August 28, 2012, shall be invalid and void.

42 67.3005. 1. For all taxable years beginning on or after January 1, 2012, any taxpayer shall
43 be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148, excluding
44 withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of
45 the amount of an eligible donation, subject to the restrictions in this section. The amount of the
46 tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the
47 tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by

1 this section from claiming in a tax year shall not be refundable, but may be carried forward to any
2 of the taxpayer's four subsequent taxable years.

3 2. To claim the credit authorized in this section, a certified sponsor or local organizing
4 committee shall submit to the department an application for the tax credit authorized by this
5 section on behalf of taxpayers. The department shall verify that the applicant has submitted the
6 following items accurately and completely:

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

8 (2) A statement attesting to the eligible donation received, which shall include the name
9 and taxpayer identification number of the individual making the eligible donation, the amount of
10 the eligible donation, and the date the eligible donation was received; and

11 (3) Payment from the certified sponsor or local organizing committee equal to the value of
12 the tax credit for which application is made.

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14 If the certified sponsor or local organizing committee applying for the tax credit meets all criteria
15 required by this subsection, the department shall issue a certificate in the appropriate amount.

16 3. Tax credits issued under this section may be assigned, transferred, sold, or otherwise
17 conveyed, and the new owner of the tax credit shall have the same rights in the credit as the
18 taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized
19 endorsement shall be filed with the department specifying the name and address of the new owner
20 of the tax credit or the value of the credit. In no event shall the amount of tax credits issued by the
21 department under this section exceed ten million dollars in any fiscal year.

22 4. The department shall promulgate rules to implement the provisions of this section.
23 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
24 authority delegated in this section shall become effective only if it complies with and is subject to
25 all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter
26 536, are nonseverable and if any of the powers vested with the general assembly pursuant to
27 chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are
28 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
29 or adopted after August 28, 2012, shall be invalid and void.

30 5. Under section 23.253 of the Missouri sunset act:

31 (1) The provisions of the new program authorized under this section shall automatically
32 sunset six years after August 28, 2012, unless reauthorized by an act of the general assembly; and

33 (2) If such program is reauthorized, the program authorized under this section shall
34 automatically sunset on December thirty-first twelve years after the effective date of the
35 reauthorization of this section; and

36 (3) This section shall terminate on September first of the calendar year immediately
37 following the calendar year in which the program authorized under this section is sunset.”; and

38 Further amend said bill by amending the title, enacting clause, and intersectional references

39 accordingly.