

SECOND REGULAR SESSION

HOUSE BILL NO. 2207

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE WRIGHT.

4886H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.1205, 100.286, 100.297, 100.850, 135.015, 135.020, 135.090, 135.110, 135.305, 135.327, 135.352, 135.460, 135.484, 135.490, 135.535, 135.545, 135.546, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.766, 135.967, 135.1150, 135.1180, 143.119, 143.471, 148.030, 148.400, 208.770, 253.550, 253.559, 320.093, 348.302, 348.430, 348.432, 348.434, 348.505, 375.774, 376.745, 376.975, 447.708, 620.495, 620.1039, 620.1881, and 660.055, RSMo, and to enact in lieu thereof fifty-four new sections relating to subjecting tax credit programs to appropriations.

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

Section A. Sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.1205, 100.286, 100.297, 100.850, 135.015, 135.020, 135.090, 135.110, 135.305, 135.327, 135.352, 135.460, 135.484, 135.490, 135.535, 135.545, 135.546, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.766, 135.967, 135.1150, 135.1180, 143.119, 143.471, 148.030, 148.400, 208.770, 253.550, 253.559, 320.093, 348.302, 348.430, 348.432, 348.434, 348.505, 375.774, 376.745, 376.975, 447.708, 620.495, 620.1039, 620.1881, and 660.055, RSMo, are repealed and fifty-four new sections enacted in lieu thereof, to be known as sections 32.105, 32.110, 32.111, 32.112, 32.115, 99.1205, 100.286, 100.297, 100.850, 135.015, 135.020, 135.090, 135.110, 135.305, 135.327, 135.352, 135.460, 135.484, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.680, 135.700, 135.710, 135.750, 135.821, 135.967, 135.1150, 135.1180, 143.119, 143.471, 148.030, 148.400, 208.770, 253.550, 253.559, 348.302, 348.430, 348.432, 348.434, 348.505, 375.774, 376.745, 376.975, 447.708, 620.495, 620.1881, and 660.055, to read as follows:

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.

32.105. As used in sections 32.100 to 32.125, the following terms mean:

(1) "Affordable housing assistance activities", money, real or personal property, or professional services expended or devoted to the construction, or rehabilitation of affordable housing units;

(2) "Affordable housing unit", a residential unit generally occupied by persons and families with incomes at or below the levels described in this subdivision and bearing a cost to the occupant no greater than thirty percent of the maximum eligible household income for the affordable housing unit. In the case of owner-occupied units, the cost to the occupant shall be considered the amount of the gross monthly mortgage payment, including casualty insurance, mortgage insurance, and taxes. In the case of rental units, the cost to the occupant shall be considered the amount of the gross rent. The cost to the occupant shall include the cost of any utilities, other than telephone. If any utilities are paid directly by the occupant, the maximum cost that may be paid by the occupant is to be reduced by a utility allowance prescribed by the commission. For rental units, persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger; ("geographic area", as used in this subdivision, means the metropolitan area or county designated as an area by the federal Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, for purposes of determining fair market rental rates):

Percent of State or Size of Household	Geographic Area Family Median Income
One Person	35%
Two Persons	40%
Three Persons	45%
Four Persons	50%
Five Persons	54%
Six Persons	58%
Seven Persons	62%
Eight Persons	66%

For owner-occupied units, persons or families are eligible occupants of affordable housing units if the household combined, adjusted gross income as defined by the commission is equal to or less than the following percentages of the median family income for the geographic area in which the residential unit is located, or the median family income for the state of Missouri, whichever is larger:

Percent of State or Size of Household	Geographic Area Family Median Income
One Person	70%
Two Persons	80%
Three Persons	90%
Four Persons	100%
Five Persons	108%
Six Persons	116%
Seven Persons	124%
Eight Persons	132%

(3) "Business firm", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under such chapter, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state;

(4) "Commission", the Missouri housing development commission;

(5) "Community services", any type of counseling and advice, emergency assistance or medical care furnished to individuals or groups in the state of Missouri or transportation services at below-cost rates as provided in sections 208.250 to 208.275;

(6) "Crime prevention", any activity which aids in the reduction of crime in the state of Missouri;

(7) "Defense industry contractor", a person, corporation or other entity which will be or has been negatively impacted as a result of its status as a prime contractor of the Department of Defense or as a second or third tier contractor. A "second tier contractor" means a person, corporation or other entity which contracts to perform manufacturing, maintenance or repair services for a prime contractor of the Department of Defense, and a "third tier contractor" means a person, corporation or other entity which contracts with a person, corporation or other entity which contracts with a prime contractor of the Department of Defense;

(8) "Doing business", among other methods of doing business in the state of Missouri, a partner in a firm or a shareholder in an S corporation shall be deemed to be doing business in

72 the state of Missouri if such firm or S corporation, as the case may be, is doing business in the
73 state of Missouri;

74 (9) "Economic development", the acquisition, renovation, improvement, or the
75 furnishing or equipping of existing buildings and real estate in distressed or blighted areas of the
76 state when such acquisition, renovation, improvement, or the furnishing or equipping of the
77 business development projects will result in the creation or retention of jobs within the state.
78 Only neighborhood organizations, as defined in subdivision (13) of this section, may apply to
79 conduct economic development projects. Prior to the approval of an economic development
80 project, the neighborhood organization shall enter into a contractual agreement with the
81 department of economic development. Credits approved for economic development projects
82 may not exceed six million dollars from within any one fiscal year's allocation. Neighborhood
83 assistance program tax credits for economic development projects and affordable housing
84 assistance as defined in section 32.111 may be transferred, sold or assigned by a notarized
85 endorsement thereof naming the transferee. **Notwithstanding other provisions of law to the**
86 **contrary, no tax credits shall be authorized under the provisions of this subdivision after**
87 **June 30, 2015, unless an appropriation is made under the provisions of section 135.821.**
88 **In any fiscal year for which an appropriation is made under the provisions of section**
89 **135.821, no more than the amount of tax credits so appropriated shall be authorized.**
90 **There is hereby created in the state treasury the "Development Tax Credit Program**
91 **Fund", which shall consist of money appropriated under this subdivision and section**
92 **135.821. The state treasurer shall be custodian of the fund and may approve**
93 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
94 **appropriation, money in the fund shall be used solely for the administration of this**
95 **subdivision and sections 32.100 to 32.125. Notwithstanding the provisions of section 33.080**
96 **to the contrary, any moneys remaining in the fund for tax credits which have been**
97 **authorized but not yet redeemed at the end of the fiscal year shall not revert to the credit**
98 **of the general revenue fund. Any moneys remaining in the fund at the end of the fiscal**
99 **year for any tax credits which remain unauthorized at the end of the fiscal year shall revert**
100 **to the credit of the general revenue fund. Notwithstanding the provisions of section 32.057**
101 **to the contrary, the department of revenue shall notify the director of the department of**
102 **economic development upon redemption of each tax credit authorized under the provisions**
103 **of this subdivision. Upon such notification, an amount equal to the tax credits redeemed**
104 **shall be transferred from the fund created in this subdivision to the general revenue fund.**
105 **In the event the department of economic development determines that any tax credit**
106 **authorized under this subdivision is precluded from being redeemed due to contractual**
107 **agreement entered into by the department and the tax credit applicant or is otherwise**

108 **precluded by law from being redeemed, an amount equal to such tax credit shall be**
109 **transferred from the fund created in this subdivision to the general revenue fund. The**
110 **state treasurer shall invest moneys in the fund in the same manner as other funds are**
111 **invested. Any interest and moneys earned on such investments shall be credited to the**
112 **general revenue fund at the end of each fiscal year;**

113 (10) "Education", any type of scholastic instruction or scholarship assistance to an
114 individual who resides in the state of Missouri that enables the individual to prepare himself or
115 herself for better opportunities or community awareness activities rendered by a statewide
116 organization established for the purpose of archeological education and preservation;

117 (11) "Homeless assistance pilot project", the program established pursuant to section
118 32.117;

119 (12) "Job training", any type of instruction to an individual who resides in the state of
120 Missouri that enables the individual to acquire vocational skills so that the individual can
121 become employable or be able to seek a higher grade of employment;

122 (13) "Neighborhood organization", any organization performing community services or
123 economic development activities in the state of Missouri and:

124 (a) Holding a ruling from the Internal Revenue Service of the United States Department
125 of the Treasury that the organization is exempt from income taxation pursuant to the provisions
126 of the Internal Revenue Code; or

127 (b) Incorporated in the state of Missouri as a not-for-profit corporation pursuant to the
128 provisions of chapter 355; or

129 (c) Designated as a community development corporation by the United States
130 government pursuant to the provisions of Title VII of the Economic Opportunity Act of 1964;

131 (14) "Physical revitalization", furnishing financial assistance, labor, material, or technical
132 advice to aid in the physical improvement or rehabilitation of any part or all of a neighborhood
133 area;

134 (15) "S corporation", a corporation described in Section 1361(a)(1) of the United States
135 Internal Revenue Code and not subject to the taxes imposed by section 143.071 by reason of
136 section 143.471;

137 (16) "Workfare renovation project", any project initiated pursuant to sections 215.340
138 to 215.355.

32.110. 1. Any business firm which engages in the activities of providing physical
2 revitalization, economic development, job training or education for individuals, community
3 services, or crime prevention in the state of Missouri shall receive a tax credit as provided in
4 section 32.115 if the director of the department of economic development annually approves the
5 proposal of the business firm; except that, no proposal shall be approved which does not have

6 the endorsement of the agency of local government within the area in which the business firm
7 is engaging in such activities which has adopted an overall community or neighborhood
8 development plan that the proposal is consistent with such plan. The proposal shall set forth the
9 program to be conducted, the neighborhood area to be served, why the program is needed, the
10 estimated amount to be contributed to the program and the plans for implementing the program.
11 If, in the opinion of the director of the department of economic development, a business firm's
12 contribution can more consistently with the purposes of sections 32.100 to 32.125 be made
13 through contributions to a neighborhood organization as defined in subdivision (13) of section
14 32.105, tax credits may be allowed as provided in section 32.115. The director of the department
15 of economic development is hereby authorized to promulgate rules and regulations for
16 establishing criteria for evaluating such proposals by business firms for approval or disapproval
17 and for establishing priorities for approval or disapproval of such proposals by business firms
18 with the assistance and approval of the director of the department of revenue. The total amount
19 of tax credit granted for programs approved pursuant to sections 32.100 to 32.125 shall not
20 exceed fourteen million dollars in fiscal year 1999 and twenty-six million dollars in fiscal year
21 2000, and any subsequent fiscal year, except as otherwise provided for proposals approved
22 pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant to the
23 provisions of sections 32.100 to 32.125 may be used as a state match to secure additional federal
24 funding.

25 **2. Notwithstanding other provisions of law to the contrary, no tax credits shall be**
26 **authorized under the provisions of this section after June 30, 2015, unless an appropriation**
27 **is made under the provisions of section 135.821. In any fiscal year for which an**
28 **appropriation is made under the provisions of section 135.821, no more than the amount**
29 **of tax credits so appropriated shall be authorized.**

30 **3. There is hereby created in the state treasury the "Neighborhood Assistance Tax**
31 **Credit Program Fund", which shall consist of money appropriated under this section and**
32 **section 135.821. The state treasurer shall be custodian of the fund and may approve**
33 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
34 **appropriation, money in the fund shall be used solely for the administration of this section**
35 **and sections 32.100 to 32.125. Notwithstanding the provisions of section 33.080 to the**
36 **contrary, any moneys remaining in the fund for tax credits which have been authorized but**
37 **not yet redeemed at the end of the fiscal year shall not revert to the credit of the general**
38 **revenue fund. Any moneys remaining in the fund at the end of the fiscal year for any tax**
39 **credits which remain unauthorized at the end of the fiscal year shall revert to the credit of**
40 **the general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,**
41 **the department of revenue shall notify the director of the department of economic**

42 **development upon redemption of each tax credit authorized under the provisions of this**
43 **section. Upon such notification, an amount equal to the tax credits redeemed shall be**
44 **transferred from the fund created in this section to the general revenue fund. In the event**
45 **the department of economic development determines that any tax credit authorized under**
46 **this section is precluded from being redeemed due to contractual agreement entered into**
47 **by the department and the tax credit applicant or is otherwise precluded by law from being**
48 **redeemed, an amount equal to such tax credit shall be transferred from the fund created**
49 **in this section to the general revenue fund. The state treasurer shall invest moneys in the**
50 **fund in the same manner as other funds are invested. Any interest and moneys earned on**
51 **such investments shall be credited to the general revenue fund at the end of each fiscal**
52 **year.**

32.111. 1. Any business firm which engages in providing affordable housing assistance
2 activities or market rate housing in distressed communities as defined in section 135.530 in the
3 state of Missouri [shall] **may, subject to the limitations provided under subsection 2 of this**
4 **section and subsection 3 of section 32.115,** receive a tax credit as provided in section 32.115
5 if the commission or its delegate approves a proposal submitted by one or more business firms
6 for the provision of affordable housing units or market rate housing in distressed communities
7 or in accordance with the requirements of participation in the workfare renovation project in
8 sections 215.340 to 215.355. The proposal shall set forth the program of affordable housing to
9 be conducted, the location and number of affordable housing units, the neighborhood area to be
10 served, why the program is needed, the time period for which affordable housing units shall be
11 provided, the estimated amount to be invested in the program, plans for implementing the
12 program and a list of the business firms proposing to provide affordable housing assistance
13 activities which are part of the proposal. The same type of information shall be provided in
14 proposals for market rate housing in distressed communities. In the case of rental units of
15 affordable housing, but not market rate housing in distressed communities, all proposals
16 approved by the commission shall require a land use restriction agreement stating the provision
17 of affordable housing on such property for a time period deemed reasonable by the commission.
18 In the case of owner-occupied units of affordable housing, all proposals approved by the
19 commission shall require a land use restriction agreement for a time period deemed reasonable
20 by the commission requiring any subsequent owner, except a lender with a security interest in
21 the property, to be an owner occupant whose income at the time of acquisition is at or below the
22 level described in section 32.105, and further requiring the acquisition price to any subsequent
23 owner shall not exceed by more than a five percent annual appreciation the acquisition price to
24 the original, eligible owner at the time tax credits are first claimed. The land use restriction
25 agreement shall constitute a lien as described in subdivision (4) of subsection 3 of section

26 32.115. The restriction shall be approved by the property owner and shall be binding on any
27 subsequent owner of the property unless otherwise approved by the commission. In approving
28 a proposal, the commission may authorize the use of tax credits by one or more of the business
29 firms listed in the proposal and shall establish specific requirements regarding the degree of
30 completion of affordable housing assistance activities or market rate housing activities in
31 distressed communities necessary to be eligible for tax credits provided pursuant to this section.
32 If, in the opinion of the commission or its delegate, a business firm's investment can more
33 consistently with the purposes of this section be made through a neighborhood organization, tax
34 credits may be allowed as provided in this section. The commission may approve requests for
35 multiyear credit commitments provided eligibility is maintained. The commission or its delegate
36 is hereby authorized to promulgate rules and regulations for establishing criteria for evaluating
37 such proposals by business firms for approval or disapproval, for establishing housing priorities
38 for approval or disapproval of such proposals by business firms, and for the certification of
39 eligibility for tax credits authorized pursuant to this section. The decision of the commission or
40 its delegate to approve or disapprove a proposal pursuant to this section shall be in writing, and
41 if approved, the maximum credit allowable to the business firm shall be stated. A copy of the
42 decision of the commission or its delegate shall be transmitted to the director of revenue and to
43 the governor. A copy of the certification approved by the commission and a statement of the
44 total amount of credits approved by the commission, the amount of credits previously taken by
45 the taxpayer and the amount being claimed for the current tax year shall be filed in a manner and
46 form designated by the director of revenue for any tax year in which a tax credit is being claimed.

47 **2. Business firms shall file, with the commission, an application for tax credits**
48 **authorized under this section on a form provided by the commission. In the event the**
49 **amount of claims exceed the amount of credits available under the provisions of section**
50 **32.115, the commission shall award the credits on a first-to-file, first-to-receive basis.**

32.112. Any business firm which makes a contribution to a neighborhood organization,
2 a significant part of whose activities consist of affordable housing assistance activities or market
3 rate housing in distressed communities as defined in section 135.530 in the state of Missouri,
4 [shall] **may, subject to the limitations provided under subsection 4 of section 32.115,** receive
5 a tax credit as provided in section 32.115 if the commission approves a proposal submitted by
6 one or more business firms for the general operating assistance of such neighborhood
7 organization. The proposal shall set forth the activities of the neighborhood organization,
8 including the affordable housing assistance activities or market rate housing in distressed
9 communities, the neighborhood area to be served, why the activities are needed, the estimated
10 amount to be contributed to the neighborhood organization, and a list of the business firms
11 proposing to make the contributions. The commission is hereby authorized to promulgate rules

12 and regulations pursuant to section 536.024 for establishing criteria for evaluating such proposals
13 by business firms for approval or disapproval, and for the certification of eligibility for tax
14 credits authorized pursuant to this section. The decision of the commission to approve or
15 disapprove a proposal pursuant to this section shall be in writing and, if approved, the maximum
16 credit allowable to the business firm shall be stated. A copy of the decision of the commission
17 shall be transmitted to the director of revenue and to the governor. A copy of the certification
18 approved by the commission and a statement of the total amount of credits approved, the amount
19 of credits previously taken by the taxpayer and the amount being claimed for the current tax year
20 shall be filed in a manner and form designated by the director of revenue for any tax year in
21 which a tax credit is being claimed.

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. **Notwithstanding any other provision of law to the contrary, no tax**
51 **credits shall be authorized under the provisions of sections 32.110 or 135.460 after June**
52 **30, 2015, unless an appropriation is made under the provisions of section 135.821. In any**
53 **fiscal year for which an appropriation is made to the fund created under this section under**
54 **the provisions of section 135.821, no more than the amount appropriated shall be**
55 **authorized. There is hereby created in the state treasury the "Youth Opportunities Tax**
56 **Credit Program Fund", which shall consist of money appropriated under this section and**
57 **section 135.821. The state treasurer shall be custodian of the fund and may approve**
58 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
59 **appropriation, money in the fund shall be used solely for the administration of this section,**
60 **section 135.460, and sections 620.1100 to 620.1103. Notwithstanding the provisions of**
61 **section 33.080 to the contrary, any moneys remaining in the fund for tax credits which have**

62 **been authorized but not yet redeemed at the end of the fiscal year shall not revert to the**
63 **credit of the general revenue fund. Any moneys remaining in the fund at the end of the**
64 **fiscal year for any tax credits which remain unauthorized at the end of the fiscal year shall**
65 **revert to the credit of the general revenue fund. Notwithstanding the provisions of section**
66 **32.057 to the contrary, the department of revenue shall notify the director of the**
67 **department of economic development and the state treasurer upon redemption of each tax**
68 **credit authorized under the provisions of this section. Upon such notification, an amount**
69 **equal to the tax credits redeemed shall be transferred from the fund created in this section**
70 **to the general revenue fund. In the event the department of economic development**
71 **determines that any tax credit authorized under this section is precluded from being**
72 **redeemed due to contractual agreement entered into by the department and the tax credit**
73 **applicant or is otherwise precluded by law from being redeemed, the department shall**
74 **notify the state treasurer and an amount equal to such tax credit shall be transferred from**
75 **the fund created in this section to the general revenue fund. The state treasurer shall invest**
76 **moneys in the fund in the same manner as other funds are invested. Any interest and**
77 **moneys earned on such investments shall be credited to the general revenue fund at the end**
78 **of each fiscal year;**

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

86 3. For proposals approved pursuant to section 32.111:

87 (1) The amount of the tax credit shall not exceed fifty-five percent of the total amount
88 invested in affordable housing assistance activities or market rate housing in distressed
89 communities as defined in section 135.530 by a business firm. Whenever such investment is
90 made in the form of an equity investment or a loan, as opposed to a donation alone, tax credits
91 may be claimed only where the loan or equity investment is accompanied by a donation which
92 is eligible for federal income tax charitable deduction, and where the total value of the tax credits
93 herein plus the value of the federal income tax charitable deduction is less than or equal to the
94 value of the donation. Any tax credit not used in the period for which the credit was approved
95 may be carried over the next ten succeeding calendar or fiscal years until the full credit has been
96 allowed. If the affordable housing units or market rate housing units in distressed communities
97 for which a tax is claimed are within a larger structure, parts of which are not the subject of a tax

credit claim, then expenditures applicable to the entire structure shall be reduced on a prorated basis in proportion to the ratio of the number of square feet devoted to the affordable housing units or market rate housing units in distressed communities, for purposes of determining the amount of the tax credit. The total amount of tax credit granted for programs approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991, shall not exceed two million dollars, to be increased by no more than two million dollars each succeeding fiscal year, until the total tax credits that may be approved reaches ten million dollars in any fiscal year. **No tax credits shall be authorized under the provisions of section 32.111 after June 30, 2015, unless an appropriation is made under the provisions of section 135.821. In any fiscal year for which an appropriation is made under the provisions of section 135.821, no more than the amount of tax credits so appropriated shall be authorized;**

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

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

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However,

134 except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for
135 tax credits shall not be revoked.

136 4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall
137 not exceed fifty-five percent of the total amount contributed to a neighborhood organization by
138 business firms. Any tax credit not used in the period for which the credit was approved may be
139 carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed.
140 The total amount of tax credit granted for programs approved pursuant to section 32.112 shall
141 not exceed one million dollars for each fiscal year. **No tax credits shall be authorized under**
142 **the provisions of section 32.112 after June 30, 2015, unless an appropriation is made under**
143 **the provisions of section 135.821. In any fiscal year for which an appropriation is made**
144 **under the provisions of section 135.821, no more than the amount of tax credits so**
145 **appropriated shall be authorized.**

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

99.1205. 1. This section shall be known and may be cited as the "Distressed Areas Land
2 Assemblage Tax Credit Act".

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

4 (1) "Acquisition costs", the purchase price for the eligible parcel, costs of environmental
5 assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant
6 structures, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for
7 a period of five years after the acquisition of such eligible parcel. Acquisition costs shall not
8 include costs for title insurance and survey, attorney's fees, relocation costs, fines, or bills from
9 a municipality;

10 (2) "Applicant", any person, firm, partnership, trust, limited liability company, or
11 corporation which has:

12 (a) Incurred, within an eligible project area, acquisition costs for the acquisition of land
13 sufficient to satisfy the requirements under subdivision (8) of this subsection; and

14 (b) Been appointed or selected, pursuant to a redevelopment agreement by a municipal
15 authority, as a redeveloper or similar designation, under an economic incentive law, to redevelop
16 an urban renewal area or a redevelopment area that includes all of an eligible project area or
17 whose redevelopment plan or redevelopment area, which encompasses all of an eligible project
18 area, has been approved or adopted under an economic incentive law. In addition to being
19 designated the redeveloper, the applicant shall have been designated to receive economic
20 incentives only after the municipal authority has considered the amount of the tax credits in

21 adopting such economic incentives as provided in subsection [8] 9 of this section. The
22 redevelopment agreement shall provide that:

23 a. The funds generated through the use or sale of the tax credits issued under this section
24 shall be used to redevelop the eligible project area;

25 b. No more than seventy-five percent of the urban renewal area identified in the urban
26 renewal plan or the redevelopment area identified in the redevelopment plan may be redeveloped
27 by the applicant; and

28 c. The remainder of the urban renewal area or the redevelopment area shall be
29 redeveloped by co-redevelopers or redevelopers to whom the applicant has assigned its
30 redevelopment rights and obligations under the urban renewal plan or the redevelopment plan;

31 (3) "Certificate", a tax credit certificate issued under this section;

32 (4) "Condemnation proceedings", any action taken by, or on behalf of, an applicant to
33 initiate an action in a court of competent jurisdiction to use the power of eminent domain to
34 acquire a parcel within the eligible project area. Condemnation proceedings shall include any
35 and all actions taken after the submission of a notice of intended acquisition to an owner of a
36 parcel within the eligible project area by a municipal authority or any other person or entity under
37 section 523.250;

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

39 (6) "Economic incentive laws", any provision of Missouri law pursuant to which
40 economic incentives are provided to redevelopers of a parcel or parcels to redevelop the land,
41 such as tax abatement or payments in lieu of taxes, or redevelopment plans or redevelopment
42 projects approved or adopted which include the use of economic incentives to redevelop the land.
43 Economic incentive laws include, but are not limited to, the land clearance for redevelopment
44 authority law under sections 99.300 to 99.660, the real property tax increment allocation
45 redevelopment act under sections 99.800 to 99.865, the Missouri downtown and rural economic
46 stimulus act under sections 99.915 to 99.1060, and the downtown revitalization preservation
47 program under sections 99.1080 to 99.1092;

48 (7) "Eligible parcel", a parcel:

49 (a) Which is located within an eligible project area;

50 (b) Which is to be redeveloped;

51 (c) On which the applicant has not commenced construction prior to November 28,
52 2007;

53 (d) Which has been acquired without the commencement of any condemnation
54 proceedings with respect to such parcel brought by or on behalf of the applicant. Any parcel
55 acquired by the applicant from a municipal authority shall not constitute an eligible parcel; and

56 (e) On which all outstanding taxes, fines, and bills levied by municipal governments that
57 were levied by the municipality during the time period that the applicant held title to the eligible
58 parcel have been paid in full;

59 (8) "Eligible project area", an area which shall have satisfied the following requirements:

60 (a) The eligible project area shall consist of at least seventy-five acres and may include
61 parcels within its boundaries that do not constitute an eligible parcel;

62 (b) At least eighty percent of the eligible project area shall be located within a Missouri
63 qualified census tract area, as designated by the United States Department of Housing and Urban
64 Development under 26 U.S.C. Section 42, or within a distressed community as that term is
65 defined in section 135.530;

66 (c) The eligible parcels acquired by the applicant within the eligible project area shall
67 total at least fifty acres, which may consist of contiguous and noncontiguous parcels;

68 (d) The average number of parcels per acre in an eligible project area shall be four or
69 more;

70 (e) Less than five percent of the acreage within the boundaries of the eligible project area
71 shall consist of owner-occupied residences which the applicant has identified for acquisition
72 under the urban renewal plan or the redevelopment plan pursuant to which the applicant was
73 appointed or selected as the redeveloper or by which the person or entity was qualified as an
74 applicant under this section on the date of the approval or adoption of such plan;

75 (9) "Interest costs", interest, loan fees, and closing costs. Interest costs shall not include
76 attorney's fees;

77 (10) "Maintenance costs", costs of boarding up and securing vacant structures, costs of
78 removing trash, and costs of cutting grass and weeds;

79 (11) "Municipal authority", any city, town, village, county, public body corporate and
80 politic, political subdivision, or land trust of this state established and authorized to own land
81 within the state;

82 (12) "Municipality", any city, town, village, or county;

83 (13) "Parcel", a single lot or tract of land, and the improvements thereon, owned by, or
84 recorded as the property of, one or more persons or entities;

85 (14) "Redeveloped", the process of undertaking and carrying out a redevelopment plan
86 or urban renewal plan pursuant to which the conditions which provided the basis for an eligible
87 project area to be included in a redevelopment plan or urban renewal plan are to be reduced or
88 eliminated by redevelopment or rehabilitation; and

89 (15) "Redevelopment agreement", the redevelopment agreement or similar agreement
90 into which the applicant entered with a municipal authority and which is the agreement for the
91 implementation of the urban renewal plan or redevelopment plan pursuant to which the applicant

92 was appointed or selected as the redeveloper or by which the person or entity was qualified as
93 an applicant under this section; and such appointment or selection shall have been approved by
94 an ordinance of the governing body of the municipality, or municipalities, or in the case of any
95 city not within a county, the board of aldermen, in which the eligible project area is located. The
96 redevelopment agreement shall include a time line for redevelopment of the eligible project area.
97 The redevelopment agreement shall state that the named developer shall be subject to the
98 provisions of chapter 290.

99 3. Any applicant shall be entitled to a tax credit against the taxes imposed under chapters
100 143, 147, and 148, except for sections 143.191 to 143.265, in an amount equal to fifty percent
101 of the acquisition costs, and one hundred percent of the interest costs incurred for a period of five
102 years after the acquisition of an eligible parcel. No tax credits shall be issued under this section
103 until after January 1, 2008.

104 4. If the amount of such tax credit exceeds the total tax liability for the year in which the
105 applicant is entitled to receive a tax credit, the amount that exceeds the state tax liability may be
106 carried forward for credit against the taxes imposed under chapters 143, 147, and 148 for the
107 succeeding six years, or until the full credit is used, whichever occurs first. The applicant shall
108 not be entitled to a tax credit for taxes imposed under sections 143.191 to 143.265. Applicants
109 entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax credits
110 granted to a partnership, a limited liability company taxed as a partnership, or multiple owners
111 of property shall be passed through to the partners, members, or owners respectively pro rata or
112 pursuant to an executed agreement among the partners, members, or owners documenting an
113 alternate distribution method.

114 5. A purchaser, transferee, or assignee of the tax credits authorized under this section
115 may use acquired tax credits to offset up to one hundred percent of the tax liabilities otherwise
116 imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265. A seller,
117 transferor, or assignor shall perfect such transfer by notifying the department in writing within
118 thirty calendar days following the effective date of the transfer and shall provide any information
119 as may be required by the department to administer and carry out the provisions of this section.

120 6. To claim tax credits authorized under this section, an applicant shall submit to the
121 department an application for a certificate. An applicant shall identify the boundaries of the
122 eligible project area in the application. The department shall verify that the applicant has
123 submitted a valid application in the form and format required by the department. The department
124 shall verify that the municipal authority held the requisite hearings and gave the requisite notices
125 for such hearings in accordance with the applicable economic incentive act, and municipal
126 ordinances. On an annual basis, an applicant may file for the tax credit for the acquisition costs,
127 and for the tax credit for the interest costs, subject to the limitations of this section. If an

applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of the applicant's acquisition costs, the department shall post on its Internet website the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

7. The total aggregate amount of tax credits authorized under this section shall not exceed ninety-five million dollars. At no time shall the annual amount of the tax credits issued under this section exceed twenty million dollars. **No tax credits shall be authorized under the provisions of this section after June 30, 2015, unless an appropriation is made under the provisions of section 135.821. In any fiscal year for which an appropriation is made to the fund created under this section under the provisions of section 135.821, no more than the amount appropriated shall be authorized.** If the tax credits that are to be issued under this section exceed, in any year, the [twenty million dollar] limitation **provided under this subsection**, the department shall either:

(1) Issue **all available** tax credits to the applicant [in the amount of twenty million dollars], if there is only one applicant entitled to receive tax credits in that year; or

(2) Issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year. Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the [twenty million dollar] limitation **provided under this subsection**, shall be carried forward for the benefit of the applicant or applicants to subsequent years. No tax credits provided under this section shall be authorized after [August 28, 2013] **June 30, 2015**. Any tax credits which have been authorized on or before [August 28, 2013] **June 30, 2015**, but not issued, may be issued, subject to the limitations provided under this subsection, until all such authorized tax credits have been issued.

8. **There is hereby created in the state treasury the "Distressed Areas Land Assemblage Tax Credit Program Fund", which shall consist of money appropriated under this section and section 135.821. 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 section. 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. Notwithstanding the provisions of section 32.057 to the contrary, the department of**

revenue shall notify the director of the department and the state treasurer upon redemption of each tax credit authorized under the provisions of this section. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this section to the general revenue fund. In the event the department determines that any tax credit authorized under this section 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, the department shall notify the state treasurer and an amount equal to such tax credit shall be transferred from the fund created in this section 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.

9. Upon issuance of any tax credits pursuant to this section, the department shall report to the municipal authority the applicant's name and address, the parcel numbers of the eligible parcels for which the tax credits were issued, the itemized acquisition costs and interest costs for which tax credits were issued, and the total value of the tax credits issued. The municipal authority and the state shall not consider the amount of the tax credits as an applicant's cost, but shall include the tax credits in any sources and uses and cost benefit analysis reviewed or created for the purpose of awarding other economic incentives. The amount of the tax credits shall not be considered an applicant's cost in the evaluation of the amount of any award of any other economic incentives, but shall be considered in measuring the reasonableness of the rate of return to the applicant with respect to such award of other economic incentives. The municipal authority shall provide the report to any relevant commission, board, or entity responsible for the evaluation and recommendation or approval of other economic incentives to assist in the redevelopment of the eligible project area. Tax credits authorized under this section shall constitute redevelopment tax credits, as such term is defined under section 135.800, and shall be subject to all provisions applicable to redevelopment tax credits provided under sections 135.800 to 135.830.

[9.] 10. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

100.286. 1. Within the discretion of the board, the development and reserve fund, the infrastructure development fund or the export finance fund may be pledged to secure the payment of any bonds or notes issued by the board, or to secure the payment of any loan made by the board or a participating lender which loan:

(1) Is requested to finance any project or export trade activity;

(2) Is requested by a borrower who is demonstrated to be financially responsible;

(3) Can reasonably be expected to provide a benefit to the economy of this state;

(4) Is otherwise secured by a mortgage or deed of trust on real or personal property or other security satisfactory to the board; provided that loans to finance export trade activities may be secured by export accounts receivable or inventories of exportable goods satisfactory to the board;

(5) Does not exceed five million dollars;

(6) Does not have a term longer than five years if such loan is made to finance export trade activities; and

(7) Is, when used to finance export trade activities, made to small or medium size businesses or agricultural businesses, as may be defined by the board.

2. The board shall prescribe standards for the evaluation of the financial condition, business history, and qualifications of each borrower and the terms and conditions of loans which may be secured, and may require each application to include a financial report and evaluation by an independent certified public accounting firm, in addition to such examination and evaluation as may be conducted by any participating lender.

3. Each application for a loan secured by the development and reserve fund, the infrastructure development fund or the export finance fund shall be reviewed in the first instance by any participating lender to whom the application was submitted. If satisfied that the standards prescribed by the board are met and that the loan is otherwise eligible to be secured by the development and reserve fund, the infrastructure development fund or the export finance fund, the participating lender shall certify the same and forward the application for final approval to the board.

4. The securing of any loans by the development and reserve fund, the infrastructure development fund or the export finance fund shall be conditioned upon approval of the application by the board, and receipt of an annual reserve participation fee, as prescribed by the board, submitted by or on behalf of the borrower.

5. The securing of any loan by the export finance fund for export trade activities shall be conditioned upon the board's compliance with any applicable treaties and international agreements, such as the general agreement on tariffs and trade and the subsidies code, to which the United States is then a party.

37 6. Any taxpayer, including any charitable organization that is exempt from federal
38 income tax and whose Missouri unrelated business taxable income, if any, would be subject to
39 the state income tax imposed under chapter 143, may, subject to the limitations provided under
40 subsection 8 of this section, receive a tax credit against any tax otherwise due under the
41 provisions of chapter 143, excluding withholding tax imposed by sections 143.191 to 143.261,
42 chapter 147, or chapter 148, in the amount of fifty percent of any amount contributed in money
43 or property by the taxpayer to the development and reserve fund, the infrastructure development
44 fund or the export finance fund during the taxpayer's tax year, provided, however, the total tax
45 credits awarded in any calendar year beginning after January 1, 1994, shall not be the greater of
46 ten million dollars or five percent of the average growth in general revenue receipts in the
47 preceding three fiscal years. This limit may be exceeded only upon joint agreement by the
48 commissioner of administration, the director of the department of economic development, and
49 the director of the department of revenue that such action is essential to ensure retention or
50 attraction of investment in Missouri. If the board receives, as a contribution, real property, the
51 contributor at such contributor's own expense shall have two independent appraisals conducted
52 by appraisers certified by the Master Appraisal Institute. Both appraisals shall be submitted to
53 the board, and the tax credit certified by the board to the contributor shall be based upon the
54 value of the lower of the two appraisals. The board shall not certify the tax credit until the
55 property is deeded to the board. Such credit shall not apply to reserve participation fees paid by
56 borrowers under sections 100.250 to 100.297. The portion of earned tax credits which exceeds
57 the taxpayer's tax liability may be carried forward for up to five years.

58 7. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign,
59 exchange, convey or otherwise transfer tax credits allowed in subsection 6 of this section under
60 the terms and conditions prescribed in subdivisions (1) and (2) of this subsection. Such taxpayer,
61 hereinafter the assignor for the purpose of this subsection, may sell, assign, exchange or
62 otherwise transfer earned tax credits:

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

64 (2) In an amount not to exceed one hundred percent of annual earned credits. The
65 taxpayer acquiring earned credits, hereinafter the assignee for the purpose of this subsection, may
66 use the acquired credits to offset up to one hundred percent of the tax liabilities otherwise
67 imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.261,
68 chapter 147, or chapter 148. Unused credits in the hands of the assignee may be carried forward
69 for up to five years, provided all such credits shall be claimed within ten years following the tax
70 years in which the contribution was made. The assignor shall enter into a written agreement with
71 the assignee establishing the terms and conditions of the agreement and shall perfect such
72 transfer by notifying the board in writing within thirty calendar days following the effective day

73 of the transfer and shall provide any information as may be required by the board to administer
74 and carry out the provisions of this section. Notwithstanding any other provision of law to the
75 contrary, the amount received by the assignor of such tax credit shall be taxable as income of the
76 assignor, and the excess of the par value of such credit over the amount paid by the assignee for
77 such credit shall be taxable as income of the assignee.

78 8. Provisions of subsections 1 to 7 of this section to the contrary notwithstanding, no
79 more than ten million dollars in tax credits provided under this section, may be authorized or
80 approved annually]. The limitation on tax credit authorization and approval provided under this
81 subsection may be exceeded only upon mutual agreement, evidenced by a signed and properly
82 notarized letter, by the commissioner of the office of administration, the director of the
83 department of economic development, and the director of the department of revenue that such
84 action is essential to ensure retention or attraction of investment in Missouri provided, however,
85 that in no case shall more than twenty-five million dollars in tax credits be authorized or
86 approved during such year] **prior to June 30, 2015. No tax credits shall be authorized under**
87 **the provisions of this section after June 30, 2015, unless an appropriation is made under**
88 **the provisions of section 135.821. In any fiscal year for which an appropriation is made**
89 **to the fund created under this section under the provisions of section 135.821, no more than**
90 **the amount appropriated shall be authorized. The provisions of this section shall not be**
91 **construed to limit or in any way impair a recipient's ability to redeem tax credits or an**
92 **administering agency's ability to issue tax credits authorized prior to July 1, 2015.**
93 Taxpayers shall file, with the board, an application for tax credits authorized under this section
94 on a form provided by the board. **In the event the amount of claims exceed the amount of tax**
95 **credits available under the provisions of this subsection, the board shall award the credits**
96 **on a first-to-file, first-to-receive basis.** The provisions of this subsection shall not be construed
97 to limit or in any way impair the ability of the board to authorize tax credits for issuance for
98 projects authorized or approved, by a vote of the board, on or before the thirtieth day following
99 the effective date of this act, or a taxpayer's ability to redeem such tax credits.

100 9. There is hereby created in the state treasury the "Missouri Development Finance
101 Board Infrastructure Development Contribution Tax Credit Program Fund", which shall
102 consist of money appropriated under this section and section 135.821. The state treasurer
103 shall be custodian of the fund and may approve disbursements from the fund in
104 accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall
105 be used solely for the administration of this section. Notwithstanding the provisions of
106 section 33.080 to the contrary, any moneys remaining in the fund for tax credits which have
107 been authorized but not yet redeemed at the end of the fiscal year shall not revert to the
108 credit of the general revenue fund. Any moneys remaining in the fund at the end of the

109 **fiscal year for any tax credits which remain unauthorized at the end of the fiscal year shall**
110 **revert to the credit of the general revenue fund. Notwithstanding the provisions of section**
111 **32.057 to the contrary, the department of revenue shall notify the director of the**
112 **department of economic development and the state treasurer upon redemption of each tax**
113 **credit authorized under the provisions of this section. Upon such notification, an amount**
114 **equal to the tax credits redeemed shall be transferred from the fund created in this section**
115 **to the general revenue fund. In the event the department of economic development**
116 **determines that any tax credit authorized under this section is precluded from being**
117 **redeemed due to contractual agreement entered into by the department and the tax credit**
118 **applicant or is otherwise precluded by law from being redeemed, the department shall**
119 **notify the state treasurer and an amount equal to such tax credit shall be transferred from**
120 **the fund created in this section to the general revenue fund. The state treasurer shall invest**
121 **moneys in the fund in the same manner as other funds are invested. Any interest and**
122 **moneys earned on such investments shall be credited to the general revenue fund at the end**
123 **of each fiscal year.**

100.297. 1. The board may authorize a tax credit, as described in this section, to the
2 owner of any revenue bonds or notes issued by the board pursuant to the provisions of sections
3 100.250 to 100.297, for infrastructure facilities as defined in subdivision (9) of section 100.255,
4 if, prior to the issuance of such bonds or notes, the board determines that:

5 (1) The availability of such tax credit is a material inducement to the undertaking of the
6 project in the state of Missouri and to the sale of the bonds or notes;

7 (2) The loan with respect to the project is adequately secured by a first deed of trust or
8 mortgage or comparable lien, or other security satisfactory to the board.

9 2. Upon making the determinations specified in subsection 1 of this section, the board
10 may declare that each owner of an issue of revenue bonds or notes shall be entitled, in lieu of any
11 other deduction with respect to such bonds or notes, to a tax credit against any tax otherwise due
12 by such owner pursuant to the provisions of chapter 143, excluding withholding tax imposed by
13 sections 143.191 to 143.261, chapter 147, or chapter 148, in the amount of one hundred percent
14 of the unpaid principal of and unpaid interest on such bonds or notes held by such owner in the
15 taxable year of such owner following the calendar year of the default of the loan by the borrower
16 with respect to the project. The occurrence of a default shall be governed by documents
17 authorizing the issuance of the bonds. The tax credit allowed pursuant to this section shall be
18 available to the original owners of the bonds or notes or any subsequent owner or owners thereof.
19 Once an owner is entitled to a claim, any such tax credits shall be transferable as provided in
20 subsection 7 of section 100.286. Notwithstanding any provision of Missouri law to the contrary,
21 any portion of the tax credit to which any owner of a revenue bond or note is entitled pursuant

22 to this section which exceeds the total income tax liability of such owner of a revenue bond or
23 note shall be carried forward and allowed as a credit against any future taxes imposed on such
24 owner within the next ten years pursuant to the provisions of chapter 143, excluding withholding
25 tax imposed by sections 143.191 to 143.261, chapter 147, or chapter 148. The eligibility of the
26 owner of any revenue bond or note issued pursuant to the provisions of sections 100.250 to
27 100.297 for the tax credit provided by this section shall be expressly stated on the face of each
28 such bond or note. The tax credit allowed pursuant to this section shall also be available to any
29 financial institution or guarantor which executes any credit facility as security for bonds issued
30 pursuant to this section to the same extent as if such financial institution or guarantor was an
31 owner of the bonds or notes, provided however, in such case the tax credits provided by this
32 section shall be available immediately following any default of the loan by the borrower with
33 respect to the project. In addition to reimbursing the financial institution or guarantor for claims
34 relating to unpaid principal and interest, such claim may include payment of any unpaid fees
35 imposed by such financial institution or guarantor for use of the credit facility.

36 3. The aggregate principal amount of revenue bonds or notes outstanding at any time
37 with respect to which the tax credit provided in this section shall be available shall not exceed
38 fifty million dollars. **Notwithstanding the provisions of this section to the contrary, for all**
39 **fiscal years beginning on or after July 1, 2015, no revenue bonds or notes shall be issued**
40 **under the provisions of sections 100.250 to 100.297, unless an appropriation is made under**
41 **the provisions of section 135.821. In any fiscal year for which an appropriation is made**
42 **to the fund created under this section under the provisions of section 135.821, no more than**
43 **the amount appropriated shall be issued in the form of revenue bonds or notes.**

44 4. There is hereby created in the state treasury the "Missouri Development Finance
45 Bond Guarantee Tax Credit Program Fund", which shall consist of money appropriated
46 under this section and section 135.821. The state treasurer shall be custodian of the fund
47 and may approve disbursements from the fund in accordance with sections 30.170 and
48 30.180. Upon appropriation, money in the fund shall be used solely for the administration
49 of this section. **Notwithstanding the provisions of section 33.080 to the contrary, any**
50 **moneys remaining in the fund for tax credits which have been authorized but not yet**
51 **redeemed at the end of the fiscal year shall not revert to the credit of the general revenue**
52 **fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits**
53 **which remain unauthorized at the end of the fiscal year shall revert to the credit of the**
54 **general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,**
55 **the department of revenue shall notify the director of the department of economic**
56 **development and the state treasurer upon redemption of each tax credit authorized under**
57 **the provisions of this section. Upon such notification, an amount equal to the tax credits**

58 **redeemed shall be transferred from the fund created in this section to the general revenue**
59 **fund. In the event the department of economic development determines that any tax credit**
60 **authorized under this section is precluded from being redeemed due to contractual**
61 **agreement entered into by the department and the tax credit applicant or is otherwise**
62 **precluded by law from being redeemed, the department shall notify the state treasurer and**
63 **an amount equal to such tax credit shall be transferred from the fund created in this**
64 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
65 **the same manner as other funds are invested. Any interest and moneys earned on such**
66 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

100.850. 1. The approved company shall remit to the board a job development
2 assessment fee, not to exceed five percent of the gross wages of each eligible employee whose
3 job was created as a result of the economic development project, or not to exceed ten percent if
4 the economic development project is located within a distressed community as defined in section
5 135.530, for the purpose of retiring bonds which fund the economic development project.

6 2. Any approved company remitting an assessment as provided in subsection 1 of this
7 section shall make its payroll books and records available to the board at such reasonable times
8 as the board shall request and shall file with the board documentation respecting the assessment
9 as the board may require.

10 3. Any assessment remitted pursuant to subsection 1 of this section shall cease on the
11 date the bonds are retired.

12 4. Any approved company which has paid an assessment for debt reduction shall be
13 allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed
14 against taxes otherwise imposed by chapters 143 and 148, except withholding taxes imposed
15 under the provisions of sections 143.191 to 143.265, which were incurred during the tax period
16 in which the assessment was made.

17 5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of this
18 section exceed twenty-five million dollars annually. Of such amount, nine hundred fifty
19 thousand dollars shall be reserved for an approved project for a world headquarters of a business
20 whose primary function is tax return preparation that is located in any home rule city with more
21 than four hundred thousand inhabitants and located in more than one county, which amount
22 reserved shall end in the year of the final maturity of the certificates issued for such approved
23 project. **Notwithstanding the provisions of this section to the contrary, no tax credits**
24 **provided under sections 100.700 to 100.850 shall be authorized for projects approved after**
25 **June 30, 2015, unless an appropriation is made under the provisions of section 135.821.**
26 **In any fiscal year for which an appropriation is made to the fund created under this section**
27 **under the provisions of section 135.821, no more than the amount appropriated shall be**

28 authorized. The provisions of this section shall not be construed to limit or in any way
29 impair a recipient's ability to redeem tax credits or an administering agency's ability to
30 issue tax credits authorized prior to July 1, 2015.

31 6. There is hereby created in the state treasury the "BUILD Tax Credit Program
32 Fund", which shall consist of money appropriated under this section and section 135.821.
33 The state treasurer shall be custodian of the fund and may approve disbursements from
34 the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the
35 fund shall be used solely for the administration of sections 100.700 to 100.850.
36 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
37 in the fund for tax credits which have been authorized but not yet redeemed at the end of
38 the fiscal year shall not revert to the credit of the general revenue fund. Any moneys
39 remaining in the fund at the end of the fiscal year for any tax credits which remain
40 unauthorized at the end of the fiscal year shall revert to the credit of the general revenue
41 fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of
42 revenue shall notify the director of the department and the state treasurer upon
43 redemption of each tax credit authorized under the provisions of this section. Upon such
44 notification, an amount equal to the tax credits redeemed shall be transferred from the
45 fund created in this section to the general revenue fund. In the event the department
46 determines that any tax credit authorized under this section is precluded from being
47 redeemed due to contractual agreement entered into by the department and the tax credit
48 applicant or is otherwise precluded by law from being redeemed, the department shall
49 notify the state treasurer and an amount equal to such tax credit shall be transferred from
50 the fund created in this section to the general revenue fund. The state treasurer shall invest
51 moneys in the fund in the same manner as other funds are invested. Any interest and
52 moneys earned on such investments shall be credited to the general revenue fund at the end
53 of each fiscal year.

54 7. The director of revenue shall issue a refund to the approved company to the extent that
55 the amount of credits allowed in subsection 4 of this section exceeds the amount of the approved
56 company's income tax.

135.015. 1. For all claims filed on or before August 28, 2014, procedural matters
2 related to filing a claim under sections 135.010 to 135.030, including refunds, deficiencies,
3 interest, contents of returns, limitations, and penalties shall be determined pursuant to sections
4 143.481 to 143.996 applicable to the income tax. The credit regarding the property taxes of a
5 calendar year may only be claimed on a return for the calendar year or for a claimant's return for
6 a fiscal year that includes the end of the calendar year.

7 **2. For all claims filed after August 28, 2014, such claims shall be filed on or before**
8 **the first day of March of each tax year.**

135.020. 1. For all claims filed on or before August 28, 2014, a credit for property
2 taxes shall be allowed for the amount provided in section 135.030. If the amount allowable as
3 a credit exceeds the income tax reduced by other credits, then the excess shall be considered an
4 overpayment of the income tax.

5 **2. For all claims filed after August 28, 2014, the director of the department of**
6 **revenue shall review all applications for claims provided under the provisions of sections**
7 **135.010 to 135.030, and no later than the first day of April of each year, submit to the**
8 **budget committee of the house of representatives and the appropriations committee of the**
9 **senate, a request for appropriation in an amount sufficient to provide all eligible applicants**
10 **a refund for property taxes in the amount provided in section 135.030. To the extent that**
11 **an appropriation provided under this section is insufficient to provide refunds to all**
12 **eligible applicants in the amount provided under section 135.030, the director of the**
13 **department of revenue shall determine the apportionment percentage by dividing the**
14 **amount appropriated for the fiscal year as provided under this section, by the total amount**
15 **of all eligible claims for a refund as provided under section 135.030. After determining the**
16 **apportionment percentage, the director shall adjust the amount of refund for each eligible**
17 **applicant by multiplying the amount of the refund provided under section 135.030 by the**
18 **apportionment percentage. If no appropriation is made by the general assembly for any**
19 **fiscal year, then no refund shall be available in such fiscal year.**

20 **3. There is hereby created in the state treasury the "Property Tax Credit Fund",**
21 **which shall consist of money appropriated under this section and section 135.821. The**
22 **state treasurer shall be custodian of the fund and may approve disbursements from the**
23 **fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the**
24 **fund shall be used solely for the administration of sections 135.010 to 135.030.**
25 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
26 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
27 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
28 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
29 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
30 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the director of the**
31 **department of revenue shall notify the state treasurer upon redemption of each tax credit**
32 **authorized under the provisions of this section. Upon such notification, an amount equal**
33 **to the tax credits redeemed shall be transferred from the fund created in this section to the**
34 **general revenue fund. In the event the department determines that any tax credit**

35 authorized under this section is precluded from being redeemed due to contractual
36 agreement entered into by the department and the tax credit applicant or is otherwise
37 precluded by law from being redeemed, the department shall notify the state treasurer and
38 an amount equal to such tax credit shall be transferred from the fund created in this
39 section to the general revenue fund. The state treasurer shall invest moneys in the fund in
40 the same manner as other funds are invested. Any interest and moneys earned on such
41 investments shall be credited to the general revenue fund at the end of each fiscal year.

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

2 (1) "Homestead", the dwelling in Missouri owned by the surviving spouse and not
3 exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as
4 a home. As used in this section, "homestead" shall not include any dwelling which is occupied
5 by more than two families;

6 (2) "Public safety officer", any firefighter, police officer, capitol police officer, parole
7 officer, probation officer, correctional employee, water patrol officer, park ranger, conservation
8 officer, commercial motor enforcement officer, emergency medical technician, first responder,
9 or highway patrolman employed by the state of Missouri or a political subdivision thereof who
10 is killed in the line of duty, unless the death was the result of the officer's own misconduct or
11 abuse of alcohol or drugs;

12 (3) "Surviving spouse", a spouse, who has not remarried, of a public safety officer.

13 2. For all tax years beginning on or after January 1, 2008, a surviving spouse [shall] **may**,
14 **subject to the limitations provided under subsection 3 of this section**, be allowed a credit
15 against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections
16 143.191 to 143.265, in an amount equal to the total amount of the property taxes on the surviving
17 spouse's homestead paid during the tax year for which the credit is claimed. A surviving spouse
18 may claim the credit authorized under this section for each tax year beginning the year of death
19 of the public safety officer spouse until the tax year in which the surviving spouse remarries. No
20 credit shall be allowed for the tax year in which the surviving spouse remarries. If the amount
21 allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be
22 considered an overpayment of the income tax.

23 3. **No tax credits shall be authorized under the provisions of this section after June**
24 **30, 2015, unless an appropriation is made under the provisions of section 135.821. In any**
25 **fiscal year for which an appropriation is made to the fund created under this section under**
26 **the provisions of section 135.821, no more than the amount appropriated shall be**
27 **authorized. The provisions of this section shall not be construed to limit or in any way**
28 **impair a recipient's ability to redeem tax credits or an administering agency's ability to**
29 **issue tax credits authorized prior to July 1, 2013. Taxpayers shall file, with the department**

30 of revenue, an application for tax credits authorized under this section on a form provided
31 by the department. In the event the amount of claims exceed the amount of credits
32 available under the provisions of this section, the department of revenue shall award the
33 credits on a first-to-file, first-to-receive basis.

34 **4. There is hereby created in the state treasury the "Public Safety Officer Surviving**
35 **Spouse Tax Credit Program Fund", which shall consist of money appropriated under this**
36 **section and section 135.821. The state treasurer shall be custodian of the fund and may**
37 **approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
38 **appropriation, money in the fund shall be used solely for the administration of this section.**
39 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
40 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
41 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
42 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
43 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
44 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
45 **revenue shall notify the state treasurer upon redemption of each tax credit authorized**
46 **under the provisions of this section. Upon such notification, an amount equal to the tax**
47 **credits redeemed shall be transferred from the fund created in this section to the general**
48 **revenue fund. In the event the department determines that any tax credit authorized**
49 **under this section is precluded from being redeemed due to contractual agreement entered**
50 **into by the department and the tax credit applicant or is otherwise precluded by law from**
51 **being redeemed, the department shall notify the state treasurer and an amount equal to**
52 **such tax credit shall be transferred from the fund created in this section to the general**
53 **revenue fund. The state treasurer shall invest moneys in the fund in the same manner as**
54 **other funds are invested. Any interest and moneys earned on such investments shall be**
55 **credited to the general revenue fund at the end of each fiscal year.**

56 **5. The department of revenue shall promulgate rules to implement the provisions of this**
57 **section.**

58 **[4.] 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
59 **created under the authority delegated in this section shall become effective only if it complies**
60 **with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**
61 **This section and chapter 536 are nonseverable and if any of the powers vested with the general**
62 **assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and**
63 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
64 **any rule proposed or adopted after August 28, 2007, shall be invalid and void.**

65 **[5.] 7. Pursuant to section 23.253 of the Missouri sunset act:**

66 (1) The program authorized under this section shall expire on December 31, 2019, unless
67 reauthorized by the general assembly; and

68 (2) This section shall terminate on September first of the calendar year immediately
69 following the calendar year in which the program authorized under this section is sunset; and

70 (3) The provisions of this subsection shall not be construed to limit or in any way impair
71 the department's ability to redeem tax credits authorized on or before the date the program
72 authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.110. 1. Any taxpayer who shall establish a new business facility shall be allowed
2 a credit, each year for ten years, in an amount determined pursuant to subsection 2 or 3 of this
3 section, whichever is applicable, against the tax imposed by chapter 143, excluding withholding
4 tax imposed by sections 143.191 to 143.265, or an insurance company which shall establish a
5 new business facility by satisfying the requirements in subdivision (7) of section 135.100 shall
6 be allowed a credit against the tax otherwise imposed by chapter 148, and in the case of an
7 insurance company exempt from the thirty percent employee requirement of section 135.230,
8 against any obligation imposed pursuant to section 375.916, except that no taxpayer shall be
9 entitled to multiple ten-year periods for subsequent expansions at the same facility, except as
10 otherwise provided in this section. For the purpose of this section, the term "facility" shall mean,
11 and be limited to, the facility or facilities which are located on the same site in which the new
12 business facility is located, and in which the business conducted at such facility or facilities is
13 directly related to the business conducted at the new business facility. Notwithstanding the
14 provisions of this subsection, a taxpayer may be entitled to an additional ten-year period if a new
15 business facility is expanded in the eighth, ninth or tenth year of the current ten-year period or
16 in subsequent years following the expiration of the ten-year period, if the number of new
17 business facility employees attributed to such expansion is at least twenty-five and the amount
18 of new business facility investment attributed to such expansion is at least one million dollars.
19 Credits may not be carried forward but shall be claimed for the taxable year during which
20 commencement of commercial operations occurs at such new business facility, and for each of
21 the nine succeeding taxable years. A letter of intent, as provided for in section 135.258, must
22 be filed with the department of economic development no later than fifteen days prior to the
23 commencement of commercial operations at the new business facility. The initial application
24 for claiming tax credits must be made in the taxpayer's tax period immediately following the tax
25 period in which commencement of commercial operations began at the new business facility.
26 This provision shall have effect on all initial applications filed on or after August 28, 1992. No
27 credit shall be allowed pursuant to this section unless the number of new business facility
28 employees engaged or maintained in employment at the new business facility for the taxable year
29 for which the credit is claimed equals or exceeds two; except that the number of new business

30 facility employees engaged or maintained in employment by a revenue-producing enterprise
31 other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of
32 subdivision [(11)] **(12)** of section 135.100 which establishes an office as defined in subdivision
33 [(8)] **(9)** of section 135.100 shall equal or exceed twenty-five.

34 2. For tax periods beginning after August 28, 1991, in the case of a taxpayer operating
35 an existing business facility, the credit allowed by subsection 1 of this section shall offset the
36 greater of:

37 (1) Some portion of the income tax otherwise imposed by chapter 143, excluding
38 withholding tax imposed by sections 143.191 to 143.265, or in the case of an insurance company,
39 the tax on the direct premiums, as defined in chapter 148, and in the case of an insurance
40 company exempt from the thirty percent employee requirement of section 135.230, against any
41 obligation imposed pursuant to section 375.916 with respect to such taxpayer's new business
42 facility income for the taxable year for which such credit is allowed; or

43 (2) Up to fifty percent or, in the case of an economic development project located within
44 a distressed community as defined in section 135.530, seventy-five percent of the business
45 income tax otherwise imposed by chapter 143, excluding withholding tax imposed by sections
46 143.191 to 143.265, or in the case of an insurance company, the tax on the direct premiums, as
47 defined in chapter 148, and in the case of an insurance company exempt from the thirty percent
48 employee requirement of section 135.230, against any obligation imposed pursuant to section
49 375.916 if the business operates no other facilities in Missouri. In the case of an existing
50 business facility operating more than one facility in Missouri, the credit allowed in subsection
51 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this
52 subsection or twenty-five percent or, in the case of an economic development project located
53 within a distressed community as defined in section 135.530, thirty-five percent of the business'
54 tax, except that no taxpayer operating more than one facility in Missouri shall be allowed to
55 offset more than twenty-five percent or, in the case of an economic development project located
56 within a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's
57 business income tax in any tax period under the method prescribed in this subdivision. Such
58 credit shall be an amount equal to the sum of one hundred dollars or, in the case of an economic
59 development project located within a distressed community as defined in section 135.530, one
60 hundred fifty dollars for each new business facility employee plus one hundred dollars or, in the
61 case of an economic development project located within a distressed community as defined in
62 section 135.530, one hundred fifty dollars for each one hundred thousand dollars, or major
63 fraction thereof (which shall be deemed to be fifty-one percent or more) in new business facility
64 investment. For the purpose of this section, tax credits earned by a taxpayer, who establishes a
65 new business facility because it satisfies the requirements of paragraph (c) of subdivision [(4)]

66 (5) of section 135.100, shall offset the greater of the portion prescribed in subdivision (1) of this
67 subsection or up to fifty percent or, in the case of an economic development project located
68 within a distressed community as defined in section 135.530, seventy-five percent of the
69 business' tax provided the business operates no other facilities in Missouri. In the case of a
70 business operating more than one facility in Missouri, the credit allowed in subsection 1 of this
71 section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection
72 or twenty-five percent or, in the case of an economic development project located within a
73 distressed community as defined in section 135.530, thirty-five percent of the business' tax,
74 except that no taxpayer operating more than one facility in Missouri shall be allowed to offset
75 more than twenty-five percent or, in the case of an economic development project located within
76 a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's
77 business income tax in any tax period under the method prescribed in this subdivision.

78 3. For tax periods beginning after August 28, 1991, in the case of a taxpayer not
79 operating an existing business facility, the credit allowed by subsection 1 of this section shall
80 offset the greater of:

81 (1) Some portion of the income tax otherwise imposed by chapter 143, excluding
82 withholding tax imposed by sections 143.191 to 143.265, or in the case of an insurance company,
83 the tax on the direct premiums, as defined in chapter 148, and in the case of an insurance
84 company exempt from the thirty percent employee requirement of section 135.230, against any
85 obligation imposed pursuant to section 375.916 with respect to such taxpayer's new business
86 facility income for the taxable year for which such credit is allowed; or

87 (2) Up to one hundred percent of the business income tax otherwise imposed by chapter
88 143, excluding withholding tax imposed by sections 143.191 to 143.265, or in the case of an
89 insurance company, the tax on the direct premiums, as defined in chapter 148, and in the case
90 of an insurance company exempt from the thirty percent employee requirement of section
91 135.230, against any obligation imposed pursuant to section 375.916 if the business has no other
92 facilities operating in Missouri. In the case of a taxpayer not operating an existing business and
93 operating more than one facility in Missouri, the credit allowed by subsection 1 of this section
94 shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or
95 twenty-five percent or, in the case of an economic development project located within a
96 distressed community as defined in section 135.530, thirty-five percent of the business' tax,
97 except that no taxpayer operating more than one facility in Missouri shall be allowed to offset
98 more than twenty-five percent or, in the case of an economic development project located within
99 a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's
100 business income tax in any tax period under the method prescribed in this subdivision. Such
101 credit shall be an amount equal to the sum of seventy-five dollars or, in the case of an economic

102 development project located within a distressed community as defined in section 135.530, one
103 hundred twenty-five dollars for each new business facility employee plus seventy-five dollars
104 or, in the case of an economic development project located within a distressed community as
105 defined in section 135.530, one hundred twenty-five dollars for each one hundred thousand
106 dollars, or major fraction thereof (which shall be deemed to be fifty-one percent or more) in new
107 business facility investment.

108 4. The number of new business facility employees during any taxable year shall be
109 determined by dividing by twelve the sum of the number of individuals employed on the last
110 business day of each month of such taxable year. If the new business facility is in operation for
111 less than the entire taxable year, the number of new business facility employees shall be
112 determined by dividing the sum of the number of individuals employed on the last business day
113 of each full calendar month during the portion of such taxable year during which the new
114 business facility was in operation by the number of full calendar months during such period. For
115 the purpose of computing the credit allowed by this section in the case of a facility which
116 qualifies as a new business facility because it qualifies as a separate facility pursuant to
117 subsection 6 of this section, and, in the case of a new business facility which satisfies the
118 requirements of paragraph (c) of subdivision [(4)] **(5)** of section 135.100, or subdivision [(10)]
119 **(11)** of section 135.100, the number of new business facility employees at such facility shall be
120 reduced by the average number of individuals employed, computed as provided in this
121 subsection, at the facility during the taxable year immediately preceding the taxable year in
122 which such expansion, acquisition, or replacement occurred and shall further be reduced by the
123 number of individuals employed by the taxpayer or related taxpayer that was subsequently
124 transferred to the new business facility from another Missouri facility and for which credits
125 authorized in this section are not being earned, whether such credits are earned because of an
126 expansion, acquisition, relocation or the establishment of a new facility.

127 5. For the purpose of computing the credit allowed by this section in the case of a facility
128 which qualifies as a new business facility because it qualifies as a separate facility pursuant to
129 subsection 6 of this section, and, in the case of a new business facility which satisfies the
130 requirements of paragraph (c) of subdivision [(4)] **(5)** of section 135.100 or subdivision [(10)]
131 **(11)** of section 135.100, the amount of the taxpayer's new business facility investment in such
132 facility shall be reduced by the average amount, computed as provided in subdivision [(7)] **(8)**
133 of section 135.100 for new business facility investment, of the investment of the taxpayer, or
134 related taxpayer immediately preceding such expansion or replacement or at the time of
135 acquisition. Furthermore, the amount of the taxpayer's new business facility investment shall
136 also be reduced by the amount of investment employed by the taxpayer or related taxpayer which
137 was subsequently transferred to the new business facility from another Missouri facility and for

which credits authorized in this section are not being earned, whether such credits are earned because of an expansion, acquisition, relocation or the establishment of a new facility.

6. If a facility, which does not constitute a new business facility, is expanded by the taxpayer, the expansion shall be considered a separate facility eligible for the credit allowed by this section if:

(1) The taxpayer's new business facility investment in the expansion during the tax period in which the credits allowed in this section are claimed exceeds one hundred thousand dollars, or, if less, one hundred percent of the investment in the original facility prior to expansion and if the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which credit is claimed equals or exceeds two, except that the number of new business facility employees engaged or maintained in employment at the expansion facility for the taxable year for which the credit is claimed equals or exceeds twenty-five if an office as defined in subdivision [(8)] (9) of section 135.100 is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision [(11)] (12) of section 135.100 and the total number of employees at the facility after the expansion is at least two greater than the total number of employees before the expansion, except that the total number of employees at the facility after the expansion is at least greater than the number of employees before the expansion by twenty-five, if an office as defined in subdivision [(8)] (9) of section 135.100 is established by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision [(11)] (12) of section 135.100; and

(2) The expansion otherwise constitutes a new business facility. The taxpayer's investment in the expansion and in the original facility prior to expansion shall be determined in the manner provided in subdivision [(7)] (8) of section 135.100.

7. No credit shall be allowed pursuant to this section to a public utility, as such term is defined in section 386.020. Notwithstanding any provision of this subsection to the contrary, motor carriers, barge lines or railroads engaged in transporting property for hire, or any interexchange telecommunications company or local exchange telecommunications company that establishes a new business facility shall be eligible to qualify for credits allowed in this section.

8. For the purposes of the credit described in this section, in the case of a corporation described in section 143.471 or partnership, in computing Missouri's tax liability, this credit shall be allowed to the following:

(1) The shareholders of the corporation described in section 143.471;

(2) The partners of the partnership. This credit shall be apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion to their share of ownership on the last day of the taxpayer's tax period.

9. Notwithstanding any provision of law to the contrary, any employee-owned engineering firm classified as SIC 8711, architectural firm as classified SIC 8712, or accounting firm classified SIC 8721 establishing a new business facility because it qualifies as a headquarters as defined in subsection 10 of this section, shall be allowed the credits described in subsection 11 of this section under the same terms and conditions prescribed in sections 135.100 to 135.150; provided:

(1) Such facility maintains an average of at least five hundred new business facility employees as defined in subdivision [(5)] (6) of section 135.100 during the taxpayer's tax period in which such credits are being claimed; and

(2) Such facility maintains an average of at least twenty million dollars in new business facility investment as defined in subdivision [(7)] (8) of section 135.100 during the taxpayer's tax period in which such credits are being claimed.

10. For the purpose of the credits allowed in subsection 9 of this section:

(1) "Employee-owned" means the business employees own directly or indirectly, including through an employee stock ownership plan or trust at least:

(a) Seventy-five percent of the total business stock, if the taxpayer is a corporation described in section 143.441; or

(b) One hundred percent of the interest in the business if the taxpayer is a corporation described in section 143.471, a partnership, or a limited liability company; and

(2) "Headquarters" means:

(a) The administrative management of at least three integrated facilities operated by the taxpayer or related taxpayer; and

(b) The taxpayer's business has been headquartered in this state for more than fifty years.

11. The tax credits allowed in subsection 9 of this section shall be the greater of:

(1) Four hundred dollars for each new business facility employee as computed in subsection 4 of this section and four percent of new business facility investment as computed in subsection 5 of this section; or

(2) Five hundred dollars for each new business facility employee as computed in subsection 4 of this section, and five hundred dollars of each one hundred thousand dollars of new business facility investment as computed in subsection 5 of this section.

12. For the purpose of the credit described in subsection 9 of this section, in the case of a small corporation described in section 143.471, or a partnership, or a limited liability company, the credits allowed in subsection 9 of this section shall be apportioned in proportion to the share

208 of ownership of each shareholder, partner or stockholder on the last day of the taxpayer's tax
209 period for which such credits are being claimed.

210 13. For the purpose of the credit described in subsection 9 of this section, tax credits
211 earned, to the extent such credits exceed the taxpayer's Missouri tax on taxable business income,
212 shall constitute an overpayment of taxes and in such case, be refunded to the taxpayer provided
213 such refunds are used by the taxpayer to purchase specified facility items. For the purpose of the
214 refund as authorized in this subsection, "specified facility items" means equipment, computers,
215 computer software, copiers, tenant finishing, furniture and fixtures installed and in use at the new
216 business facility during the taxpayer's taxable year. The taxpayer shall perfect such refund by
217 attesting in writing to the director, subject to the penalties of perjury, the requirements prescribed
218 in this subsection have been met and submitting any other information the director may require.

219 14. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign,
220 exchange, convey or otherwise transfer tax credits allowed in subsection 9 of this section under
221 the terms and conditions prescribed in subdivisions (1) and (2) of this subsection. Such taxpayer,
222 referred to as the assignor for the purpose of this subsection, may sell, assign, exchange or
223 otherwise transfer earned tax credits:

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

225 (2) In an amount not to exceed one hundred percent of such earned credits. The taxpayer
226 acquiring the earned credits referred to as the assignee for the purpose of this subsection may use
227 the acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed
228 by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.261, or chapter
229 148, or in the case of an insurance company exempt from the thirty percent employee
230 requirement of section 135.230, against any obligation imposed pursuant to section 375.916.
231 Unused credits in the hands of the assignee may be carried forward for up to five tax periods,
232 provided all such credits shall be claimed within ten tax periods following the tax period in
233 which commencement of commercial operations occurred at the new business facility. The
234 assignor shall enter into a written agreement with the assignee establishing the terms and
235 conditions of the agreement and shall perfect such transfer by notifying the director in writing
236 within thirty calendar days following the effective date of the transfer and shall provide any
237 information as may be required by the director to administer and carry out the provisions of this
238 subsection. Notwithstanding any other provision of law to the contrary, the amount received by
239 the assignor of such tax credit shall be taxable as income of the assignor, and the difference
240 between the amount paid by the assignee and the par value of the credits shall be taxable as
241 income of the assignee.

242 **15. Notwithstanding any other provision of law to the contrary, no tax credits shall**
243 **be authorized under the provisions of this section after June 30, 2015, unless an**

244 **appropriation is made under the provisions of section 135.821. In any fiscal year for which**
245 **an appropriation is made under the provisions of section 135.821, no more than the amount**
246 **of tax credits so appropriated shall be authorized.**

247 **16. There is hereby created in the state treasury the "Business Facility Tax Credit**
248 **Fund", which shall consist of money appropriated under this section and section 135.821.**
249 **The state treasurer shall be custodian of the fund and may approve disbursements from**
250 **the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the**
251 **fund shall be used solely for the administration of sections 135.100 to 135.150 and section**
252 **135.258. Notwithstanding the provisions of section 33.080 to the contrary, any moneys**
253 **remaining in the fund for tax credits which have been authorized but not yet redeemed at**
254 **the end of the fiscal year shall not revert to the credit of the general revenue fund. Any**
255 **moneys remaining in the fund at the end of the fiscal year for any tax credits which remain**
256 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
257 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
258 **revenue shall notify the director of the department of economic development upon**
259 **redemption of each tax credit authorized under the provisions of this section. Upon such**
260 **notification, an amount equal to the tax credits redeemed shall be transferred from the**
261 **fund created in this section to the general revenue fund. In the event the department of**
262 **economic development determines that any tax credit authorized under this section is**
263 **precluded from being redeemed due to contractual agreement entered into by the**
264 **department and the tax credit applicant or is otherwise precluded by law from being**
265 **redeemed, an amount equal to such tax credit shall be transferred from the fund created**
266 **in this section to the general revenue fund. The state treasurer shall invest moneys in the**
267 **fund in the same manner as other funds are invested. Any interest and moneys earned on**
268 **such investments shall be credited to the general revenue fund at the end of each fiscal**
269 **year.**

135.305. 1. A Missouri wood energy producer [shall] **may, subject to the limitations**
2 **provided under subsection 2 of this section,** be eligible for a tax credit on taxes otherwise due
3 under chapter 143, except sections 143.191 to 143.261, as a production incentive to produce
4 processed wood products in a qualified wood-producing facility using Missouri forest product
5 residue. The tax credit to the wood energy producer shall be five dollars per ton of processed
6 material. The credit may be claimed for a period of five years and is to be a tax credit against
7 the tax otherwise due. No new tax credits, provided for under sections 135.300 to 135.311, shall
8 be authorized after June 30, [2013] **2015.**

9 **2. No tax credits shall be authorized under the provisions of this section after June**
10 **30, 2015, unless an appropriation is made under the provisions of section 135.821. In any**

11 fiscal year for which an appropriation is made to the fund created under this section under
12 the provisions of section 135.821, no more than the amount appropriated shall be
13 authorized. Taxpayers shall file, with the department of economic development, an
14 application for tax credits authorized under this section on a form provided by the
15 department. In the event the amount of claims exceed the amount of credits available
16 under the provisions of this section, the department of economic development shall award
17 the credits on a first-to-file, first-to-receive basis.

18 3. There is hereby created in the state treasury the "Wood Energy Tax Credit
19 Program Fund", which shall consist of money appropriated under this section and section
20 135.821. The state treasurer shall be custodian of the fund and may approve
21 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
22 appropriation, money in the fund shall be used solely for the administration of this section.
23 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
24 in the fund for tax credits which have been authorized but not yet redeemed at the end of
25 the fiscal year shall not revert to the credit of the general revenue fund. Any moneys
26 remaining in the fund at the end of the fiscal year for any tax credits which remain
27 unauthorized at the end of the fiscal year shall revert to the credit of the general revenue
28 fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of
29 revenue shall notify the director of the department of natural resources and the state
30 treasurer upon redemption of each tax credit authorized under the provisions of this
31 section. Upon such notification, an amount equal to the tax credits redeemed shall be
32 transferred from the fund created in this section to the general revenue fund. In the event
33 the department of natural resources determines that any tax credit authorized under this
34 section is precluded from being redeemed due to contractual agreement entered into by the
35 department and the tax credit applicant or is otherwise precluded by law from being
36 redeemed, the director of the department of revenue shall notify the state treasurer and an
37 amount equal to such tax credit shall be transferred from the fund created in this section
38 to the general revenue fund. The state treasurer shall invest moneys in the fund in the
39 same manner as other funds are invested. Any interest and moneys earned on such
40 investments shall be credited to the general revenue fund at the end of each fiscal year.

135.327. 1. Any person residing in this state who legally adopts a special needs child
2 on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit
3 of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may
4 be applied to taxes due under chapter 143. Any business entity providing funds to an employee
5 to enable that employee to legally adopt a special needs child shall be eligible to receive a tax
6 credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted

7 that may be applied to taxes due under such business entity's state tax liability, except that only
8 one ten thousand dollar credit is available for each special needs child that is adopted.

9 2. Any person residing in this state who proceeds in good faith with the adoption of a
10 special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to
11 ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to
12 taxes due under chapter 143; provided, however, that beginning on March 29, 2013, the tax
13 credits shall only be allocated for the adoption of special needs children who are residents or
14 wards of residents of this state at the time the adoption is initiated. Any business entity
15 providing funds to an employee to enable that employee to proceed in good faith with the
16 adoption of a special needs child shall be eligible to receive a tax credit of up to ten thousand
17 dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under
18 such business entity's state tax liability, except that only one ten thousand dollar credit is
19 available for each special needs child that is adopted.

20 3. Individuals and business entities may claim a tax credit for their total nonrecurring
21 adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the
22 credit shall be allowed when the child is placed in the home. A claim for the remaining fifty
23 percent shall be allowed when the adoption is final. The total of these tax credits shall not
24 exceed the maximum limit of ten thousand dollars per child. The cumulative amount of tax
25 credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption
26 expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The
27 cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for
28 nonrecurring adoption expenses shall not be more than two million dollars but may be increased
29 by appropriation in any fiscal year beginning on or after July 1, 2004. For all fiscal years
30 beginning on or after July 1, 2006, applications to claim the adoption tax credit for special needs
31 children who are residents or wards of residents of this state at the time the adoption is initiated
32 shall be filed between July first and April fifteenth of each fiscal year.

33 4. Notwithstanding any provision of law to the contrary, any individual or business entity
34 may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed
35 pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount
36 sold.

37 **5. Notwithstanding any other provision of law to the contrary, no tax credits shall**
38 **be authorized under the provisions of this section after June 30, 2015, unless an**
39 **appropriation is made under the provisions of section 135.821. In any fiscal year for which**
40 **an appropriation is made to the fund created under this section under the provisions of**
41 **section 135.821, no more than the amount appropriated shall be authorized. If, by**
42 **December thirty-first of any year after June 30, 2015, less than half of the appropriation,**

43 provided under section 135.821, for tax credits provided under this section have been
44 issued for adoptions of special needs children who are not residents or wards of residents
45 of this state at the time the adoption is initiated, the remaining amount shall be available
46 for the adoption of special needs children who are residents or wards of residents of this
47 state at the time the adoption is initiated.

48 6. There is hereby created in the state treasury the "Special Needs Adoption and
49 Children in Crisis Tax Credit Program Fund", which shall consist of money appropriated
50 under this section and section 135.821. The state treasurer shall be custodian of the fund
51 and may approve disbursements from the fund in accordance with sections 30.170 and
52 30.180. Upon appropriation, money in the fund shall be used solely for the administration
53 of sections 135.325 to 135.339. Notwithstanding the provisions of section 33.080 to the
54 contrary, any moneys remaining in the fund for tax credits which have been authorized but
55 not yet redeemed at the end of the fiscal year shall not revert to the credit of the general
56 revenue fund. Any moneys remaining in the fund at the end of the fiscal year for any tax
57 credits which remain unauthorized at the end of the fiscal year shall revert to the credit of
58 the general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,
59 the director of the department of revenue shall notify the state treasurer upon redemption
60 of each tax credit authorized under the provisions of this section. Upon such notification,
61 an amount equal to the tax credits redeemed shall be transferred from the fund created in
62 this section to the general revenue fund. In the event the department determines that any
63 tax credit authorized under this section is precluded from being redeemed due to
64 contractual agreement entered into by the department and the tax credit applicant or is
65 otherwise precluded by law from being redeemed, the department shall notify the state
66 treasurer and an amount equal to such tax credit shall be transferred from the fund
67 created in this section to the general revenue fund. The state treasurer shall invest moneys
68 in the fund in the same manner as other funds are invested. Any interest and moneys
69 earned on such investments shall be credited to the general revenue fund at the end of each
70 fiscal year.

135.352. 1. A taxpayer owning an interest in a qualified Missouri project [shall] may,
2 subject to the limitations provided under the provisions of subsection 3 of this section, be
3 allowed a 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 Missouri
6 low-income housing tax credit available to a project shall be such amount as the commission
7 shall determine is necessary to ensure the feasibility of the project, up to an amount equal to the
8 federal low-income housing tax credit for a qualified Missouri project, for a federal tax period,

9 and such amount shall be subtracted from the amount of state tax otherwise due for the same tax
10 period.

11 3. No more than six million dollars in tax credits shall be authorized each fiscal year for
12 projects financed through tax-exempt bond issuance. **No tax credits shall be authorized under**
13 **the provisions of sections 135.350 to 135.363 after June 30, 2015, unless an appropriation**
14 **is made under the provisions of section 135.821. In any fiscal year for which an**
15 **appropriation is made to the fund created under this section under the provisions of section**
16 **135.821, no more than the amount appropriated shall be authorized. The provisions of this**
17 **section shall not be construed to limit or in any way impair a recipient's ability to redeem**
18 **tax credits or an administering agency's ability to issue tax credits authorized prior to July**
19 **1, 2015.**

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

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

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

37 7. **There is hereby created in the state treasury the "Low-Income Housing Tax**
38 **Credit Program Fund", which shall consist of money appropriated under this section and**
39 **section 135.821. The state treasurer shall be custodian of the fund and may approve**
40 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
41 **appropriation, money in the fund shall be used solely for the administration of sections**
42 **135.350 to 135.363. Notwithstanding the provisions of section 33.080 to the contrary, any**
43 **moneys remaining in the fund for tax credits which have been authorized but not yet**
44 **redeemed at the end of the fiscal year shall not revert to the credit of the general revenue**

45 **fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits**
46 **which remain unauthorized at the end of the fiscal year shall revert to the credit of the**
47 **general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,**
48 **the department of revenue shall notify the director of the department of economic**
49 **development and the state treasurer upon redemption of each tax credit authorized under**
50 **the provisions of this section. Upon such notification, an amount equal to the tax credits**
51 **redeemed shall be transferred from the fund created in this section to the general revenue**
52 **fund. In the event the department determines that any tax credit authorized under this**
53 **section is precluded from being redeemed due to contractual agreement entered into by the**
54 **department and the tax credit applicant or is otherwise precluded by law from being**
55 **redeemed, the department shall notify the state treasurer and an amount equal to such tax**
56 **credit shall be transferred from the fund created in this section to the general revenue**
57 **fund. The state treasurer shall invest moneys in the fund in the same manner as other**
58 **funds are invested. Any interest and moneys earned on such investments shall be credited**
59 **to the general revenue fund at the end of each fiscal year.**

60 **8.** The director of the department may promulgate rules and regulations necessary to
61 administer the provisions of this section. No rule or portion of a rule promulgated pursuant to
62 the authority of this section shall become effective unless it has been promulgated pursuant to
63 the provisions of section 536.024.

135.460. 1. This section and sections 620.1100 and 620.1103 shall be known and may
2 be cited as the "Youth Opportunities and Violence Prevention Act".

3 2. As used in this section, the term "taxpayer" shall include corporations as defined in
4 section 143.441 or 143.471, any charitable organization which is exempt from federal income
5 tax and whose Missouri unrelated business taxable income, if any, would be subject to the state
6 income tax imposed under chapter 143, and individuals, individual proprietorships and
7 partnerships.

8 3. A taxpayer [shall] **may, subject to the limitations provided under subsection 2 of**
9 **section 32.115,** be allowed a tax credit against the tax otherwise due pursuant to chapter 143,
10 excluding withholding tax imposed by sections 143.191 to 143.265, chapter 147, chapter 148,
11 or chapter 153 in an amount equal to thirty percent for property contributions and fifty percent
12 for monetary contributions of the amount such taxpayer contributed to the programs described
13 in subsection 5 of this section, not to exceed two hundred thousand dollars per taxable year, per
14 taxpayer; except as otherwise provided in subdivision (5) of subsection 5 of this section. The
15 department of economic development shall prescribe the method for claiming the tax credits
16 allowed in this section. No rule or portion of a rule promulgated under the authority of this
17 section shall become effective unless it has been promulgated pursuant to the provisions of

18 chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect
19 and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity
20 of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of
21 chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the
22 powers vested with the general assembly pursuant to chapter 536, including the ability to review,
23 to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently
24 held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed
25 and contained in the order of rulemaking shall be invalid and void.

26 4. The tax credits allowed by this section shall be claimed by the taxpayer to offset the
27 taxes that become due in the taxpayer's tax period in which the contribution was made. Any tax
28 credit not used in such tax period may be carried over the next five succeeding tax periods.

29 5. The tax credit allowed by this section may only be claimed for monetary or property
30 contributions to public or private programs authorized to participate pursuant to this section by
31 the department of economic development and may be claimed for the development,
32 establishment, implementation, operation, and expansion of the following activities and
33 programs:

34 (1) An adopt-a-school program. Components of the adopt-a-school program shall
35 include donations for school activities, seminars, and functions; school-business employment
36 programs; and the donation of property and equipment of the corporation to the school;

37 (2) Expansion of programs to encourage school dropouts to reenter and complete high
38 school or to complete a graduate equivalency degree program;

39 (3) Employment programs. Such programs shall initially, but not exclusively, target
40 unemployed youth living in poverty and youth living in areas with a high incidence of crime;

41 (4) New or existing youth clubs or associations;

42 (5) Employment/internship/apprenticeship programs in business or trades for persons
43 less than twenty years of age, in which case the tax credit claimed pursuant to this section shall
44 be equal to one-half of the amount paid to the intern or apprentice in that tax year, except that
45 such credit shall not exceed ten thousand dollars per person;

46 (6) Mentor and role model programs;

47 (7) Drug and alcohol abuse prevention training programs for youth;

48 (8) Donation of property or equipment of the taxpayer to schools, including schools
49 which primarily educate children who have been expelled from other schools, or donation of the
50 same to municipalities, or not-for-profit corporations or other not-for-profit organizations which
51 offer programs dedicated to youth violence prevention as authorized by the department;

52 (9) Not-for-profit, private or public youth activity centers;

53 (10) Nonviolent conflict resolution and mediation programs;

54 (11) Youth outreach and counseling programs.

55 6. Any program authorized in subsection 5 of this section shall, at least annually, submit
56 a report to the department of economic development outlining the purpose and objectives of such
57 program, the number of youth served, the specific activities provided pursuant to such program,
58 the duration of such program and recorded youth attendance where applicable.

59 7. The department of economic development shall, at least annually submit a report to
60 the Missouri general assembly listing the organizations participating, services offered and the
61 number of youth served as the result of the implementation of this section.

62 8. The tax credit allowed by this section shall apply to all taxable years beginning after
63 December 31, 1995.

64 9. For the purposes of the credits described in this section, in the case of a corporation
65 described in section 143.471, partnership, limited liability company described in section 347.015,
66 cooperative, marketing enterprise, or partnership, in computing Missouri's tax liability, such
67 credits shall be allowed to the following:

68 (1) The shareholders of the corporation described in section 143.471;

69 (2) The partners of the partnership;

70 (3) The members of the limited liability company; and

71 (4) Individual members of the cooperative or marketing enterprise. Such credits shall
72 be apportioned to the entities described in subdivisions (1) and (2) of this subsection in
73 proportion to their share of ownership on the last day of the taxpayer's tax period.

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. **Notwithstanding any other provision of law to the contrary, no tax credits shall be**
8 **authorized under the provisions of sections 135.475 to 135.487 after June 30, 2015, unless**
9 **an appropriation is made under the provisions of section 135.821. In any fiscal year for**
10 **which an appropriation is made to the fund created under this section under the provisions**
11 **of section 135.821, no more than the amount appropriated shall be authorized. Of the total**
12 **amount of appropriation to the fund created under this section for each fiscal year, fifty**
13 **percent shall be set aside for projects in areas described in subdivision (6) of section**
14 **135.478 and fifty percent for projects in areas described in subdivision (10) of section**
15 **135.478.**

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

23 3. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be claimed
24 in addition to any other state tax credits, with the exception of the historic structures
25 rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, which insofar as
26 sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax
27 credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for
28 the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to
29 subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections
30 253.545 to 253.559, and in such cases, the amount of the tax credit pursuant to subsection 4 of
31 section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or
32 forty thousand dollars.

33 **4. There is hereby created in the state treasury the "Neighborhood Preservation**
34 **Tax Credit Program Fund", which shall consist of money appropriated under this section**
35 **and section 135.821. The state treasurer shall be custodian of the fund and may approve**
36 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
37 **appropriation, money in the fund shall be used solely for the administration of sections**
38 **135.475 to 135.487. Notwithstanding the provisions of section 33.080 to the contrary, any**
39 **moneys remaining in the fund for tax credits which have been authorized but not yet**
40 **redeemed at the end of the fiscal year shall not revert to the credit of the general revenue**
41 **fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits**
42 **which remain unauthorized at the end of the fiscal year shall revert to the credit of the**
43 **general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,**
44 **the director of the department of revenue shall notify the state treasurer upon redemption**
45 **of each tax credit authorized under the provisions of this section. Upon such notification,**
46 **an amount equal to the tax credits redeemed shall be transferred from the fund created in**
47 **this section to the general revenue fund. In the event the department determines that any**
48 **tax credit authorized under this section is precluded from being redeemed due to**
49 **contractual agreement entered into by the department and the tax credit applicant or is**
50 **otherwise precluded by law from being redeemed, the department shall notify the state**
51 **treasurer and an amount equal to such tax credit shall be transferred from the fund**

52 **created in this section to the general revenue fund. The state treasurer shall invest moneys**
53 **in the fund in the same manner as other funds are invested. Any interest and moneys**
54 **earned on such investments shall be credited to the general revenue fund at the end of each**
55 **fiscal year.**

135.490. 1. In order to encourage and foster community improvement, an eligible small
2 business, as defined in Section 44 of the Internal Revenue Code, [shall] **may, subject to the**
3 **limitations provided under subsection 5 of this section,** be allowed a credit not to exceed five
4 thousand dollars against the tax otherwise due pursuant to chapter 143, not including sections
5 143.191 to 143.265, in an amount equal to fifty percent of all eligible access expenditures
6 exceeding the monetary cap provided by Section 44 of the Internal Revenue Code. For purposes
7 of this section, "eligible access expenditures" means amounts paid or incurred by the taxpayer
8 in order to comply with applicable access requirements provided by the Americans With
9 Disabilities Act of 1990, as further defined in Section 44 of the Internal Revenue Code and
10 federal rulings interpreting Section 44 of the Internal Revenue Code.

11 2. The tax credit allowed by this section shall be claimed by the taxpayer at the time such
12 taxpayer files a return. Any amount of tax credit which exceeds the tax due shall be carried over
13 to any subsequent taxable year, but shall not be refunded and shall not be transferable.

14 3. The director of the department of economic development and the director of the
15 department of revenue shall jointly administer the tax credit authorized by this section. Both the
16 director of the department of economic development and the director of the department of
17 revenue are authorized to promulgate rules and regulations necessary to administer the provisions
18 of this section. No rule or portion of a rule promulgated pursuant to the authority of this section
19 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

20 4. The provisions of this section shall become effective on January 1, 2000, and shall
21 apply to all taxable years beginning after December 31, 1999.

22 **5. Notwithstanding any other provision of law to the contrary, no tax credits shall**
23 **be authorized under the provisions of this section after June 30, 2015, unless an**
24 **appropriation is made under the provisions of section 135.821. In any fiscal year for which**
25 **an appropriation is made to the fund created under this section under the provisions of**
26 **section 135.821, no more than the amount appropriated shall be authorized. Small**
27 **businesses shall file, with the department of economic development, an application for tax**
28 **credits authorized under this section on a form provided by the department. In the event**
29 **the amount of claims exceed the amount of credits available under the provisions of this**
30 **section, the department of economic development shall award the credits on a first-to-file,**
31 **first-to-receive basis.**

32 **6. There is hereby created in the state treasury the "Disabled Access-Small Business**
33 **Tax Credit Program Fund", which shall consist of money appropriated under this section**
34 **and section 135.821. The state treasurer shall be custodian of the fund and may approve**
35 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
36 **appropriation, money in the fund shall be used solely for the administration of this section.**
37 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
38 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
39 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
40 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
41 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
42 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the director of the**
43 **department of revenue shall notify the state treasurer upon redemption of each tax credit**
44 **authorized under the provisions of this section. Upon such notification, an amount equal**
45 **to the tax credits redeemed shall be transferred from the fund created in this section to the**
46 **general revenue fund. In the event the department determines that any tax credit**
47 **authorized under this section is precluded from being redeemed due to contractual**
48 **agreement entered into by the department and the tax credit applicant or is otherwise**
49 **precluded by law from being redeemed, the department shall notify the state treasurer and**
50 **an amount equal to such tax credit shall be transferred from the fund created in this**
51 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
52 **the same manner as other funds are invested. Any interest and moneys earned on such**
53 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

135.535. 1. A corporation, limited liability corporation, partnership or sole
2 proprietorship, which moves its operations from outside Missouri or outside a distressed
3 community into a distressed community, or which commences operations in a distressed
4 community on or after January 1, 1999, and in either case has more than seventy-five percent of
5 its employees at the facility in the distressed community, and which has fewer than one hundred
6 employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical
7 devices, scientific research, animal research, computer software design or development,
8 computer programming, including internet, web hosting, and other information technology,
9 wireless or wired or other telecommunications or a professional firm [shall] **may, subject to the**
10 **limitations provided under subsection 7 of this section,** receive a forty percent credit against
11 income taxes owed pursuant to chapter 143, 147 or 148, other than taxes withheld pursuant to
12 sections 143.191 to 143.265, for each of the three years after such move, if approved by the
13 department of economic development, which shall issue a certificate of eligibility if the
14 department determines that the taxpayer is eligible for such credit. The maximum amount of

15 credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five
16 thousand dollars for each of the three years for which the credit is claimed. The department of
17 economic development, by means of rule or regulation promulgated pursuant to the provisions
18 of chapter 536, shall assign appropriate North American Industry Classification System numbers
19 to the companies which are eligible for the tax credits provided for in this section. Such
20 three-year credits shall be awarded only one time to any company which moves its operations
21 from outside of Missouri or outside of a distressed community into a distressed community or
22 to a company which commences operations within a distressed community. A taxpayer shall file
23 an application for certification of the tax credits for the first year in which credits are claimed and
24 for each of the two succeeding taxable years for which credits are claimed.

25 2. Employees of such facilities physically working and earning wages for that work
26 within a distressed community whose employers have been approved for tax credits pursuant to
27 subsection 1 of this section by the department of economic development for whom payroll taxes
28 are paid shall also be eligible to receive a tax credit against individual income tax, imposed
29 pursuant to chapter 143, equal to one and one-half percent of their gross salary paid at such
30 facility earned for each of the three years that the facility receives the tax credit provided by this
31 section, so long as they were qualified employees of such entity. The employer shall calculate
32 the amount of such credit and shall report the amount to the employee and the department of
33 revenue.

34 3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, other than
35 the taxes withheld pursuant to sections 143.191 to 143.265, in lieu of the credit against income
36 taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed
37 community in an amount of forty percent of the amount of funds expended for computer
38 equipment and its maintenance, medical laboratories and equipment, research laboratory
39 equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications,
40 wiring or software development expense up to a maximum of seventy-five thousand dollars in
41 tax credits for such equipment or expense per year per entity and for each of three years after
42 commencement in or moving operations into a distressed community.

43 4. A corporation, partnership or sole partnership, which has no more than one hundred
44 employees for whom payroll taxes are paid, which is already located in a distressed community
45 and which expends funds for such equipment pursuant to subsection 3 of this section in an
46 amount exceeding its average of the prior two years for such equipment, shall be eligible to
47 receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148 in an
48 amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds
49 expended for such additional equipment per such entity. Tax credits allowed pursuant to this

50 subsection or subsection 1 of this section may be carried back to any of the three prior tax years
51 and carried forward to any of the next five tax years.

52 5. An existing corporation, partnership or sole proprietorship that is located within a
53 distressed community and that relocates employees from another facility outside of the distressed
54 community to its facility within the distressed community, and an existing business located
55 within a distressed community that hires new employees for that facility may both be eligible for
56 the tax credits allowed by subsections 1 and 3 of this section. To be eligible for such tax credits,
57 such a business, during one of its tax years, shall employ within a distressed community at least
58 twice as many employees as were employed at the beginning of that tax year. A business hiring
59 employees shall have no more than one hundred employees before the addition of the new
60 employees. This subsection shall only apply to a business which is a manufacturing, biomedical,
61 medical devices, scientific research, animal research, computer software design or development,
62 computer programming or telecommunications business, or a professional firm.

63 6. Tax credits shall be approved for applicants meeting the requirements of this section
64 in the order that such applications are received. Certificates of tax credits issued in accordance
65 with this section may be transferred, sold or assigned by notarized endorsement which names the
66 transferee.

67 7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this section shall
68 be for an amount of no more than ten million dollars for each year beginning in 1999. The total
69 maximum credit for all entities already located in distressed communities and claiming credits
70 pursuant to subsection 4 of this section shall be seven hundred and fifty thousand dollars. The
71 department of economic development in approving taxpayers for the credit as provided for in
72 subsection 6 of this section shall use information provided by the department of revenue
73 regarding taxes paid in the previous year, or projected taxes for those entities newly established
74 in the state, as the method of determining when this maximum will be reached and shall maintain
75 a record of the order of approval. Any tax credit not used in the period for which the credit was
76 approved may be carried over until the full credit has been allowed. **Notwithstanding any**
77 **provision of law to the contrary, no tax credits shall be authorized under the provisions of**
78 **this section after June 30, 2015, unless an appropriation is made under the provisions of**
79 **section 135.821. In any fiscal year for which an appropriation is made to the fund created**
80 **under this section under the provisions of section 135.821, no more than the amount**
81 **appropriated shall be authorized.**

82 8. A Missouri employer relocating into a distressed community and having employees
83 covered by a collective bargaining agreement at the facility from which it is relocating shall not
84 be eligible for the credits in subsection 1, 3, 4 or 5 of this section, and its employees shall not be
85 eligible for the credit in subsection 2 of this section if the relocation violates or terminates a

86 collective bargaining agreement covering employees at the facility, unless the affected collective
87 bargaining unit concurs with the move.

88 9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax
89 credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the
90 tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and
91 135.245, respectively, for the same business for the same tax period.

92 **10. There is hereby created in the state treasury the "Rebuilding Communities Tax**
93 **Credit Program Fund", which shall consist of money appropriated under this section and**
94 **section 135.821. The state treasurer shall be custodian of the fund and may approve**
95 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
96 **appropriation, money in the fund shall be used solely for the administration of this section.**
97 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
98 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
99 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
100 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
101 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
102 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
103 **revenue shall notify the director of the department of economic development and the state**
104 **treasurer upon redemption of each tax credit authorized under the provisions of this**
105 **section. Upon such notification, an amount equal to the tax credits redeemed shall be**
106 **transferred from the fund created in this section to the general revenue fund. In the event**
107 **the department of economic development determines that any tax credit authorized under**
108 **this section is precluded from being redeemed due to contractual agreement entered into**
109 **by the department and the tax credit applicant or is otherwise precluded by law from being**
110 **redeemed, the department shall notify the state treasurer and an amount equal to such tax**
111 **credit shall be transferred from the fund created in this section to the general revenue**
112 **fund. The state treasurer shall invest moneys in the fund in the same manner as other**
113 **funds are invested. Any interest and moneys earned on such investments shall be credited**
114 **to the general revenue fund at the end of each fiscal year.**

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

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

4 (2) "Shelter for victims of domestic violence", a facility located in this state which meets
5 the definition of a shelter for victims of domestic violence pursuant to section 455.200 and which
6 meets the requirements of section 455.220;

7 (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such
8 taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153,
9 exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191
10 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred
11 by such taxpayer pursuant to the provisions of chapter 143;

12 (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S
13 corporation doing business in the state of Missouri and subject to the state income tax imposed
14 by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax
15 imposed by the provisions of chapter 147, including any charitable organization which is exempt
16 from federal income tax and whose Missouri unrelated business taxable income, if any, would
17 be subject to the state income tax imposed under chapter 143, or an insurance company paying
18 an annual tax on its gross premium receipts in this state, or other financial institution paying
19 taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions
20 of chapter 148, or an express company which pays an annual tax on its gross receipts in this state
21 pursuant to chapter 153, or an individual subject to the state income tax imposed by the
22 provisions of chapter 143.

23 2. A taxpayer [shall] **may, subject to the limitations provided under subsection 6 of**
24 **this section**, be allowed to claim a tax credit against the taxpayer's state tax liability, in an
25 amount equal to fifty percent of the amount such taxpayer contributed to a shelter for victims of
26 domestic violence.

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

32 4. Except for any excess credit which is carried over pursuant to subsection 3 of this
33 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such
34 taxpayer's contribution or contributions to a shelter or shelters for victims of domestic violence
35 in such taxpayer's taxable year has a value of at least one hundred dollars.

36 5. The director of the department of social services shall determine, at least annually,
37 which facilities in this state may be classified as shelters for victims of domestic violence. The
38 director of the department of social services may require of a facility seeking to be classified as
39 a shelter for victims of domestic violence whatever information is reasonably necessary to make
40 such a determination. The director of the department of social services shall classify a facility
41 as a shelter for victims of domestic violence if such facility meets the definition set forth in
42 subsection 1 of this section.

43 6. The director of the department of social services shall establish a procedure by which
44 a taxpayer can determine if a facility has been classified as a shelter for victims of domestic
45 violence, and by which such taxpayer can then contribute to such shelter for victims of domestic
46 violence and claim a tax credit. Shelters for victims of domestic violence shall be permitted to
47 decline a contribution from a taxpayer. The cumulative amount of tax credits which may be
48 claimed by all the taxpayers contributing to shelters for victims of domestic violence in any one
49 fiscal year shall not exceed two million dollars. **No tax credits shall be authorized under the**
50 **provisions of this section after June 30, 2015, unless an appropriation is made under the**
51 **provisions of section 135.821. In any fiscal year for which an appropriation is made to the**
52 **fund created under this section under the provisions of section 135.821, no more than the**
53 **amount appropriated shall be authorized.**

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

69 8. **There is hereby created in the state treasury the "Domestic Violence Shelter Tax**
70 **Credit Program Fund", which shall consist of money appropriated under this section and**
71 **section 135.821. The state treasurer shall be custodian of the fund and may approve**
72 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
73 **appropriation, money in the fund shall be used solely for the administration of this section.**
74 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
75 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
76 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
77 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
78 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**

79 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
80 **revenue shall notify the director of the department of social services and the state treasurer**
81 **upon redemption of each tax credit authorized under the provisions of this section. Upon**
82 **such notification, an amount equal to the tax credits redeemed shall be transferred from**
83 **the fund created in this section to the general revenue fund. In the event the department**
84 **of social services determines that any tax credit authorized under this section is precluded**
85 **from being redeemed due to contractual agreement entered into by the department and the**
86 **tax credit applicant or is otherwise precluded by law from being redeemed, the department**
87 **shall notify the state treasurer and an amount equal to such tax credit shall be transferred**
88 **from the fund created in this section to the general revenue fund. The state treasurer shall**
89 **invest moneys in the fund in the same manner as other funds are invested. Any interest**
90 **and moneys earned on such investments shall be credited to the general revenue fund at**
91 **the end of each fiscal year.**

92 **9.** This section shall become effective January 1, 2000, and shall apply to all tax years
93 after December 31, 1999.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand
2 dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's
3 principal dwelling accessible to an individual with a disability who permanently resides with the
4 taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax
5 liability in an amount equal to the lesser of one hundred percent of such costs or two thousand
6 five hundred dollars per taxpayer, per tax year.

7 2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars
8 but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion
9 of such taxpayer's principal dwelling accessible to an individual with a disability who
10 permanently resides with the taxpayer [shall] **may, subject to the limitations provided under**
11 **subsection 10 of this section,** receive a tax credit against such taxpayer's Missouri income tax
12 liability in an amount equal to the lesser of fifty percent of such costs or two thousand five
13 hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits
14 under this section in any tax year immediately following a tax year in which such taxpayer
15 received tax credits under the provisions of this section.

16 3. Tax credits issued pursuant to this section may be refundable in an amount not to
17 exceed two thousand five hundred dollars per tax year.

18 4. Eligible costs for which the credit may be claimed include:

- 19 (1) Constructing entrance or exit ramps;
20 (2) Widening exterior or interior doorways;
21 (3) Widening hallways;

- 22 (4) Installing handrails or grab bars;
- 23 (5) Moving electrical outlets and switches;
- 24 (6) Installing stairway lifts;
- 25 (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- 26 (8) Modifying hardware of doors; or
- 27 (9) Modifying bathrooms.

28 5. The tax credits allowed, including the maximum amount that may be claimed,
29 pursuant to this section shall be reduced by an amount sufficient to offset any amount of such
30 costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to
31 the extent such taxpayer has applied any other state or federal income tax credit to such costs.

32 6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the
33 credit is issued, and at the time such taxpayer files his or her Missouri income tax return;
34 provided that such return is timely filed.

35 7. The department may, in consultation with the department of social services,
36 promulgate such rules or regulations as are necessary to administer the provisions of this section.
37 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
38 authority delegated in this section shall become effective only if it complies with and is subject
39 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
40 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
41 to chapter 536 to review, to delay the effective date or to disapprove and annul a rule are
42 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
43 or adopted after August 28, 2007, shall be invalid and void.

44 8. The provisions of this section shall apply to all tax years beginning on or after January
45 1, 2008.

46 9. The provisions of this section shall expire December 31, 2019, unless reauthorized
47 by the general assembly. This section shall terminate on September first of the calendar year
48 immediately following the calendar year in which the program authorized under this section is
49 sunset. The provisions of this subsection shall not be construed to limit or in any way impair the
50 department's ability to redeem tax credits authorized on or before the date the program authorized
51 under this section expires or a taxpayer's ability to redeem such tax credits.

52 10. In no event shall the aggregate amount of all tax credits allowed pursuant to this
53 section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued
54 pursuant to this section shall be on a first-come, first-served filing basis. **Notwithstanding**
55 **provisions of section 135.535 to the contrary, no tax credits shall be authorized under the**
56 **provisions of this section after June 30, 2015, unless an appropriation is made under the**
57 **provisions of section 135.821. In any fiscal year for which an appropriation is made to the**

58 fund created under this section under the provisions of section 135.821, no more than the
59 amount appropriated shall be authorized.

60 11. There is hereby created in the state treasury the "Residential Dwelling Access
61 Tax Credit Program Fund", which shall consist of money appropriated under this section
62 and section 135.821. The state treasurer shall be custodian of the fund and may approve
63 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
64 appropriation, money in the fund shall be used solely for the administration of this section.
65 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
66 in the fund for tax credits which have been authorized but not yet redeemed at the end of
67 the fiscal year shall not revert to the credit of the general revenue fund. Any moneys
68 remaining in the fund at the end of the fiscal year for any tax credits which remain
69 unauthorized at the end of the fiscal year shall revert to the credit of the general revenue
70 fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of
71 revenue shall notify the state treasurer upon redemption of each tax credit authorized
72 under the provisions of this section. Upon such notification, an amount equal to the tax
73 credits redeemed shall be transferred from the fund created in this section to the general
74 revenue fund. In the event the department determines that any tax credit authorized
75 under this section is precluded from being redeemed due to contractual agreement entered
76 into by the department and the tax credit applicant or is otherwise precluded by law from
77 being redeemed, the department shall notify the state treasurer and an amount equal to
78 such tax credit shall be transferred from the fund created in this section to the general
79 revenue fund. The state treasurer shall invest moneys in the fund in the same manner as
80 other funds are invested. Any interest and moneys earned on such investments shall be
81 credited to the general revenue fund at the end of each fiscal year.

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

- 2 (1) "Missouri health care access fund", the fund created in section 191.1056;
3 (2) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding
4 withholding tax imposed by sections 143.191 to 143.265;
5 (3) "Taxpayer", any individual subject to the tax imposed in chapter 143, excluding
6 withholding tax imposed by sections 143.191 to 143.265.

7 2. The provisions of this section shall be subject to section 33.282. For all taxable years
8 beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for donations in
9 excess of one hundred dollars made to the Missouri health care access fund. The tax credit shall
10 be subject to annual approval by the senate appropriations committee and the house budget
11 committee. The tax credit amount shall be equal to one-half of the total donation made, but shall
12 not exceed twenty-five thousand dollars per taxpayer claiming the credit. If the amount of the

13 tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which
14 the credit is claimed, the difference shall not be refundable but may be carried forward to any of
15 the taxpayer's next four taxable years. No tax credit granted under this section shall be
16 transferred, sold, or assigned. The cumulative amount of tax credits which may be issued under
17 this section in any one fiscal year shall not exceed one million dollars. **Notwithstanding the**
18 **provisions of section 135.535 to the contrary, no tax credits shall be authorized under the**
19 **provisions of this section after June 30, 2015, unless an appropriation is made under the**
20 **provisions of section 135.821. In any fiscal year for which an appropriation is made to the**
21 **fund created under this section under the provisions of section 135.821, no more than the**
22 **amount appropriated shall be authorized.**

23 **3. There is hereby created in the state treasury the "Missouri Health Care Access**
24 **Fund Tax Credit Program Fund", which shall consist of money appropriated under this**
25 **section and section 135.821. The state treasurer shall be custodian of the fund and may**
26 **approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
27 **appropriation, money in the fund shall be used solely for the administration of this section.**
28 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
29 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
30 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
31 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
32 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
33 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
34 **revenue shall notify the state treasurer upon redemption of each tax credit authorized**
35 **under the provisions of this section. Upon such notification, an amount equal to the tax**
36 **credits redeemed shall be transferred from the fund created in this section to the general**
37 **revenue fund. In the event the department determines that any tax credit authorized**
38 **under this section is precluded from being redeemed due to contractual agreement entered**
39 **into by the department and the tax credit applicant or is otherwise precluded by law from**
40 **being redeemed, the department shall notify the state treasurer and an amount equal to**
41 **such tax credit shall be transferred from the fund created in this section to the general**
42 **revenue fund. The state treasurer shall invest moneys in the fund in the same manner as**
43 **other funds are invested. Any interest and moneys earned on such investments shall be**
44 **credited to the general revenue fund at the end of each fiscal year.**

45 **[3.] 4. The department of revenue may promulgate rules to implement the provisions**
46 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**
47 **created under the authority delegated in this section shall become effective only if it complies**
48 **with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**

49 This section and chapter 536 are nonseverable and if any of the powers vested with the general
50 assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
51 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and
52 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

53 [4.] 5. Pursuant to section 23.253 of the Missouri sunset act:

54 (1) The provisions of the new program authorized under this section shall automatically
55 sunset six years after August 28, 2007, unless reauthorized by an act of the general assembly; and

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

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

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

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

4 (2) "Maternity home", a residential facility located in this state established for the
5 purpose of providing housing and assistance to pregnant women who are carrying their
6 pregnancies to term, and which is exempt from income taxation under the United States Internal
7 Revenue Code;

8 (3) "State tax liability", in the case of a business taxpayer, any liability incurred by such
9 taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153,
10 exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191
11 to 143.265, and related provisions, and in the case of an individual taxpayer, any liability
12 incurred by such taxpayer pursuant to the provisions of chapter 143;

13 (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S
14 corporation doing business in the state of Missouri and subject to the state income tax imposed
15 by the provisions of chapter 143, including any charitable organization which is exempt from
16 federal income tax and whose Missouri unrelated business taxable income, if any, would be
17 subject to the state income tax imposed under chapter 143, or a corporation subject to the annual
18 corporation franchise tax imposed by the provisions of chapter 147, or an insurance company
19 paying an annual tax on its gross premium receipts in this state, or other financial institution
20 paying taxes to the state of Missouri or any political subdivision of this state pursuant to the
21 provisions of chapter 148, or an express company which pays an annual tax on its gross receipts
22 in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by
23 the provisions of chapter 143.

24 2. A taxpayer [shall] **may, subject to the limitations provided under subsection 6 of**
25 **this section**, be allowed to claim a tax credit against the taxpayer's state tax liability, in an
26 amount equal to fifty percent of the amount such taxpayer contributed to a maternity home.

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

32 4. Except for any excess credit which is carried over pursuant to subsection 3 of this
33 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such
34 taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable
35 year has a value of at least one hundred dollars.

36 5. The director of the department of social services shall determine, at least annually,
37 which facilities in this state may be classified as maternity homes. The director of the
38 department of social services may require of a facility seeking to be classified as a maternity
39 home whatever information is reasonably necessary to make such a determination. The director
40 of the department of social services shall classify a facility as a maternity home if such facility
41 meets the definition set forth in subsection 1 of this section.

42 6. The director of the department of social services shall establish a procedure by which
43 a taxpayer can determine if a facility has been classified as a maternity home, and by which such
44 taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes
45 shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax
46 credits which may be claimed by all the taxpayers contributing to maternity homes in any one
47 fiscal year shall not exceed two million dollars. **No tax credits shall be authorized under the**
48 **provisions of this section after June 30, 2015, unless an appropriation is made under the**
49 **provisions of section 135.821. In any fiscal year for which an appropriation is made to the**
50 **fund created under this section under the provisions of section 135.821, no more than the**
51 **amount appropriated shall be authorized.**

52 7. **There is hereby created in the state treasury the "Maternity Home Tax Credit**
53 **Program Fund", which shall consist of money appropriated under this section and section**
54 **135.821. The state treasurer shall be custodian of the fund and may approve**
55 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
56 **appropriation, money in the fund shall be used solely for the administration of this section.**
57 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
58 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
59 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**

60 remaining in the fund at the end of the fiscal year for any tax credits which remain
61 unauthorized at the end of the fiscal year shall revert to the credit of the general revenue
62 fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of
63 revenue shall notify the director of the department of social services and the state treasurer
64 upon redemption of each tax credit authorized under the provisions of this section. Upon
65 such notification, an amount equal to the tax credits redeemed shall be transferred from
66 the fund created in this section to the general revenue fund. In the event the department
67 of social services determines that any tax credit authorized under this section is precluded
68 from being redeemed due to contractual agreement entered into by the department and the
69 tax credit applicant or is otherwise precluded by law from being redeemed, the department
70 shall notify the state treasurer and an amount equal to such tax credit shall be transferred
71 from the fund created in this section to the general revenue fund. The state treasurer shall
72 invest moneys in the fund in the same manner as other funds are invested. Any interest
73 and moneys earned on such investments shall be credited to the general revenue fund at
74 the end of each fiscal year.

75 8. The director of the department of social services shall establish a procedure by which,
76 from the beginning of the fiscal year until some point in time later in the fiscal year to be
77 determined by the director of the department of social services, the cumulative amount of tax
78 credits are equally apportioned among all facilities classified as maternity homes. If a maternity
79 home fails to use all, or some percentage to be determined by the director of the department of
80 social services, of its apportioned tax credits during this predetermined period of time, the
81 director of the department of social services may reapportion these unused tax credits to those
82 maternity homes that have used all, or some percentage to be determined by the director of the
83 department of social services, of their apportioned tax credits during this predetermined period
84 of time. The director of the department of social services may establish more than one period
85 of time and reapportion more than once during each fiscal year. To the maximum extent
86 possible, the director of the department of social services shall establish the procedure described
87 in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits
88 possible up to the cumulative amount of tax credits available for the fiscal year.

89 [8.] 9. This section shall become effective January 1, 2000, and shall apply to all tax
90 years after December 31, 1999.

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. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center
37 made on or after January 1, 2013, [shall] **may, subject to the limitation provided under**
38 **subsection 6 of this section**, be eligible for tax credits as provided by this section.

39 (2) For all tax years beginning on or after January 1, 2007, a taxpayer [shall] **may,**
40 **subject to the limitation provided under subsection 6 of this section**, be allowed to claim a

41 tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the
42 amount such taxpayer contributed to a pregnancy resource center.

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

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

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

57 6. The director shall establish a procedure by which a taxpayer can determine if a facility
58 has been classified as a pregnancy resource center. Pregnancy resource centers shall be permitted
59 to decline a contribution from a taxpayer. The cumulative amount of tax credits which may be
60 claimed by all the taxpayers contributing to pregnancy resource centers in any one fiscal year
61 shall not exceed two million dollars. Tax credits shall be issued in the order contributions are
62 received. **No tax credits shall be authorized under the provisions of this section after June**
63 **30, 2015, unless an appropriation is made under the provisions of section 135.821. In any**
64 **fiscal year for which an appropriation is made to the fund created under this section under**
65 **the provisions of section 135.821, no more than the amount appropriated shall be**
66 **authorized.**

67 7. **There is hereby created in the state treasury the "Pregnancy Resource Center**
68 **Tax Credit Program Fund", which shall consist of money appropriated under this section**
69 **and section 135.821. The state treasurer shall be custodian of the fund and may approve**
70 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
71 **appropriation, money in the fund shall be used solely for the administration of this section.**
72 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
73 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
74 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
75 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
76 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**

77 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
78 **revenue shall notify the state treasurer upon redemption of each tax credit authorized**
79 **under the provisions of this section. Upon such notification, an amount equal to the tax**
80 **credits redeemed shall be transferred from the fund created in this section to the general**
81 **revenue fund. In the event the department of social services determines that any tax credit**
82 **authorized under this section is precluded from being redeemed due to contractual**
83 **agreement entered into by the department and the tax credit applicant or is otherwise**
84 **precluded by law from being redeemed, the department shall notify the state treasurer and**
85 **an amount equal to such tax credit shall be transferred from the fund created in this**
86 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
87 **the same manner as other funds are invested. Any interest and moneys earned on such**
88 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

89 **8.** The director shall establish a procedure by which, from the beginning of the fiscal year
90 until some point in time later in the fiscal year to be determined by the director, the cumulative
91 amount of tax credits are equally apportioned among all facilities classified as pregnancy
92 resource centers. If a pregnancy resource center fails to use all, or some percentage to be
93 determined by the director, of its apportioned tax credits during this predetermined period of
94 time, the director may reapportion these unused tax credits to those pregnancy resource centers
95 that have used all, or some percentage to be determined by the director, of their apportioned tax
96 credits during this predetermined period of time. The director may establish more than one
97 period of time and reapportion more than once during each fiscal year. To the maximum extent
98 possible, the director shall establish the procedure described in this subsection in such a manner
99 as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of
100 tax credits available for the fiscal year.

101 **[8.] 9.** Each pregnancy resource center shall provide information to the director
102 concerning the identity of each taxpayer making a contribution to the pregnancy resource center
103 who is claiming a tax credit pursuant to this section and the amount of the contribution. The
104 director shall provide the information to the director of revenue. The director shall be subject
105 to the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax
106 information.

107 **[9.] 10.** Pursuant to section 23.253 of the Missouri sunset act:

108 (1) The program authorized under this section shall be reauthorized as of March 29,
109 2013, and shall expire on December 31, 2019, unless reauthorized by the general assembly; and

110 (2) This section shall terminate on September first of the calendar year immediately
111 following the calendar year in which a program authorized under this section is sunset; and

112 (3) The provisions of this subsection shall not be construed to limit or in any way impair
113 the department's ability to issue tax credits authorized on or before the date the program
114 authorized under this section expires or a taxpayer's ability to redeem such tax credits.

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. (1) Beginning on March 29, 2013, any donation of cash or food made on or after
12 January 1, 2013, shall be eligible for tax credits as provided by this section.

13 (2) For all tax years beginning on or after January 1, 2007, any taxpayer who donates
14 cash or food, unless such food is donated after the food's expiration date, to any local food pantry
15 [shall] **may, subject to the limitations provided under this subdivision,** be allowed a credit
16 against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections
17 143.191 to 143.265, in an amount equal to fifty percent of the value of the donations made to the
18 extent such amounts that have been subtracted from federal adjusted gross income or federal
19 taxable income are added back in the determination of Missouri adjusted gross income or
20 Missouri taxable income before the credit can be claimed. Each taxpayer claiming a tax credit
21 under this section shall file an affidavit with the income tax return verifying the amount of their
22 contributions. The amount of the tax credit claimed shall not exceed the amount of the
23 taxpayer's state tax liability for the tax year that the credit is claimed, and shall not exceed two
24 thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that the
25 taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may
26 be carried forward to any of the taxpayer's three subsequent taxable years. No tax credit granted
27 under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive
28 a credit pursuant to this section if such taxpayer employs persons who are not authorized to work
29 in the United States under federal law. **No tax credits shall be authorized under the**
30 **provisions of this section after June 30, 2015, unless an appropriation is made under the**
31 **provisions of section 135.821. In any fiscal year for which an appropriation is made to the**
32 **fund created under this section under the provisions of section 135.821, no more than the**
33 **amount appropriated shall be authorized. The provisions of this section shall not be**

34 **construed to limit or in any way impair a recipient's ability to redeem tax credits or an**
35 **administering agency's ability to issue tax credits authorized prior to July 1, 2015.**

36 3. The cumulative amount of tax credits under this section which may be allocated to all
37 taxpayers contributing to a local food pantry in any one fiscal year shall not exceed one million
38 two hundred fifty thousand dollars. The director of revenue shall establish a procedure by which
39 the cumulative amount of tax credits is apportioned among all taxpayers claiming the credit by
40 April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent
41 possible, the director of revenue shall establish the procedure described in this subsection in such
42 a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative
43 amount of tax credits available for the fiscal year.

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

48 5. The department of revenue shall promulgate rules to implement the provisions of this
49 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
50 under the authority delegated in this section shall become effective only if it complies with and
51 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
52 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
53 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule
54 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
55 proposed or adopted after August 28, 2007, shall be invalid and void.

56 6. **There is hereby created in the state treasury the "Donated Food Tax Credit**
57 **Program Fund", which shall consist of money appropriated under this section and section**
58 **135.821. The state treasurer shall be custodian of the fund and may approve**
59 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
60 **appropriation, money in the fund shall be used solely for the administration of this section.**
61 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
62 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
63 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
64 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
65 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
66 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
67 **revenue shall notify the authority and the state treasurer upon redemption of each tax**
68 **credit authorized under the provisions of this section. Upon such notification, an amount**
69 **equal to the tax credits redeemed shall be transferred from the fund created in this section**

70 **to the general revenue fund. In the event the authority determines that any tax credit**
71 **authorized under this section is precluded from being redeemed due to contractual**
72 **agreement entered into by the authority and the tax credit applicant or is otherwise**
73 **precluded by law from being redeemed, the authority shall notify the state treasurer and**
74 **an amount equal to such tax credit shall be transferred from the fund created in this**
75 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
76 **the same manner as other funds are invested. Any interest and moneys earned on such**
77 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

78 7. Under section 23.253 of the Missouri sunset act:

79 (1) The program authorized under this section shall be reauthorized as of March 29,
80 2013, and shall expire on December 31, 2019, unless reauthorized by the general assembly; and

81 (2) This section shall terminate on September first of the calendar year immediately
82 following the calendar year in which the program authorized under this section is sunset; and

83 (3) The provisions of this subsection shall not be construed to limit or in any way impair
84 the department's ability to redeem tax credits authorized on or before the date the program
85 authorized under this section expires or a taxpayer's ability to redeem such tax credits.

135.679. 1. This section shall be known and may be cited as the "Qualified Beef Tax
2 Credit Act".

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

4 (1) "Agricultural property", any real and personal property, including but not limited to
5 buildings, structures, improvements, equipment, and livestock, that is used in or is to be used in
6 this state by residents of this state for:

7 (a) The operation of a farm or ranch; and

8 (b) Grazing, feeding, or the care of livestock;

9 (2) "Authority", the agricultural and small business development authority established
10 in chapter 348;

11 (3) "Backgrounded", any additional weight at the time of the first qualifying sale, before
12 being finished, above the established baseline weight;

13 (4) "Baseline weight", the average weight in the immediate past three years of all beef
14 animals sold that are thirty months of age or younger, categorized by sex. Baseline weight for
15 qualified beef animals that are physically out-of-state but whose ownership is retained by a
16 resident of this state shall be established by the average transfer weight in the immediate past
17 three years of all beef animals that are thirty months of age or younger and that are transferred
18 out-of-state but whose ownership is retained by a resident of this state, categorized by sex. The
19 established baseline weight shall be effective for a period of three years. If the taxpayer is a
20 qualifying beef animal producer with fewer than three years of production, the baseline weight

21 shall be established by the available average weight in the immediate past year of all beef
22 animals sold that are thirty months of age or younger, categorized by sex. If the qualifying beef
23 animal producer has no previous production, the baseline weight shall be established by the
24 authority;

25 (5) "Finished", the period from backgrounded to harvest;

26 (6) "Qualifying beef animal", any beef animal that is certified by the authority, that was
27 born in this state after August 28, 2008, that was raised and backgrounded or finished in this state
28 by the taxpayer, excluding any beef animal more than thirty months of age as verified by certified
29 written birth records;

30 (7) "Qualifying sale", the first time a qualifying beef animal is sold in this state after the
31 qualifying beef animal is backgrounded, and a subsequent sale if the weight of the qualifying
32 beef animal at the time of the subsequent sale is greater than the weight of the qualifying beef
33 animal at the time of the first qualifying sale of such beef animal;

34 (8) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding
35 withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 147;

36 (9) "Taxpayer", any individual or entity who:

37 (a) Is subject to the tax imposed in chapter 143, excluding withholding tax imposed by
38 sections 143.191 to 143.265, or the tax imposed in chapter 147;

39 (b) In the case of an individual, is a resident of this state as verified by a 911 address or
40 in the absence of a 911 system, a physical address; and

41 (c) Owns or rents agricultural property and principal place of business is located in this
42 state.

43 3. For all taxable years beginning on or after January 1, 2009, but ending on or before
44 December 31, 2016, a taxpayer [shall] **may, subject to the limitations provided under**
45 **subsection 4 of this section**, be allowed a tax credit for the first qualifying sale and for a
46 subsequent qualifying sale of all qualifying beef animals. The tax credit amount for the first
47 qualifying sale shall be ten cents per pound, shall be based on the backgrounded weight of all
48 qualifying beef animals at the time of the first qualifying sale, and shall be calculated as follows:
49 the qualifying sale weight minus the baseline weight multiplied by ten cents, as long as the
50 qualifying sale weight is equal to or greater than two hundred pounds above the baseline weight.
51 The tax credit amount for each subsequent qualifying sale shall be ten cents per pound, shall be
52 based on the backgrounded weight of all qualifying beef animals at the time of the subsequent
53 qualifying sale, and shall be calculated as follows: the qualifying sale weight minus the baseline
54 weight multiplied by ten cents, as long as the qualifying sale weight is equal to or greater than
55 two hundred pounds above the baseline weight. The authority may waive no more than

56 twenty-five percent of the two hundred pound weight gain requirement, but any such waiver shall
57 be based on a disaster declaration issued by the U. S. Department of Agriculture.

58 4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's
59 state tax liability for the taxable year for which the credit is claimed. No tax credit claimed under
60 this section shall be refundable. The tax credit shall be claimed in the taxable year in which the
61 qualifying sale of the qualifying beef occurred, but any amount of credit that the taxpayer is
62 prohibited by this section from claiming in a taxable year may be carried forward to any of the
63 taxpayer's five subsequent taxable years and carried backward to any of the taxpayer's three
64 previous taxable years. The amount of tax credits that may be issued to all eligible applicants
65 claiming tax credits authorized in this section in a fiscal year shall not exceed three million
66 dollars. Tax credits shall be issued on an as-received application basis until the fiscal year limit
67 is reached. Any credits not issued in any fiscal year shall expire and shall not be issued in any
68 subsequent years. **No tax credits shall be authorized under the provisions of this section
69 after June 30, 2015, unless an appropriation is made under the provisions of section
70 135.821. In any fiscal year for which an appropriation is made to the fund created under
71 this section under the provisions of section 135.821, no more than the amount appropriated
72 shall be authorized. The provisions of this section shall not be construed to limit or in any
73 way impair a recipient's ability to redeem tax credits or an administering agency's ability
74 to issue tax credits authorized prior to July 1, 2015.**

75 5. There is hereby created in the state treasury the "Qualified Beef Tax Credit
76 Program Fund", which shall consist of money appropriated under this section and section
77 135.821. The state treasurer shall be custodian of the fund and may approve
78 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
79 appropriation, money in the fund shall be used solely for the administration of this section.
80 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
81 in the fund for tax credits which have been authorized but not yet redeemed at the end of
82 the fiscal year shall not revert to the credit of the general revenue fund. Any moneys
83 remaining in the fund at the end of the fiscal year for any tax credits which remain
84 unauthorized at the end of the fiscal year shall revert to the credit of the general revenue
85 fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of
86 revenue shall notify the authority and the state treasurer upon redemption of each tax
87 credit authorized under the provisions of this section. Upon such notification, an amount
88 equal to the tax credits redeemed shall be transferred from the fund created in this section
89 to the general revenue fund. In the event the authority determines that any tax credit
90 authorized under this section is precluded from being redeemed due to contractual
91 agreement entered into by the authority and the tax credit applicant or is otherwise

92 **precluded by law from being redeemed, the authority shall notify the state treasurer and**
93 **an amount equal to such tax credit shall be transferred from the fund created in this**
94 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
95 **the same manner as other funds are invested. Any interest and moneys earned on such**
96 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

97 **6.** To claim the tax credit allowed under this section, the taxpayer shall submit to the
98 authority an application for the tax credit on a form provided by the authority and any application
99 fee imposed by the authority. The application shall be filed with the authority at the end of each
100 calendar year in which a qualified sale was made and for which a tax credit is claimed under this
101 section. The application shall include any certified documentation and information required by
102 the authority. All required information obtained by the authority shall be confidential and not
103 disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and
104 the qualified sale meet all criteria required by this section and approval is granted by the
105 authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit
106 certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed,
107 and the new owner of the tax credit certificate shall have the same rights in the tax credit as the
108 original taxpayer. Whenever a tax credit certificate is assigned, transferred, sold or otherwise
109 conveyed, a notarized endorsement shall be filed with the authority specifying the name and
110 address of the new owner of the tax credit certificate or the value of the tax credit.

111 **[6.] 7.** Any information provided under this section shall be confidential information,
112 to be shared with no one except state and federal animal health officials, except as provided in
113 subsection 5 of this section.

114 **[7.] 8.** The authority may promulgate rules to implement the provisions of this section.
115 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
116 authority delegated in this section shall become effective only if it complies with and is subject
117 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
118 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
119 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
120 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
121 or adopted after August 28, 2007, shall be invalid and void.

122 **[8.] 9.** This section shall not be subject to the Missouri sunset act, sections 23.250 to
123 23.298.

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

2 (1) "Adjusted purchase price", the product of:

3 (a) The amount paid to the issuer of a qualified equity investment for such qualified
4 equity investment; and

5 (b) The following fraction:

6 a. The numerator shall be the dollar amount of qualified low-income community
7 investments held by the issuer in this state as of the credit allowance date during the applicable
8 tax year; and

9 b. The denominator shall be the total dollar amount of qualified low-income community
10 investments held by the issuer in all states as of the credit allowance date during the applicable
11 tax year;

12 c. For purposes of calculating the amount of qualified low-income community
13 investments held by an issuer, an investment shall be considered held by an issuer even if the
14 investment has been sold or repaid; provided that the issuer reinvests an amount equal to the
15 capital returned to or recovered by the issuer from the original investment, exclusive of any
16 profits realized, in another qualified low-income community investment within twelve months
17 of the receipt of such capital. An issuer shall not be required to reinvest capital returned from
18 qualified low-income community investments after the sixth anniversary of the issuance of the
19 qualified equity investment, the proceeds of which were used to make the qualified low-income
20 community investment, and the qualified low-income community investment shall be considered
21 held by the issuer through the seventh anniversary of the qualified equity investment's issuance;

22 (2) "Applicable percentage", zero percent for each of the first two credit allowance dates,
23 seven percent for the third credit allowance date, and eight percent for the next four credit
24 allowance dates;

25 (3) "Credit allowance date", with respect to any qualified equity investment:

26 (a) The date on which such investment is initially made; and

27 (b) Each of the six anniversary dates of such date thereafter;

28 (4) "Long-term debt security", any debt instrument issued by a qualified community
29 development entity, at par value or a premium, with an original maturity date of at least seven
30 years from the date of its issuance, with no acceleration of repayment, amortization, or
31 prepayment features prior to its original maturity date, and with no distribution, payment, or
32 interest features related to the profitability of the qualified community development entity or the
33 performance of the qualified community development entity's investment portfolio. The
34 foregoing shall in no way limit the holder's ability to accelerate payments on the debt instrument
35 in situations where the issuer has defaulted on covenants designed to ensure compliance with this
36 section or Section 45D of the Internal Revenue Code of 1986, as amended;

37 (5) "Qualified active low-income community business", the meaning given such term
38 in Section 45D of the Internal Revenue Code of 1986, as amended; provided that any business
39 that derives or projects to derive fifteen percent or more of its annual revenue from the rental or

40 sale of real estate shall not be considered to be a qualified active low-income community
41 business;

42 (6) "Qualified community development entity", the meaning given such term in Section
43 45D of the Internal Revenue Code of 1986, as amended; provided that such entity has entered
44 into an allocation agreement with the Community Development Financial Institutions Fund of
45 the U.S. Treasury Department with respect to credits authorized by Section 45D of the Internal
46 Revenue Code of 1986, as amended, which includes the state of Missouri within the service area
47 set forth in such allocation agreement;

48 (7) "Qualified equity investment", any equity investment in, or long-term debt security
49 issued by, a qualified community development entity that:

50 (a) Is acquired after September 4, 2007, at its original issuance solely in exchange for
51 cash;

52 (b) Has at least eighty-five percent of its cash purchase price used by the issuer to make
53 qualified low-income community investments; and

54 (c) Is designated by the issuer as a qualified equity investment under this subdivision and
55 is certified by the department of economic development as not exceeding the limitation contained
56 in subsection 2 of this section. This term shall include any qualified equity investment that does
57 not meet the provisions of paragraph (a) of this subdivision if such investment was a qualified
58 equity investment in the hands of a prior holder;

59 (8) "Qualified low-income community investment", any capital or equity investment in,
60 or loan to, any qualified active low-income community business. With respect to any one
61 qualified active low-income community business, the maximum amount of qualified low-income
62 community investments made in such business, on a collective basis with all of its affiliates, that
63 may be used from the calculation of any numerator described in subparagraph a. of paragraph
64 (b) of subdivision (1) of this subsection shall be ten million dollars whether issued to one or
65 several qualified community development entities;

66 (9) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding
67 withholding tax imposed in sections 143.191 to 143.265, or otherwise due under section 375.916
68 or chapter 147, 148, or 153;

69 (10) "Taxpayer", any individual or entity subject to the tax imposed in chapter 143,
70 excluding withholding tax imposed in sections 143.191 to 143.265, or the tax imposed in section
71 375.916 or chapter 147, 148, or 153.

72 2. A taxpayer that makes a qualified equity investment earns a vested right to tax credits
73 under this section. On each credit allowance date of such qualified equity investment the
74 taxpayer, or subsequent holder of the qualified equity investment, shall be entitled to a tax credit
75 during the taxable year including such credit allowance date. The tax credit amount shall be

76 equal to the applicable percentage of the adjusted purchase price paid to the issuer of such
77 qualified equity investment. The amount of the tax credit claimed shall not exceed the amount
78 of the taxpayer's state tax liability for the tax year for which the tax credit is claimed. No tax
79 credit claimed under this section shall be refundable or transferable. Tax credits earned by a
80 partnership, limited liability company, S-corporation, or other pass-through entity may be
81 allocated to the partners, members, or shareholders of such entity for their direct use in
82 accordance with the provisions of any agreement among such partners, members, or
83 shareholders. Any amount of tax credit that the taxpayer is prohibited by this section from
84 claiming in a taxable year may be carried forward to any of the taxpayer's five subsequent taxable
85 years. The department of economic development shall limit the monetary amount of qualified
86 equity investments permitted under this section to a level necessary to limit tax credit utilization
87 at no more than twenty-five million dollars of tax credits in any fiscal year. Such limitation on
88 qualified equity investments shall be based on the anticipated utilization of credits without regard
89 to the potential for taxpayers to carry forward tax credits to later tax years. **Subject to any**
90 **applicable reauthorization requirements provided under subsection 7 of this section, the**
91 **department shall not certify any qualified equity investment after June 30, 2015, unless an**
92 **appropriation sufficient to provide tax credits for such qualified equity investment is made**
93 **under the provisions of section 135.821. In any fiscal year for which an appropriation is**
94 **made under the provisions of section 135.821, in any fiscal year for which an appropriation**
95 **is made to the fund created under this section under the provisions of section 135.821, no**
96 **more than the amount appropriated shall be authorized.**

97 3. The issuer of the qualified equity investment shall certify to the department of
98 economic development the anticipated dollar amount of such investments to be made in this state
99 during the first twelve-month period following the initial credit allowance date. If on the second
100 credit allowance date, the actual dollar amount of such investments is different than the amount
101 estimated, the department of economic development shall adjust the credits arising on the second
102 allowance date to account for such difference.

103 4. The department of economic development shall recapture the tax credit allowed under
104 this section with respect to such qualified equity investment under this section if:

105 (1) Any amount of the federal tax credit available with respect to a qualified equity
106 investment that is eligible for a tax credit under this section is recaptured under Section 45D of
107 the Internal Revenue Code of 1986, as amended; or

108 (2) The issuer redeems or makes principal repayment with respect to a qualified equity
109 investment prior to the seventh anniversary of the issuance of such qualified equity investment.
110 Any tax credit that is subject to recapture shall be recaptured from the taxpayer that claimed the
111 tax credit on a return.

112 5. The department of economic development shall promulgate rules to implement the
113 provisions of this section, including recapture provisions on a scaled proportional basis, and to
114 administer the allocation of tax credits issued for qualified equity investments, which shall be
115 conducted on a first-come, first-serve basis. Any rule or portion of a rule, as that term is defined
116 in section 536.010, that is created under the authority delegated in this section shall become
117 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
118 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
119 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
120 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
121 rulemaking authority and any rule proposed or adopted after September 4, 2007, shall be invalid
122 and void.

123 6. For fiscal years following fiscal year 2010, qualified equity investments shall not be
124 made under this section unless reauthorization is made pursuant to this subsection. For all fiscal
125 years following fiscal year 2010, unless the general assembly adopts a concurrent resolution
126 granting authority to the department of economic development to approve qualified equity
127 investments for the Missouri new markets development program and clearly describing the
128 amount of tax credits available for the next fiscal year, or otherwise complies with the provisions
129 of this subsection, no qualified equity investments may be permitted to be made under this
130 section. The amount of available tax credits contained in such a resolution shall not exceed the
131 limitation provided under subsection 2 of this section. In any year in which the provisions of this
132 section shall sunset pursuant to subsection 7 of this section, reauthorization shall be made by
133 general law and not by concurrent resolution. Nothing in this subsection shall preclude a
134 taxpayer who makes a qualified equity investment prior to the expiration of authority to make
135 qualified equity investments from claiming tax credits relating to such qualified equity
136 investment for each applicable credit allowance date.

137 7. **The provisions of section 135.821 shall not apply nor have any effect on tax**
138 **credits redeemed after June 30, 2015, as a result of a qualified equity investment that was**
139 **certified by the department prior to July 1, 2015.**

140 8. **There is hereby created in the state treasury the "New Markets Tax Credit**
141 **Program Fund", which shall consist of money appropriated under this section and section**
142 **135.821. The state treasurer shall be custodian of the fund and may approve**
143 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
144 **appropriation, money in the fund shall be used solely for the administration of this section.**
145 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
146 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
147 **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. Notwithstanding the provisions of section 32.057 to the contrary, the department of revenue shall notify the director of the department of economic development and the state treasurer upon redemption of each tax credit authorized under the provisions of this section. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this section to the general revenue fund. In the event the department of economic development determines that any tax credit authorized under this section 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, the department shall notify the state treasurer and an amount equal to such tax credit shall be transferred from the fund created in this section 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.

9. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the new program authorized under this section shall automatically sunset six years after September 4, 2007, unless reauthorized by an act of the general assembly; and

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. However, nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to sunset of this section under the provisions of section 23.253 from claiming tax credits relating to such qualified equity investment for each credit allowance date.

135.700. 1. For all tax years beginning on or after January 1, 1999, a grape grower or wine producer [shall] **may, subject to the limitations provided under subsection 2 of this section,** be allowed a tax credit against the state tax liability incurred pursuant to chapter 143, exclusive of the provisions relating to the withholding of tax as provided in sections 143.191 to 143.265, in an amount equal to twenty-five percent of the purchase price of all new equipment and materials used directly in the growing of grapes or the production of wine in the state. Each grower or producer shall apply to the department of economic development and specify the total amount of such new equipment and materials purchased during the calendar year. The department of economic development shall certify to the department of revenue the amount of

10 such tax credit to which a grape grower or wine producer is entitled pursuant to this section. The
11 provisions of this section notwithstanding, a grower or producer may only apply for and receive
12 the credit authorized by this section for five tax periods.

13 **2. No tax credits shall be authorized under the provisions of this section after June**
14 **30, 2015, unless an appropriation is made under the provisions of section 135.821. In any**
15 **fiscal year for which an appropriation is made to the fund created under this section under**
16 **the provisions of section 135.821, no more than the amount appropriated shall be**
17 **authorized. Grape growers and wine producers shall file, with the department of economic**
18 **development, an application for tax credits authorized under this section on a form**
19 **provided by the department. In the event the amount of claims exceed the amount of**
20 **credits available under the provisions of this section, the department of economic**
21 **development shall award the credits on a first-to-file, first-to-receive basis.**

22 **3. There is hereby created in the state treasury the "Wine and Grape Production**
23 **Tax Credit Program Fund", which shall consist of money appropriated under this section**
24 **and section 135.821. The state treasurer shall be custodian of the fund and may approve**
25 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
26 **appropriation, money in the fund shall be used solely for the administration of this section.**
27 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
28 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
29 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
30 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
31 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
32 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
33 **revenue shall notify the director of the department of economic development and the state**
34 **treasurer upon redemption of each tax credit authorized under the provisions of this**
35 **section. Upon such notification, an amount equal to the tax credits redeemed shall be**
36 **transferred from the fund created in this section to the general revenue fund. In the event**
37 **the department of economic development determines that any tax credit authorized under**
38 **this section is precluded from being redeemed due to contractual agreement entered into**
39 **by the department and the tax credit applicant or is otherwise precluded by law from being**
40 **redeemed, the department shall notify the state treasurer and an amount equal to such tax**
41 **credit shall be transferred from the fund created in this section to the general revenue**
42 **fund. The state treasurer shall invest moneys in the fund in the same manner as other**
43 **funds are invested. Any interest and moneys earned on such investments shall be credited**
44 **to the general revenue fund at the end of each fiscal year.**

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

2 (1) "Alternative fuels", any motor fuel at least seventy percent of the volume of which
3 consists of one or more of the following:

- 4 (a) Ethanol;
- 5 (b) Natural gas;
- 6 (c) Compressed natural gas;
- 7 (d) Liquified natural gas;
- 8 (e) Liquified petroleum gas;
- 9 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;
- 10 (g) Hydrogen;

11 (2) "Department", the department of natural resources;

12 (3) "Eligible applicant", a business entity that is the owner of a qualified alternative fuel
13 vehicle refueling property;

14 (4) "Qualified alternative fuel vehicle refueling property", property in this state owned
15 by an eligible applicant and used for storing alternative fuels and for dispensing such alternative
16 fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens which,
17 if constructed after August 28, 2008, was constructed with at least fifty-one percent of the costs
18 being paid to qualified Missouri contractors for the:

19 (a) Fabrication of premanufactured equipment or process piping used in the construction
20 of such facility;

21 (b) Construction of such facility; and

22 (c) General maintenance of such facility during the time period in which such facility
23 receives any tax credit under this section.

24 If no qualified Missouri contractor is located within seventy-five miles of the property, the
25 requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors
26 shall not apply;

27 (5) "Qualified Missouri contractor", a contractor whose principal place of business is
28 located in Missouri and has been located in Missouri for a period of not less than five years.

29 2. For all tax years beginning on or after January 1, 2009, but before January 1, 2012,
30 any eligible applicant who installs and operates a qualified alternative fuel vehicle refueling
31 property [shall] **may, subject to the limitations provided under subsection 4 of this section,**
32 be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax
33 imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax
34 year in which the applicant is constructing the refueling property. The credit allowed in this
35 section per eligible applicant shall not exceed the lesser of twenty thousand dollars or twenty
36 percent of the total costs directly associated with the purchase and installation of any alternative

37 fuel storage and dispensing equipment on any qualified alternative fuel vehicle refueling
38 property, which shall not include the following:

39 (1) Costs associated with the purchase of land upon which to place a qualified alternative
40 fuel vehicle refueling property;

41 (2) Costs associated with the purchase of an existing qualified alternative fuel vehicle
42 refueling property; or

43 (3) Costs for the construction or purchase of any structure.

44 3. Tax credits allowed by this section shall be claimed by the eligible applicant at the
45 time such applicant files a return for the tax year in which the storage and dispensing facilities
46 were placed in service at a qualified alternative fuel vehicle refueling property, and shall be
47 applied against the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after
48 all other credits provided by law have been applied. The cumulative amount of tax credits which
49 may be claimed by eligible applicants claiming all credits authorized in this section shall not
50 exceed the following amounts:

51 (1) In taxable year 2009, three million dollars;

52 (2) In taxable year 2010, two million dollars; and

53 (3) In taxable year 2011, one million dollars.

54 4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the
55 difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited
56 by this section from claiming in a taxable year may be carried forward to any of such applicant's
57 two subsequent taxable years. Tax credits allowed under this section may be assigned,
58 transferred, sold, or otherwise conveyed. **No tax credits shall be authorized under the**
59 **provisions of this section after June 30, 2015, unless an appropriation is made under the**
60 **provisions of section 135.821. In any fiscal year for which an appropriation is made to the**
61 **fund created under this section under the provisions of section 135.821, no more than the**
62 **amount appropriated shall be authorized. The provisions of this section shall not be**
63 **construed to limit or in any way impair a recipient's ability to redeem tax credits or an**
64 **administering agency's ability to issue tax credits authorized prior to July 1, 2015.**

65 5. An alternative fuel vehicle refueling property, for which an eligible applicant receives
66 tax credits under this section, which ceases to sell alternative fuel shall cause the forfeiture of
67 such eligible applicant's tax credits provided under this section for the taxable year in which the
68 alternative fuel vehicle refueling property ceased to sell alternative fuel and for future taxable
69 years with no recapture of tax credits obtained by an eligible applicant with respect to such
70 applicant's tax years which ended before the sale of alternative fuel ceased.

71 6. The director of revenue shall establish the procedure by which the tax credits in this
72 section may be claimed, and shall establish a procedure by which the cumulative amount of tax

73 credits is apportioned equally among all eligible applicants claiming the credit. To the maximum
74 extent possible, the director of revenue shall establish the procedure described in this subsection
75 in such a manner as to ensure that eligible applicants can claim all the tax credits possible up to
76 the cumulative amount of tax credits available for the taxable year. No eligible applicant
77 claiming a tax credit under this section shall be liable for any interest or penalty for filing a tax
78 return after the date fixed for filing such return as a result of the apportionment procedure under
79 this subsection.

80 7. Any eligible applicant desiring to claim a tax credit under this section shall submit the
81 appropriate application for such credit with the department. The application for a tax credit
82 under this section shall include any information required by the department. The department
83 shall review the applications and certify to the department of revenue each eligible applicant that
84 qualifies for the tax credit.

85 8. The department and the department of revenue may promulgate rules to implement
86 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
87 536.010, that is created under the authority delegated in this section shall become effective only
88 if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
89 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
90 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove
91 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
92 and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

93 9. **There is hereby created in the state treasury the "Alternative Fuel Refueling**
94 **Property Tax Credit Program Fund", which shall consist of money appropriated under**
95 **this section and section 135.821. The state treasurer shall be custodian of the fund and may**
96 **approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
97 **appropriation, money in the fund shall be used solely for the administration of this section.**
98 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
99 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
100 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
101 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
102 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
103 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
104 **revenue shall notify the authority and the state treasurer upon redemption of each tax**
105 **credit authorized under the provisions of this section. Upon such notification, an amount**
106 **equal to the tax credits redeemed shall be transferred from the fund created in this section**
107 **to the general revenue fund. In the event the authority determines that any tax credit**
108 **authorized under this section is precluded from being redeemed due to contractual**

109 **agreement entered into by the authority and the tax credit applicant or is otherwise**
110 **precluded by law from being redeemed, the authority shall notify the state treasurer and**
111 **an amount equal to such tax credit shall be transferred from the fund created in this**
112 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
113 **the same manner as other funds are invested. Any interest and moneys earned on such**
114 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

115 **10.** Pursuant to section 23.253 of the Missouri sunset act:

116 (1) The provisions of the new program authorized under this section shall automatically
117 sunset six years after August 28, 2008, unless reauthorized by an act of the general assembly; and

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

121 (3) This section shall terminate on December thirty-first of the calendar year immediately
122 following the calendar year in which the program authorized under this section is sunset.

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

2 (1) "Highly compensated individual", any individual who receives compensation in
3 excess of one million dollars in connection with a single qualified film production project;

4 (2) "Qualified film production project", any film, video, commercial, or television
5 production, as approved by the department of economic development and the office of the
6 Missouri film commission, that is under thirty minutes in length with an expected in-state
7 expenditure budget in excess of fifty thousand dollars, or that is over thirty minutes in length
8 with an expected in-state expenditure budget in excess of one hundred thousand dollars.

9 Regardless of the production costs, "qualified film production project" shall not include any:

10 (a) News or current events programming;

11 (b) Talk show;

12 (c) Production produced primarily for industrial, corporate, or institutional purposes, and
13 for internal use;

14 (d) Sports event or sports program;

15 (e) Gala presentation or awards show;

16 (f) Infomercial or any production that directly solicits funds;

17 (g) Political ad;

18 (h) Production that is considered obscene, as defined in section 573.010;

19 (3) "Qualifying expenses", the sum of the total amount spent in this state for the
20 following by a production company in connection with a qualified film production project:

21 (a) Goods and services leased or purchased by the production company. For goods with
22 a purchase price of twenty-five thousand dollars or more, the amount included in qualifying

23 expenses shall be the purchase price less the fair market value of the goods at the time the
24 production is completed;

25 (b) Compensation and wages paid by the production company on which the production
26 company remitted withholding payments to the department of revenue under chapter 143. For
27 purposes of this section, compensation and wages shall not include any amounts paid to a highly
28 compensated individual;

29 (4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding
30 withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 148;

31 (5) "Taxpayer", any individual, partnership, or corporation as described in section
32 143.441, 143.471, or section 148.370 that is subject to the tax imposed in chapter 143, excluding
33 withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 148 or
34 any charitable organization which is exempt from federal income tax and whose Missouri
35 unrelated business taxable income, if any, would be subject to the state income tax imposed
36 under chapter 143.

37 2. For all taxable years beginning on or after January 1, 1999, but ending on or before
38 December 31, 2007, a taxpayer shall be granted a tax credit for up to fifty percent of the amount
39 of investment in production or production-related activities in any film production project with
40 an expected in-state expenditure budget in excess of three hundred thousand dollars. For all
41 taxable years beginning on or after January 1, 2008, a taxpayer shall be allowed a tax credit for
42 up to thirty-five percent of the amount of qualifying expenses in a qualified film production
43 project. Each film production company shall be limited to one qualified film production project
44 per year. Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be
45 approved by the office of the Missouri film commission and the department of economic
46 development.

47 3. Taxpayers shall apply for the film production tax credit by submitting an application
48 to the department of economic development, on a form provided by the department. As part of
49 the application, the expected in-state expenditures of the qualified film production project shall
50 be documented. In addition, the application shall include an economic impact statement,
51 showing the economic impact from the activities of the film production project. Such economic
52 impact statement shall indicate the impact on the region of the state in which the film production
53 or production-related activities are located and on the state as a whole.

54 4. For all taxable years ending on or before December 31, 2007, tax credits certified
55 pursuant to subsection 2 of this section shall not exceed one million dollars per taxpayer per year,
56 and shall not exceed a total for all tax credits certified of one million five hundred thousand
57 dollars per year. For all taxable years beginning on or after January 1, 2008, tax credits certified
58 under subsection 1 of this section shall not exceed a total for all tax credits certified of four

59 million five hundred thousand dollars per year. Taxpayers may carry forward unused credits for
60 up to five tax periods, provided all such credits shall be claimed within ten tax periods following
61 the tax period in which the film production or production-related activities for which the credits
62 are certified by the department occurred. **No tax credits shall be authorized under the**
63 **provisions of this section after June 30, 2015, unless an appropriation is made under the**
64 **provisions of section 135.821. In any fiscal year for which an appropriation is made to the**
65 **fund created under this section under the provisions of section 135.821, no more than the**
66 **amount appropriated shall be authorized.**

67 5. There is hereby created in the state treasury the "Film Production Tax Credit
68 Program Fund", which shall consist of money appropriated under this section and section
69 135.821. The state treasurer shall be custodian of the fund and may approve
70 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
71 appropriation, money in the fund shall be used solely for the administration of this section.
72 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
73 in the fund for tax credits which have been authorized but not yet redeemed at the end of
74 the fiscal year shall not revert to the credit of the general revenue fund. Any moneys
75 remaining in the fund at the end of the fiscal year for any tax credits which remain
76 unauthorized at the end of the fiscal year shall revert to the credit of the general revenue
77 fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of
78 revenue shall notify the director of the department of economic development and the state
79 treasurer upon redemption of each tax credit authorized under the provisions of this
80 section. Upon such notification, an amount equal to the tax credits redeemed shall be
81 transferred from the fund created in this section to the general revenue fund. In the event
82 the department of economic development determines that any tax credit authorized under
83 this section is precluded from being redeemed due to contractual agreement entered into
84 by the department and the tax credit applicant or is otherwise precluded by law from being
85 redeemed, the department shall notify the state treasurer and an amount equal to such tax
86 credit shall be transferred from the fund created in this section to the general revenue
87 fund. The state treasurer shall invest moneys in the fund in the same manner as other
88 funds are invested. Any interest and moneys earned on such investments shall be credited
89 to the general revenue fund at the end of each fiscal year.

90 6. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign,
91 exchange, convey or otherwise transfer tax credits allowed in subsection 2 of this section. The
92 taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities
93 otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to
94 143.265, or chapter 148. Unused acquired credits may be carried forward for up to five tax

95 periods, provided all such credits shall be claimed within ten tax periods following the tax period
96 in which the film production or production-related activities for which the credits are certified
97 by the department occurred.

98 [6.] 7. Under section 23.253 of the Missouri sunset act:

99 (1) The provisions of the new program authorized under this section shall automatically
100 sunset six years after November 28, 2007, unless reauthorized by an act of the general assembly;
101 and

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

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

**135.821. 1. Notwithstanding any other provision of law to the contrary, no tax
2 credit, now or hereafter provided under any program by law, shall be authorized after
3 June 30, 2015, for issuance to a recipient, unless sufficient credits have been appropriated
4 for such program. No later than October 1, 2014, and the first day of October each year
5 thereafter, each administering agency shall provide to the budget committee of the house
6 of representatives and the appropriations committee of the senate a request for an
7 appropriation for the tax credit programs administered by such agency. Appropriations
8 made under the provisions of this section shall provide the amount of tax credits which
9 may be authorized during the fiscal year immediately following the fiscal year in which
10 such appropriation is made. Notwithstanding any other provision of law to the contrary,
11 appropriations for tax credits made under the provisions of this section may exceed annual
12 limitations on tax credit authorization provided by law. In the case of appropriations for
13 authorizations of tax credits for programs under which such credits may be issued over a
14 period of fiscal years for a single project or projects, such appropriation shall be made for
15 the total amount of tax credits to be issued in the aggregate over the entire term of fiscal
16 years, and the subsequent issuance of tax credits so authorized shall not be taken into
17 account in subsequent fiscal years for purposes of determining compliance with statutory
18 limitations on tax credit authorization. For purposes of this section, "streaming credit
19 issuance" shall mean any instance where an administering agency is allowed, by law, to
20 issue tax credits over a period of years to a recipient for a single project or series of
21 projects.**

22 **2. Appropriations provided under this section shall only be made in the annual**
23 **appropriation bill relating to public debt and shall specify:**

24 **(1) The program under which such tax credits may be authorized;**

- 25 **(2) The fiscal year appropriation is being made;**
26 **(3) The administering agency for such program; and**
27 **(4) Whether the amount appropriated is for streaming credit issuance and the**
28 **amount so designated.**

29 **3. The provisions of this section shall not be construed to limit or in any way impair**
30 **a recipient's ability to redeem tax credits or an administering agency's ability to issue tax**
31 **credits authorized prior to July 1, 2015.**

135.967. 1. A taxpayer who establishes a new business facility may, upon approval by
2 the department, be allowed a credit, each tax year for up to ten tax years, in an amount
3 determined as set forth in this section, against the tax imposed by chapter 143, excluding
4 withholding tax imposed by sections 143.191 to 143.265. No taxpayer shall receive multiple
5 ten-year periods for subsequent expansions at the same facility.

6 2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes
7 a new business facility in an enhanced enterprise zone and is awarded state tax credits under this
8 section may not also receive tax credits under sections 135.100 to 135.150, sections 135.200 to
9 135.286, or section 135.535, and may not simultaneously receive tax credits under sections
10 620.1875 to 620.1890 at the same facility.

11 3. No credit shall be issued pursuant to this section unless:

12 (1) The number of new business facility employees engaged or maintained in
13 employment at the new business facility for the taxable year for which the credit is claimed
14 equals or exceeds two; and

15 (2) The new business facility investment for the taxable year for which the credit is
16 claimed equals or exceeds one hundred thousand dollars.

17 4. The annual amount of credits allowed for an approved enhanced business enterprise
18 shall be the lesser of:

19 (1) The annual amount authorized by the department for the enhanced business
20 enterprise, which shall be limited to the projected state economic benefit, as determined by the
21 department; or

22 (2) The sum calculated based upon the following:

23 (a) A credit of four hundred dollars for each new business facility employee employed
24 within an enhanced enterprise zone;

25 (b) An additional credit of four hundred dollars for each new business facility employee
26 who is a resident of an enhanced enterprise zone;

27 (c) An additional credit of four hundred dollars for each new business facility employee
28 who is paid by the enhanced business enterprise a wage that exceeds the average wage paid
29 within the county in which the facility is located, as determined by the department; and

30 (d) A credit equal to two percent of new business facility investment within an enhanced
31 enterprise zone.

32 5. Prior to January 1, 2007, in no event shall the department authorize more than four
33 million dollars annually to be issued for all enhanced business enterprises. After December 31,
34 2006, in no event shall the department authorize more than twenty-four million dollars annually
35 to be issued for all enhanced business enterprises. **No tax credits shall be authorized under**
36 **the provisions of this section after June 30, 2015, unless an appropriation is made under**
37 **the provisions of section 135.821. In any fiscal year for which an appropriation is made**
38 **to the fund created under this section under the provisions of section 135.821, no more than**
39 **the amount appropriated shall be authorized.**

40 6. If a facility, which does not constitute a new business facility, is expanded by the
41 taxpayer, the expansion shall be considered eligible for the credit allowed by this section if:

42 (1) The taxpayer's new business facility investment in the expansion during the tax
43 period in which the credits allowed in this section are claimed exceeds one hundred thousand
44 dollars and if the number of new business facility employees engaged or maintained in
45 employment at the expansion facility for the taxable year for which credit is claimed equals or
46 exceeds two, and the total number of employees at the facility after the expansion is at least two
47 greater than the total number of employees before the expansion; and

48 (2) The taxpayer's investment in the expansion and in the original facility prior to
49 expansion shall be determined in the manner provided in subdivision (19) of section 135.950.

50 7. The number of new business facility employees during any taxable year shall be
51 determined by dividing by twelve the sum of the number of individuals employed on the last
52 business day of each month of such taxable year. If the new business facility is in operation for
53 less than the entire taxable year, the number of new business facility employees shall be
54 determined by dividing the sum of the number of individuals employed on the last business day
55 of each full calendar month during the portion of such taxable year during which the new
56 business facility was in operation by the number of full calendar months during such period. For
57 the purpose of computing the credit allowed by this section in the case of a facility which
58 qualifies as a new business facility under subsection 6 of this section, and in the case of a new
59 business facility which satisfies the requirements of paragraph (c) of subdivision (17) of section
60 135.950, or subdivision [(25)] (27) of section 135.950, the number of new business facility
61 employees at such facility shall be reduced by the average number of individuals employed,
62 computed as provided in this subsection, at the facility during the taxable year immediately
63 preceding the taxable year in which such expansion, acquisition, or replacement occurred and
64 shall further be reduced by the number of individuals employed by the taxpayer or related
65 taxpayer that was subsequently transferred to the new business facility from another Missouri

66 facility and for which credits authorized in this section are not being earned, whether such credits
67 are earned because of an expansion, acquisition, relocation, or the establishment of a new
68 facility.

69 8. In the case where a new business facility employee who is a resident of an enhanced
70 enterprise zone for less than a twelve-month period is employed for less than a twelve-month
71 period, the credits allowed by paragraph (b) of subdivision (2) of subsection 4 of this section
72 shall be determined by multiplying four hundred dollars by a fraction, the numerator of which
73 is the number of calendar days during the taxpayer's tax year for which such credits are claimed,
74 in which the employee was a resident of an enhanced enterprise zone, and the denominator of
75 which is three hundred sixty-five.

76 9. For the purpose of computing the credit allowed by this section in the case of a facility
77 which qualifies as a new business facility pursuant to subsection 6 of this section, and in the case
78 of a new business facility which satisfies the requirements of paragraph (c) of subdivision (17)
79 of section 135.950 or subdivision [(25)] (27) of section 135.950, the amount of the taxpayer's
80 new business facility investment in such facility shall be reduced by the average amount,
81 computed as provided in subdivision (19) of section 135.950 for new business facility
82 investment, of the investment of the taxpayer, or related taxpayer immediately preceding such
83 expansion or replacement or at the time of acquisition. Furthermore, the amount of the
84 taxpayer's new business facility investment shall also be reduced by the amount of investment
85 employed by the taxpayer or related taxpayer which was subsequently transferred to the new
86 business facility from another Missouri facility and for which credits authorized in this section
87 are not being earned, whether such credits are earned because of an expansion, acquisition,
88 relocation, or the establishment of a new facility.

89 10. For a taxpayer with flow-through tax treatment to its members, partners, or
90 shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to
91 their share of ownership on the last day of the taxpayer's tax period.

92 11. Credits may not be carried forward but shall be claimed for the taxable year during
93 which commencement of commercial operations occurs at such new business facility, and for
94 each of the nine succeeding taxable years for which the credit is issued

95 12. Certificates of tax credit authorized by this section may be transferred, sold, or
96 assigned by filing a notarized endorsement thereof with the department that names the transferee,
97 the amount of tax credit transferred, and the value received for the credit, as well as any other
98 information reasonably requested by the department. The sale price cannot be less than
99 seventy-five percent of the par value of such credits.

100 13. The director of revenue shall issue a refund to the taxpayer to the extent that the
101 amount of credits allowed in this section exceeds the amount of the taxpayer's income tax.

14. Prior to the issuance of tax credits, the department shall verify through the department of revenue, or any other state department, that the tax credit applicant does not owe any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any state department and through the department of insurance, financial institutions and professional registration that the applicant does not owe any delinquent insurance taxes. Such delinquency shall not affect the authorization of the application for such tax credits, except that the amount of credits issued shall be reduced by the applicant's tax delinquency. If the department of revenue or the department of insurance, financial institutions and professional registration, or any other state department, concludes that a taxpayer is delinquent after June fifteenth but before July first of any year and the application of tax credits to such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all available credits toward a tax delinquency, the administering agency shall notify the appropriate department, and that department shall update the amount of outstanding delinquent tax owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of other provisions of law.

15. There is hereby created in the state treasury the "Enhanced Enterprise Zone Tax Credit Program Fund", which shall consist of money appropriated under this section and section 135.821. 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 sections 135.950 to 135.973. 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. Notwithstanding the provisions of section 32.057 to the contrary, the department of revenue shall notify the director of the department and the state treasurer upon redemption of each tax credit authorized under the provisions of this section. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this section to the general revenue fund. In the event the department determines that any tax credit authorized under this section 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, the department shall notify the state treasurer and an amount equal to such tax credit shall be transferred

138 **from the fund created in this section to the general revenue fund. The state treasurer shall**
139 **invest moneys in the fund in the same manner as other funds are invested. Any interest**
140 **and moneys earned on such investments shall be credited to the general revenue fund at**
141 **the end of each fiscal year.**

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 the
55 payments made by the department to the agency in the preceding twelve months.

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

61 7. The department shall promulgate rules to implement the provisions of this section.
62 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
63 authority delegated in this section shall become effective only if it complies with and is subject
64 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
65 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
66 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are

67 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
68 or adopted after August 28, 2006, shall be invalid and void.

69 **8. Subject to applicable reauthorization requirements provided under subsection**
70 **10 of this section, no tax credits shall be authorized under the provisions of this section**
71 **after June 30, 2015, unless an appropriation is made under the provisions of section**
72 **135.821. In any fiscal year for which an appropriation is made under the provisions of**
73 **section 135.821, no more than the amount of tax credits so appropriated shall be**
74 **authorized.**

75 **9. There is hereby created in the state treasury the "Residential Treatment Agency**
76 **Tax Credit Fund", which shall consist of money appropriated under this section and**
77 **section 135.821. The state treasurer shall be custodian of the fund and may approve**
78 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
79 **appropriation, money in the fund shall be used solely for the administration of this section.**
80 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
81 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
82 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
83 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
84 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
85 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
86 **revenue shall notify the director of the department upon redemption of each tax credit**
87 **authorized under the provisions of this section. Upon such notification, an amount equal**
88 **to the tax credits redeemed shall be transferred from the fund created in this section to the**
89 **general revenue fund. In the event the department determines that any tax credit**
90 **authorized under this section is precluded from being redeemed due to contractual**
91 **agreement entered into by the department and the tax credit applicant or is otherwise**
92 **precluded by law from being redeemed, an amount equal to such tax credit shall be**
93 **transferred from the fund created in this section to the general revenue fund. The state**
94 **treasurer shall invest moneys in the fund in the same manner as other funds are invested.**
95 **Any interest and moneys earned on such investments shall be credited to the general**
96 **revenue fund at the end of each fiscal year.**

97 **10. Under section 23.253 of the Missouri sunset act:**

98 **(1) The program authorized under this section shall expire on December 31, 2015; and**

99 **(2) This section shall terminate on September 1, 2016.**

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

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

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

24 (a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation
25 doing business in the state of Missouri and subject to the state income tax imposed in chapter
26 143;

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

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

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

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

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

36 3. For all taxable years beginning on or after January 1, 2012, any taxpayer [shall] **may,**
37 **subject to the limitations provided under subsection 5 of this section,** be allowed a credit
38 against the taxes otherwise due under chapter 143, 147, or 148 excluding withholding tax
39 imposed by sections 143.191 to 143.265 in an amount equal to fifty percent of the amount of an

40 eligible donation, subject to the restrictions in this section. The amount of the tax credit claimed
41 shall not exceed the amount of the taxpayer's state income tax liability in the tax year for which
42 the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section from
43 claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's
44 four subsequent taxable years.

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

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

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

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

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

57 5. 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. **No tax credits shall be authorized under
62 the provisions of this section after June 30, 2015, unless an appropriation is made under
63 the provisions of section 135.821. In any fiscal year for which an appropriation is made
64 to the fund created under this section under the provisions of section 135.821, no more than
65 the amount appropriated shall be authorized. The provisions of this section shall not be
66 construed to limit or in any way impair a recipient's ability to redeem tax credits or an
67 administering agency's ability to issue tax credits authorized prior to July 1, 2015.**

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

76 7. There is hereby created in the state treasury the "Developmental Disability Care
77 **Provider Tax Credit Program Fund**", which shall consist of money appropriated under
78 **this section and section 135.821. The state treasurer shall be custodian of the fund and may**
79 **approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
80 **appropriation, money in the fund shall be used solely for the administration of this section.**
81 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
82 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
83 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
84 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
85 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
86 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
87 **revenue shall notify the director of the department upon redemption of each tax credit**
88 **authorized under the provisions of this section. Upon such notification, an amount equal**
89 **to the tax credits redeemed shall be transferred from the fund created in this section to the**
90 **general revenue fund. In the event the department determines that any tax credit**
91 **authorized under this section is precluded from being redeemed due to contractual**
92 **agreement entered into by the department and the tax credit applicant or is otherwise**
93 **precluded by law from being redeemed, an amount equal to such tax credit shall be**
94 **transferred from the fund created in this section to the general revenue fund. The state**
95 **treasurer shall invest moneys in the fund in the same manner as other funds are invested.**
96 **Any interest and moneys earned on such investments shall be credited to the general**
97 **revenue fund at the end of each fiscal year.**

98 8. Under section 23.253 of the Missouri sunset act:

99 (1) The provisions of the new program authorized under this section shall automatically
100 sunset on December 31, 2016, unless reauthorized by an act of the general assembly; and

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

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

143.119. 1. **Except as provided under subsection 2 of this section**, a self-employed
2 taxpayer, as such term is used in the federal internal revenue code, who is otherwise ineligible
3 for the federal income tax health insurance deduction under Section 162 of the federal internal
4 revenue code shall be entitled to a credit against the tax otherwise due under this chapter,
5 excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the
6 portion of such taxpayer's federal tax liability incurred due to such taxpayer's inclusion of such

7 payments in federal adjusted gross income. The tax credits authorized under this section shall
8 be nontransferable. To the extent tax credit issued under this section exceeds a taxpayer's state
9 income tax liability, such excess shall be considered an overpayment of tax and shall be refunded
10 to the taxpayer.

11 **2. After August 28, 2014, in order to claim the credit provided under this section**
12 **a self-employed taxpayer shall file an application with the department of revenue no later**
13 **than the first day of March. For all claims filed after August 28, 2014, the director of the**
14 **department of revenue shall review all applications for claims provided under the**
15 **provisions of this section and no later than the first day of April of each year, submit to the**
16 **budget committee of the house of representatives and the appropriations committee of the**
17 **senate, a request for appropriation in an amount sufficient to provide all eligible applicants**
18 **a tax credit in the amount provided in this section. To the extent that an appropriation**
19 **provided under this section is insufficient to provide credits to all eligible applicants in the**
20 **amount provided under this section, the director of the department of revenue shall**
21 **determine the apportionment percentage by dividing the amount appropriated for the**
22 **fiscal year as provided under this section, by the total amount of all eligible claims for a**
23 **credit as provided under this section. After determining the apportionment percentage,**
24 **the director shall adjust the amount of credit for each eligible applicant by multiplying the**
25 **amount of the credit provided under this section by the apportionment percentage. If no**
26 **appropriation is made by the general assembly for any fiscal year, then no credits shall be**
27 **available in such fiscal year.**

28 **3. There is hereby created in the state treasury the "Self-Employed Health**
29 **Insurance Tax Credit Fund", which shall consist of money appropriated under this section**
30 **and section 135.821. The state treasurer shall be custodian of the fund and may approve**
31 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
32 **appropriation, money in the fund shall be used solely for the administration of this section.**
33 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
34 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
35 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
36 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
37 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
38 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the director of the**
39 **department of revenue shall notify the state treasurer upon redemption of each tax credit**
40 **authorized under the provisions of this section. Upon such notification, an amount equal**
41 **to the tax credits redeemed shall be transferred from the fund created in this section to the**
42 **general revenue fund. In the event the department determines that any tax credit**

43 **authorized under this section is precluded from being redeemed due to contractual**
44 **agreement entered into by the department and the tax credit applicant or is otherwise**
45 **precluded by law from being redeemed, the department shall notify the state treasurer and**
46 **an amount equal to such tax credit shall be transferred from the fund created in this**
47 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
48 **the same manner as other funds are invested. Any interest and moneys earned on such**
49 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

50 **4.** The director of the department of revenue shall promulgate rules and regulations to
51 administer the provisions of this section. Any rule or portion of a rule, as that term is defined
52 in section 536.010, that is created under the authority delegated in this section shall become
53 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
54 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
55 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective
56 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of
57 rulemaking authority and any rule proposed or adopted after August 28, [2007] **2014**, shall be
58 invalid and void.

143.471. 1. An S corporation, as defined by Section 1361 (a)(1) of the Internal Revenue
2 Code, shall not be subject to the taxes imposed by section 143.071, or other sections imposing
3 income tax on corporations.

4 2. A shareholder of an S corporation shall determine such shareholder's S corporation
5 modification and pro rata share, including its character, by applying the following:

6 (1) Any modification described in sections 143.121 and 143.141 which relates to an item
7 of S corporation income, gain, loss, or deduction shall be made in accordance with the
8 shareholder's pro rata share, for federal income tax purposes, of the item to which the
9 modification relates. Where a shareholder's pro rata share of any such item is not required to be
10 taken into account separately for federal income tax purposes, the shareholder's pro rata share
11 of such item shall be determined in accordance with his **or her** pro rata share, for federal income
12 tax purposes, of S corporation taxable income or loss generally;

13 (2) Each item of S corporation income, gain, loss, or deduction shall have the same
14 character for a shareholder pursuant to sections 143.005 to 143.998 as it has for federal income
15 tax purposes. Where an item is not characterized for federal income tax purposes, it shall have
16 the same character for a shareholder as if realized directly from the source from which realized
17 by the S corporation or incurred in the same manner as incurred by the S corporation.

18 3. A nonresident shareholder of an S corporation shall determine such shareholder's
19 Missouri nonresident adjusted gross income and his or her nonresident shareholder modification
20 by applying the provisions of this subsection. Items shall be determined to be from sources

21 within this state pursuant to regulations of the director of revenue in a manner consistent with
22 the division of income provisions of section 143.451, section 143.461, or section 32.200
23 (Multistate Tax Compact). In determining the adjusted gross income of a nonresident
24 shareholder of any S corporation, there shall be included only that part derived from or connected
25 with sources in this state of the shareholder's pro rata share of items of S corporation income,
26 gain, loss or deduction entering into shareholder's federal adjusted gross income, as such part is
27 determined pursuant to regulations prescribed by the director of revenue in accordance with the
28 general rules in section 143.181. Any modification described in subsections 2 and 3 of section
29 143.121 and in section 143.141, which relates to an item of S corporation income, gain, loss, or
30 deduction shall be made in accordance with the shareholder's pro rata share, for federal income
31 tax purposes, of the item to which the modification relates, but limited to the portion of such item
32 derived from or connected with sources in this state.

33 4. The director of revenue shall permit S corporations to file composite returns and to
34 make composite payments of tax on behalf of its nonresident shareholders not otherwise required
35 to file a return. If the nonresident shareholder's filing requirements result solely from one or
36 more interests in any other partnerships or subchapter S corporations, that nonresident
37 shareholder may be included in the composite return.

38 5. If an S corporation pays or credits amounts to any of its nonresident individual
39 shareholders as dividends or as their share of the S corporation's undistributed taxable income
40 for the taxable year, the S corporation shall either timely file with the department of revenue an
41 agreement as provided in subsection 6 of this section or withhold Missouri income tax as
42 provided in subsection 7 of this section. An S corporation that timely files an agreement as
43 provided in subsection 6 of this section with respect to a nonresident shareholder for a taxable
44 year shall be considered to have timely filed such an agreement for each subsequent taxable year.
45 An S corporation that does not timely file such an agreement for a taxable year shall not be
46 precluded from timely filing such an agreement for subsequent taxable years. An S corporation
47 is not required to deduct and withhold Missouri income tax for a nonresident shareholder if:

48 (1) The nonresident shareholder not otherwise required to file a return agrees to have the
49 Missouri income tax due paid as part of the S corporation's composite return;

50 (2) The nonresident shareholder not otherwise required to file a return had Missouri
51 assignable federal adjusted gross income from the S corporation of less than twelve hundred
52 dollars;

53 (3) The S corporation is liquidated or terminated;

54 (4) Income was generated by a transaction related to termination or liquidation; or

55 (5) No cash or other property was distributed in the current and prior taxable year.

56 6. The agreement referred to in subdivision (1) of subsection 5 of this section is an
57 agreement of a nonresident shareholder of the S corporation to:

58 (1) File a return in accordance with the provisions of section 143.481 and to make timely
59 payment of all taxes imposed on the shareholder by this state with respect to income of the S
60 corporation; and

61 (2) Be subject to personal jurisdiction in this state for purposes of the collection of
62 income taxes, together with related interest and penalties, imposed on the shareholder by this
63 state with respect to the income of the S corporation. The agreement will be considered timely
64 filed for a taxable year, and for all subsequent taxable years, if it is filed at or before the time the
65 annual return for such taxable year is required to be filed pursuant to section 143.511.

66 7. The amount of Missouri income tax to be withheld is determined by multiplying the
67 amount of dividends or undistributed income allocable to Missouri that is paid or credited to a
68 nonresident shareholder during the taxable year by the highest rate used to determine a Missouri
69 income tax liability for an individual, except that the amount of the tax withheld may be
70 determined based on withholding tables provided by the director of revenue if the shareholder
71 submits a Missouri withholding allowance certificate.

72 8. An S corporation shall be entitled to recover for a shareholder on whose behalf a tax
73 payment was made pursuant to this section, if such shareholder has no tax liability.

74 9. With respect to S corporations that are banks or bank holding companies, a pro rata
75 share of the tax credit for the tax payable pursuant to chapter 148 shall be allowed against each
76 S corporation shareholders' state income tax as follows, provided the bank otherwise complies
77 with section 148.112:

78 (1) The credit allowed by this subsection shall be equal to the bank tax calculated
79 pursuant to chapter 148 based on bank income in 1999 and after, on a bank that makes an
80 election pursuant to 26 U.S.C. Section 1362, and such credit shall be allocated to the qualifying
81 shareholder according to stock ownership, determined by multiplying a fraction, where the
82 numerator is the shareholder's stock, and the denominator is the total stock issued by such bank
83 or bank holding company;

84 (2) The tax credit authorized in this subsection shall be permitted only to the
85 shareholders that qualify as S corporation shareholders, provided the stock at all times during the
86 taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such
87 stock is held by the shareholder during the taxable period. The credit created by this section on
88 a yearly basis is available to each qualifying shareholder, including shareholders filing joint
89 returns. A bank holding company is not allowed this credit, except that, such credit shall flow
90 through to such bank holding company's qualified shareholders, and be allocated to such
91 shareholders under the same conditions; [and]

92 (3) In the event such shareholder cannot use all or part of the tax credit in the taxable
93 period of receipt, such shareholder may carry forward such tax credit for a period of the lesser
94 of five years or until used, provided such credits are used as soon as the taxpayer has Missouri
95 taxable income; and

96 **(4) Notwithstanding provisions of this subsection to the contrary, no tax credits**
97 **provided under this subsection shall be authorized after June 30, 2015, unless an**
98 **appropriation is made under the provisions of section 135.821. In any fiscal year for which**
99 **an appropriation is made to the fund created under this section under the provisions of**
100 **section 135.821, no more than the amount appropriated shall be authorized. The**
101 **provisions of this subsection shall not be construed to limit or in any way impair a**
102 **recipient's ability to redeem tax credits or an administering agency's ability to issue tax**
103 **credits authorized prior to July 1, 2015.**

104 10. With respect to S corporations that are associations, a pro rata share of the tax credit
105 for the tax payable under chapter 148 shall be allowed against each S corporation shareholders'
106 state income tax as follows, provided the association otherwise complies with section 148.655:

107 (1) The credit allowed by this subsection shall be equal to the savings and loan
108 association tax calculated under chapter 148 based on the computations provided in section
109 148.630 on an association that makes an election under 26 U.S.C. Section 1362, and such credit
110 shall be allocated to the qualifying shareholder according to stock ownership, determined by
111 multiplying a fraction, where the numerator is the shareholder's stock, and the denominator is
112 the total stock issued by the association;

113 (2) The tax credit authorized in this subsection shall be permitted only to the
114 shareholders that qualify as S corporation shareholders, provided the stock at all times during the
115 taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such
116 stock is held by the shareholder during the taxable period. The credit created by this section on
117 a yearly basis is available to each qualifying shareholder, including shareholders filing joint
118 returns. A savings and loan association holding company is not allowed this credit, except that,
119 such credit shall flow through to such savings and loan association holding company's qualified
120 shareholders, and be allocated to such shareholders under the same conditions; [and]

121 (3) In the event such shareholder cannot use all or part of the tax credit in the taxable
122 period of receipt, such shareholder may carry forward such tax credit for a period of the lesser
123 of five years or until used, provided such credits are used as soon as the taxpayer has Missouri
124 taxable income; and

125 **(4) Notwithstanding provisions of this subsection to the contrary, no tax credits**
126 **provided under this subsection shall be authorized after June 30, 2015, unless an**
127 **appropriation is made under the provisions of section 135.821. In any fiscal year for which**

an appropriation is made to the fund created under this section under the provisions of section 135.821, no more than the amount appropriated shall be authorized. The provisions of this subsection shall not be construed to limit or in any way impair a recipient's ability to redeem tax credits or an administering agency's ability to issue tax credits authorized prior to July 1, 2015.

11. With respect to S corporations that are credit institutions, a pro rata share of the tax credit for the tax payable under chapter 148 shall be allowed against each S corporation shareholders' state income tax as follows, provided the credit institution otherwise complies with section 148.657:

(1) The credit allowed by this subsection shall be equal to the credit institution tax calculated under chapter 148 based on the computations provided in section 148.150 on a credit institution that makes an election under 26 U.S.C. Section 1362, and such credit shall be allocated to the qualifying shareholder according to stock ownership, determined by multiplying a fraction, where the numerator is the shareholder's stock, and the denominator is the total stock issued by such credit institution;

(2) The tax credit authorized in this subsection shall be permitted only to the shareholders that qualify as S corporation shareholders, provided the stock at all times during the taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such stock is held by the shareholder during the taxable period. The credit created by this section on a yearly basis is available to each qualifying shareholder, including shareholders filing joint returns. A credit institution holding company is not allowed this credit, except that, such credit shall flow through to such credit institution holding company's qualified shareholders, and be allocated to such shareholders under the same conditions; [and]

(3) In the event such shareholder cannot use all or part of the tax credit in the taxable period of receipt, such shareholder may carry forward such tax credit for a period of the lesser of five years or until used, provided such credits are used as soon as the taxpayer has Missouri taxable income; and

(4) Notwithstanding provisions of this subsection to the contrary, no tax credits provided under this subsection shall be authorized after June 30, 2015, unless an appropriation is made under the provisions of section 135.821. In any fiscal year for which an appropriation is made to the fund created under this section under the provisions of section 135.821, no more than the amount appropriated shall be authorized. The provisions of this subsection shall not be construed to limit or in any way impair a recipient's ability to redeem tax credits or an administering agency's ability to issue tax credits authorized prior to July 1, 2015.

12. After August 28, 2014, the director of the department of revenue shall determine the amount of appropriation necessary to provide all eligible S corporations the credit provided under this section and shall, no later than the first day of April of each year, submit to the budget committee of the house of representatives and the appropriations committee of the senate, a request for appropriation in an amount sufficient to provide all eligible S corporations a tax credit in the amount provided in this section. To the extent that an appropriation provided under this section is insufficient to provide credits to all eligible S corporations in the amount provided under this section, the director of the department of revenue shall determine the apportionment percentage by dividing the amount appropriated for the fiscal year as provided under this section, by the total amount of all eligible claims for a credit as provided under this section. After determining the apportionment percentage, the director shall adjust the amount of credit for each eligible S corporation by multiplying the amount of the credit provided under this section by the apportionment percentage. If no appropriation is made by the general assembly for any fiscal year, then no credits shall be available in such fiscal year.

13. There is hereby created in the state treasury the "Bank Tax Credit for S Corporations Fund", which shall consist of money appropriated under this section and section 135.821. 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 section. 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. Notwithstanding the provisions of section 32.057 to the contrary, the director of the department of revenue shall notify the state treasurer upon redemption of each tax credit authorized under the provisions of this section. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this section to the general revenue fund. In the event the department determines that any tax credit authorized under this section 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, the department shall notify the state treasurer and an amount equal to such tax credit shall be transferred from the fund created in this section to the general revenue fund. The state treasurer shall invest moneys in the fund in

198 **the same manner as other funds are invested. Any interest and moneys earned on such**
199 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

148.030. 1. Every banking institution shall be subject to an annual tax for the privilege
2 of exercising its corporate franchises within the state determined in accordance with subsection
3 2 of this section.

4 2. The annual franchise tax imposed by subsection 1 of this section shall be the sum of
5 the amounts determined under subdivisions (1) and (2) of this subsection:

6 (1) For taxable years beginning after December 31, 1986, the amount determined under
7 this subdivision shall be determined in accordance with section 147.010;

8 (2) The amount determined under this subdivision shall be seven percent of the
9 taxpayer's net income for the income period, from which product shall be subtracted the sum of
10 the amount determined under subdivision (1) of this subsection and the credits allowable under
11 subsection 3 of this section. However, the amount determined under this subdivision shall not
12 be less than zero.

13 3. For purposes of subdivision (2) of subsection 2 of this section, the allowable credits
14 are all taxes paid to the state of Missouri or any political subdivision thereof during the relevant
15 income period, including, without limitation, state and local sales and use taxes paid to seller's,
16 vendors, or the state of Missouri with respect to the taxpayer's purchases of tangible personal
17 property and the services enumerated in chapter 144. However, a taxpayer shall not be entitled
18 to credits for taxes on real estate and tangible personal property owned by the taxpayer and held
19 for lease or rental to others, contributions paid pursuant to the unemployment compensation tax
20 law of Missouri, taxes imposed by this law, taxes imposed under chapter 147 for taxable years
21 after 1985, or state and local sales and use taxes collected by the taxpayer on its sales of tangible
22 personal property and the services enumerated in chapter 144.

23 **4. Notwithstanding the provisions of this section to the contrary, no tax credits**
24 **provided under this section shall be authorized after June 30, 2015, unless an**
25 **appropriation is made under the provisions of section 135.821. In any fiscal year for which**
26 **an appropriation is made to the fund created under this section under the provisions of**
27 **section 135.821, no more than the amount appropriated shall be authorized. The**
28 **provisions of this section shall not be construed to limit or in any way impair a recipient's**
29 **ability to redeem tax credits or an administering agency's ability to issue tax credits**
30 **authorized prior to July 1, 2015.**

31 **5. After August 28, 2014, the director of the department of revenue shall determine**
32 **the amount of appropriation necessary to provide all eligible banking institutions the credit**
33 **provided under this section and shall, no later than the first day of April of each year,**
34 **submit to the budget committee of the house of representatives and the appropriations**

35 committee of the senate, a request for appropriation in an amount sufficient to provide all
36 eligible banking institutions a tax credit in the amount provided in this section. To the
37 extent that an appropriation provided under this section is insufficient to provide credits
38 to all eligible banking institutions in the amount provided under this section, the director
39 of the department of revenue shall determine the apportionment percentage by dividing
40 the amount appropriated for the fiscal year as provided under this section, by the total
41 amount of all eligible claims for a credit as provided under this section. After determining
42 the apportionment percentage, the director shall adjust the amount of credit for each
43 eligible banking institution by multiplying the amount of the credit provided under this
44 section by the apportionment percentage. If no appropriation is made by the general
45 assembly for any fiscal year, then no credits shall be available in such fiscal year.

46 6. There is hereby created in the state treasury the "Bank Franchise Tax Credit
47 Fund", which shall consist of money appropriated under this section and section 135.821.
48 The state treasurer shall be custodian of the fund and may approve disbursements from
49 the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the
50 fund shall be used solely for the administration of this section. Notwithstanding the
51 provisions of section 33.080 to the contrary, any moneys remaining in the fund for tax
52 credits which have been authorized but not yet redeemed at the end of the fiscal year shall
53 not revert to the credit of the general revenue fund. Any moneys remaining in the fund at
54 the end of the fiscal year for any tax credits which remain unauthorized at the end of the
55 fiscal year shall revert to the credit of the general revenue fund. Notwithstanding the
56 provisions of section 32.057 to the contrary, the department of revenue shall notify the
57 director of the department and the state treasurer upon redemption of each tax credit
58 authorized under the provisions of this section. Upon such notification, an amount equal
59 to the tax credits redeemed shall be transferred from the fund created in this section to the
60 general revenue fund. In the event the department determines that any tax credit
61 authorized under this section is precluded from being redeemed due to contractual
62 agreement entered into by the department and the tax credit applicant or is otherwise
63 precluded by law from being redeemed, the department shall notify the state treasurer and
64 an amount equal to such tax credit shall be transferred from the fund created in this
65 section to the general revenue fund. The state treasurer shall invest moneys in the fund in
66 the same manner as other funds are invested. Any interest and moneys earned on such
67 investments shall be credited to the general revenue fund at the end of each fiscal year.

148.400. 1. Except as otherwise provided under this section, all insurance companies
2 or associations organized in or admitted to this state may deduct from premium taxes payable
3 to this state, in addition to all other credits allowed by law, income taxes, franchise taxes,

4 personal property taxes, valuation fees, registration fees and examination fees paid, including
5 taxes and fees paid by the attorney-in-fact of a reciprocal or interinsurance exchange to the extent
6 attributable to the principal business as such attorney-in-fact, under any law of this state. Unless
7 rejected by the general assembly by April 1, 2003, for all tax years beginning on or after January
8 1, 2003, a deduction for examination fees which exceeds an insurance company's or association's
9 premium tax liability for the same tax year shall not be refundable, but may be carried forward
10 to any subsequent tax year, not to exceed five years, until the full deduction is claimed; except
11 that, notwithstanding the provisions of section 148.380, if any deduction is claimed through the
12 carryforward provisions of this section, it shall be credited wholly against the general revenue
13 fund and shall not cause a reduction in revenue to the county foreign insurance fund.

14 **2. No tax credits provided under this section shall be authorized after June 30,**
15 **2015, unless an appropriation is made under the provisions of section 135.821. In any**
16 **fiscal year for which an appropriation is made to the fund created under this section under**
17 **the provisions of section 135.821, no more than the amount appropriated shall be**
18 **authorized. The provisions of this section shall not be construed to limit or in any way**
19 **impair a recipient's ability to redeem tax credits or an administering agency's ability to**
20 **issue tax credits authorized prior to July 1, 2015.**

21 **3. After August 28, 2014, insurance companies and associations shall file an**
22 **application for tax credits provided under this section with the director of the department**
23 **of revenue no later than the first day of March of each year. The director of the**
24 **department of revenue shall review all applications received and determine the amount of**
25 **appropriation necessary to provide all eligible insurance companies and associations the**
26 **credit provided under this section and shall, no later than the first day of April of each**
27 **year, submit to the budget committee of the house of representatives and the**
28 **appropriations committee of the senate, a request for appropriation in an amount sufficient**
29 **to provide all eligible insurance companies and associations a tax credit in the amount**
30 **provided in this section. To the extent that an appropriation provided under this section**
31 **is insufficient to provide credits to all insurance companies and associations in the amount**
32 **provided under this section, the director of the department of revenue shall determine the**
33 **apportionment percentage by dividing the amount appropriated for the fiscal year as**
34 **provided under this section, by the total amount of all eligible claims for a credit as**
35 **provided under this section. After determining the apportionment percentage, the director**
36 **shall adjust the amount of credit for each eligible insurance company or association by**
37 **multiplying the amount of the credit provided under this section by the apportionment**
38 **percentage. If no appropriation is made by the general assembly for any fiscal year, then**
39 **no credits shall be available in such fiscal year.**

40 **4. There is hereby created in the state treasury the "Examination Fee Tax Credit**
41 **Fund", which shall consist of money appropriated under this section and section 135.821.**
42 **The state treasurer shall be custodian of the fund and may approve disbursements from**
43 **the fund in accordance with sections 30.170 and 30.180. Upon appropriation, money in the**
44 **fund shall be used solely for the administration of this section. Notwithstanding the**
45 **provisions of section 33.080 to the contrary, any moneys remaining in the fund for tax**
46 **credits which have been authorized but not yet redeemed at the end of the fiscal year shall**
47 **not revert to the credit of the general revenue fund. Any moneys remaining in the fund at**
48 **the end of the fiscal year for any tax credits which remain unauthorized at the end of the**
49 **fiscal year shall revert to the credit of the general revenue fund. Notwithstanding the**
50 **provisions of section 32.057 to the contrary, the department of revenue shall notify the state**
51 **treasurer upon redemption of each tax credit authorized under the provisions of this**
52 **section. Upon such notification, an amount equal to the tax credits redeemed shall be**
53 **transferred from the fund created in this section to the general revenue fund. In the event**
54 **the department determines that any tax credit authorized under this section is precluded**
55 **from being redeemed due to contractual agreement entered into by the department and the**
56 **tax credit applicant or is otherwise precluded by law from being redeemed, the department**
57 **shall notify the state treasurer and an amount equal to such tax credit shall be transferred**
58 **from the fund created in this section to the general revenue fund. The state treasurer shall**
59 **invest moneys in the fund in the same manner as other funds are invested. Any interest**
60 **and moneys earned on such investments shall be credited to the general revenue fund at**
61 **the end of each fiscal year.**

208.770. 1. Moneys deposited in or withdrawn pursuant to subsection 1 of section
2 208.760 from a family development account by an account holder are exempted from taxation
3 pursuant to chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, and
4 chapter 147, 148 or 153 provided, however, that any money withdrawn for an unapproved use
5 should be subject to tax as required by law.

6 2. Interest earned by a family development account is exempted from taxation pursuant
7 to chapter 143.

8 3. Any funds in a family development account, including accrued interest, shall be
9 disregarded when determining eligibility to receive, or the amount of, any public assistance or
10 benefits.

11 4. A program contributor shall be allowed a credit against the tax imposed by chapter
12 143, excluding withholding tax imposed by sections 143.191 to 143.265, and chapter 147, 148
13 or 153, pursuant to sections 208.750 to 208.775. Contributions up to fifty thousand dollars per

14 program contributor are eligible for the tax credit which shall not exceed fifty percent of the
15 contribution amount.

16 5. The department of economic development shall verify all tax credit claims by
17 contributors. The administrator of the community-based organization, with the cooperation of
18 the participating financial institutions, shall submit the names of contributors and the total
19 amount each contributor contributes to a family development account reserve fund for the
20 calendar year. The director shall determine the date by which such information shall be
21 submitted to the department by the local administrator. The department shall submit verification
22 of qualified tax credits pursuant to sections 208.750 to 208.775 to the department of revenue.

23 6. For all fiscal years ending on or before June 30, 2010, the total tax credits authorized
24 pursuant to sections 208.750 to 208.775 shall not exceed four million dollars in any fiscal year.
25 For all fiscal years beginning on or after July 1, 2010, the total tax credits authorized under
26 sections 208.750 to 208.775 shall not exceed three hundred thousand dollars in any fiscal year.
27 **No tax credits shall be authorized under the provisions of this section after June 30, 2015,**
28 **unless an appropriation is made under the provisions of section 135.821. In any fiscal year**
29 **for which an appropriation is made to the fund created under this section under the**
30 **provisions of section 135.821, no more than the amount appropriated shall be authorized.**

31 7. There is hereby created in the state treasury the "Family Development Account
32 Tax Credit Program Fund", which shall consist of money appropriated under this section
33 and section 135.821. The state treasurer shall be custodian of the fund and may approve
34 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
35 appropriation, money in the fund shall be used solely for the administration of sections
36 208.750 to 208.775. Notwithstanding the provisions of section 33.080 to the contrary, any
37 moneys remaining in the fund for tax credits which have been authorized but not yet
38 redeemed at the end of the fiscal year shall not revert to the credit of the general revenue
39 fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits
40 which remain unauthorized at the end of the fiscal year shall revert to the credit of the
41 general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,
42 the department of revenue shall notify the director of the department and the state
43 treasurer upon redemption of each tax credit authorized under the provisions of this
44 section. Upon such notification, an amount equal to the tax credits redeemed shall be
45 transferred from the fund created in this section to the general revenue fund. In the event
46 the department determines that any tax credit authorized under this section is precluded
47 from being redeemed due to contractual agreement entered into by the department and the
48 tax credit applicant or is otherwise precluded by law from being redeemed, the department
49 shall notify the state treasurer and an amount equal to such tax credit shall be transferred

50 **from the fund created in this section to the general revenue fund. The state treasurer shall**
51 **invest moneys in the fund in the same manner as other funds are invested. Any interest**
52 **and moneys earned on such investments shall be credited to the general revenue fund at**
53 **the end of each fiscal year.**

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 subject to the provisions of this section and section 253.559, receive a credit against the taxes
4 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] **the** fiscal year [beginning on or after July
18 1, 2010] **ending on or before June 30, 2015**, 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. **For all fiscal years ending on or before June 30, 2015**, the limitations provided
23 under this subsection shall not apply to applications approved under the provisions of subsection
24 3 of section 253.559 for projects to receive less than two hundred seventy-five thousand dollars
25 in tax credits.

26 3. For all applications for tax credits approved on or [after January 1, 2010] **before June**
27 **30, 2015**, no more than two hundred fifty thousand dollars in tax credits may be issued for
28 eligible costs and expenses incurred in the rehabilitation of an eligible property which is a
29 nonincome producing single-family, owner-occupied residential property and is either a certified
30 historic structure or a structure in a certified historic district.

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

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

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

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

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

45 **5. No tax credits shall be authorized under the provisions of sections 253.545 to**
46 **253.559 after June 30, 2015, unless an appropriation is made under the provisions of**
47 **section 135.821. In any fiscal year for which an appropriation is made to the fund created**
48 **under this section under the provisions of section 135.821, no more than the amount**
49 **appropriated shall be authorized.**

50 **6. There is hereby created in the state treasury the "Historic Preservation Tax**
51 **Credit Program Fund", which shall consist of money appropriated under this section and**
52 **section 135.821. The state treasurer shall be custodian of the fund and may approve**
53 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
54 **appropriation, money in the fund shall be used solely for the administration of sections**
55 **253.545 to 253.559. Notwithstanding the provisions of section 33.080 to the contrary, any**
56 **moneys remaining in the fund for tax credits which have been authorized but not yet**
57 **redeemed at the end of the fiscal year shall not revert to the credit of the general revenue**
58 **fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits**
59 **which remain unauthorized at the end of the fiscal year shall revert to the credit of the**
60 **general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,**
61 **the department of revenue shall notify the director of the department of economic**
62 **development and the state treasurer upon redemption of each tax credit authorized under**
63 **the provisions of this section. Upon such notification, an amount equal to the tax credits**
64 **redeemed shall be transferred from the fund created in this section to the general revenue**
65 **fund. In the event the department of economic development determines that any tax credit**
66 **authorized under this section is precluded from being redeemed due to contractual**
67 **agreement entered into by the department and the tax credit applicant or is otherwise**
68 **precluded by law from being redeemed, the department shall notify the state treasurer and**

69 **an amount equal to such tax credit shall be transferred from the fund created in this**
70 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
71 **the same manner as other funds are invested. Any interest and moneys earned on such**
72 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

253.559. 1. To obtain approval for tax credits allowed under sections 253.545 to
2 253.559, a taxpayer shall submit an application for tax credits to the department of economic
3 development. Each application for approval, including any applications received for
4 supplemental allocations of tax credits as provided under subsection 8 of this section, shall be
5 prioritized for review and approval, in the order of the date on which the application was
6 postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the
7 same day shall go through a lottery process to determine the order in which such applications
8 shall be reviewed.

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

12 (1) Proof of ownership or site control. Proof of ownership shall include evidence that
13 the taxpayer is the fee simple owner of the eligible property, such as a warranty deed or a closing
14 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 project start date, and the estimated project completion date;

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

25 (5) Any other information which the department of economic development may
26 reasonably require to review the project for approval. Only the property for which a property
27 address is provided in the application shall be reviewed for approval. Once selected for review,
28 a taxpayer shall not be permitted to request the review of another property for approval in the
29 place of the property contained in such application. Any disapproved application shall be
30 removed from the review process. If an application is removed from the review process, the
31 department of economic development shall notify the taxpayer in writing of the decision to
32 remove such application. Disapproved applications shall lose priority in the review process. A

33 disapproved application, which is removed from the review process, may be resubmitted, but
34 shall be deemed to be a new submission for purposes of the priority procedures described in this
35 section.

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

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

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

49 (2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of
50 a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

51 5. In the event that the department of economic development grants approval for tax
52 credits equal to the total amount available under subsection 2 of section 253.550 **or after July**
53 **1, 2015, under subsection 5 of section 253.550**, or sufficient that when totaled with all other
54 approvals, the amount available under subsection 2 of section 253.550 **or after July 1, 2015,**
55 **subsection 5 of section 253.550** is exhausted, all taxpayers with applications then awaiting
56 approval or thereafter submitted for approval shall be notified by the department of economic
57 development that no additional approvals shall be granted during the fiscal year and shall be
58 notified of the priority given to such taxpayer's application then awaiting approval. Such
59 applications shall be kept on file by the department of economic development and shall be
60 considered for approval for tax credits in the order established in this section in the event that
61 additional credits become available due to the rescission of approvals or when a new fiscal year's
62 allocation of credits becomes available for approval.

63 6. All taxpayers with applications receiving approval on or after the effective date of this
64 act shall commence rehabilitation within two years of the date of issuance of the letter from the
65 department of economic development granting the approval for tax credits. "Commencement
66 of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by
67 the architectural plans submitted with the application, has begun, the taxpayer has incurred no
68 less than ten percent of the estimated costs of rehabilitation provided in the application.

69 Taxpayers with approval of a project shall submit evidence of compliance with the provisions
70 of this subsection. If the department of economic development determines that a taxpayer has
71 failed to comply with the requirements provided under this section, the approval for the amount
72 of tax credits for such taxpayer shall be rescinded and such amount of tax credits shall then be
73 included in the total amount of tax credits, provided under subsection 2 of section 253.550, from
74 which approvals may be granted. Any taxpayer whose approval shall be subject to rescission
75 shall be notified of such from the department of economic development and, upon receipt of such
76 notice, may submit a new application for the project.

77 7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with
78 approval shall apply for final approval and issuance of tax credits from the department of
79 economic development which, in consultation with the department of natural resources, shall
80 determine the final amount of eligible rehabilitation costs and expenses and whether the
81 completed rehabilitation meets the standards of the Secretary of the United States Department
82 of the Interior for rehabilitation as determined by the state historic preservation officer of the
83 Missouri department of natural resources.

84 For financial institutions credits authorized pursuant to sections 253.550 to 253.561 shall be
85 deemed to be economic development credits for purposes of section 148.064. The approval of
86 all applications and the issuing of certificates of eligible credits to taxpayers shall be performed
87 by the department of economic development. The department of economic development shall
88 inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit
89 certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on which
90 the credit is claimed.

91 8. Except as expressly provided in this subsection, tax credit certificates shall be issued
92 in the final year that costs and expenses of rehabilitation of the project are incurred, or within the
93 twelve-month period immediately following the conclusion of such rehabilitation. In the event
94 the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in
95 the issuance of an amount of tax credits in excess of the amount provided under such taxpayer's
96 approval granted under subsection 3 of this section, such taxpayer may apply to the department
97 for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax
98 credits in excess of the amount provided under a taxpayer's application shall be made on a form
99 prescribed by the department. Such applications shall be subject to all provisions regarding
100 priority provided under subsection 1 of this section.

101 9. The department of economic development shall determine, on an annual basis, the
102 overall economic impact to the state from the rehabilitation of eligible property.

348.302. 1. Any person who makes a qualified contribution to a qualified fund shall be
2 entitled to receive a tax credit equal to fifty percent of the amount of the qualified contribution.

3 The tax credit shall be evidenced by a tax credit certificate in accordance with the provisions of
4 sections 348.300 to 348.318 and may be used to satisfy the state tax liability of the owner of such
5 certificate that becomes due in the tax year in which the qualified contribution is made, or in any
6 of the ten tax years thereafter. No person may receive a tax credit pursuant to sections 348.300
7 to 348.318 unless that person presents a tax credit certificate to the department of revenue for
8 payment of such state tax liability.

9 2. The amount of such qualified contributions which can be made is limited so that the
10 aggregate of all tax credits authorized under the provisions of sections 348.300 to 348.318 shall
11 not exceed nine million dollars. All tax credits authorized under the provisions of this section
12 may be transferred, sold or assigned. **No tax credits shall be authorized under the provisions**
13 **of this section after June 30, 2015, unless an appropriation is made under the provisions**
14 **of section 135.821. In any fiscal year for which an appropriation is made to the fund**
15 **created under this section under the provisions of section 135.821, no more than the**
16 **amount appropriated shall be authorized.**

17 3. There is hereby created in the state treasury the "Seed Capital Tax Credit
18 Program Fund", which shall consist of money appropriated under this section and section
19 135.821. The state treasurer shall be custodian of the fund and may approve
20 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
21 appropriation, money in the fund shall be used solely for the administration of sections
22 348.300 to 348.318. Notwithstanding the provisions of section 33.080 to the contrary, any
23 moneys remaining in the fund for tax credits which have been authorized but not yet
24 redeemed at the end of the fiscal year shall not revert to the credit of the general revenue
25 fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits
26 which remain unauthorized at the end of the fiscal year shall revert to the credit of the
27 general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,
28 the department of revenue shall notify the authority and the state treasurer upon
29 redemption of each tax credit authorized under the provisions of this section. Upon such
30 notification, an amount equal to the tax credits redeemed shall be transferred from the
31 fund created in this section to the general revenue fund. In the event the authority
32 determines that any tax credit authorized under this section is precluded from being
33 redeemed due to contractual agreement entered into by the authority and the tax credit
34 applicant or is otherwise precluded by law from being redeemed, the authority shall notify
35 the state treasurer and an amount equal to such tax credit shall be transferred from the
36 fund created in this section to the general revenue fund. The state treasurer shall invest
37 moneys in the fund in the same manner as other funds are invested. Any interest and

38 **moneys earned on such investments shall be credited to the general revenue fund at the end**
39 **of each fiscal year.**

348.430. 1. The tax credit created in this section shall be known as the "Agricultural
2 Product Utilization Contributor Tax Credit".

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

4 (1) "Authority", the agriculture and small business development authority as provided
5 in this chapter;

6 (2) "Contributor", an individual, partnership, corporation, trust, limited liability
7 company, entity or person that contributes cash funds to the authority;

8 (3) "Development facility", a facility producing either a good derived from an
9 agricultural commodity or using a process to produce a good derived from an agricultural
10 product;

11 (4) "Eligible new generation cooperative", a nonprofit cooperative association formed
12 pursuant to chapter 274, or incorporated pursuant to chapter 357, for the purpose of operating
13 within this state a development facility or a renewable fuel production facility;

14 (5) "Eligible new generation processing entity", a partnership, corporation, cooperative,
15 or limited liability company organized or incorporated pursuant to the laws of this state
16 consisting of not less than twelve members, approved by the authority, for the purpose of owning
17 or operating within this state a development facility or a renewable fuel production facility in
18 which producer members:

19 (a) Hold a majority of the governance or voting rights of the entity and any governing
20 committee;

21 (b) Control the hiring and firing of management; and

22 (c) Deliver agricultural commodities or products to the entity for processing, unless
23 processing is required by multiple entities;

24 (6) "Renewable fuel production facility", a facility producing an energy source which is
25 derived from a renewable, domestically grown, organic compound capable of powering
26 machinery, including an engine or power plant, and any by-product derived from such energy
27 source.

28 3. For all tax years beginning on or after January 1, 1999, a contributor who contributes
29 funds to the authority may receive a credit against the tax or estimated quarterly tax otherwise
30 due pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265,
31 chapter 148 chapter 147, in an amount of up to one hundred percent of such contribution. Tax
32 credits claimed in a taxable year may be done so on a quarterly basis and applied to the estimated
33 quarterly tax pursuant to this subsection. If a quarterly tax credit claim or series of claims
34 contributes to causing an overpayment of taxes for a taxable year, such overpayment shall not

35 be refunded but shall be applied to the next taxable year. The awarding of such credit shall be
36 at the approval of the authority, based on the least amount of credits necessary to provide
37 incentive for the contributions. A contributor that receives tax credits for a contribution to the
38 authority shall receive no other consideration or compensation for such contribution, other than
39 a federal tax deduction, if applicable, and goodwill.

40 4. A contributor shall submit to the authority an application for the tax credit authorized
41 by this section on a form provided by the authority. If the contributor meets all criteria
42 prescribed by this section and the authority, the authority shall issue a tax credit certificate in the
43 appropriate amount. Tax credits issued pursuant to this section may be claimed in the taxable
44 year in which the contributor contributes funds to the authority. For all fiscal years beginning
45 on or after July 1, 2004, tax credits allowed pursuant to this section may be carried back to any
46 of the contributor's three prior tax years and may be carried forward to any of the contributor's
47 five subsequent taxable years. Tax credits issued pursuant to this section may be assigned,
48 transferred or sold and the new owner of the tax credit shall have the same rights in the credit as
49 the contributor. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise
50 conveyed, a notarized endorsement shall be filed with the authority specifying the name and
51 address of the new owner of the tax credit or the value of the credit.

52 5. The funds derived from contributions in this section shall be used for financial
53 assistance or technical assistance for the purposes provided in section 348.407 to rural
54 agricultural business concepts as approved by the authority. The authority may provide or
55 facilitate loans, equity investments, or guaranteed loans for rural agricultural business concepts,
56 but limited to two million dollars per project or the net state economic impact, whichever is less.
57 Loans, equity investments or guaranteed loans may only be provided to feasible projects, and for
58 an amount that is the least amount necessary to cause the project to occur, as determined by the
59 authority. The authority may structure the loans, equity investments or guaranteed loans in a way
60 that facilitates the project, but also provides for a compensatory return on investment or loan
61 payment to the authority, based on the risk of the project.

62 6. In any given year, at least ten percent of the funds granted to rural agricultural business
63 concepts shall be awarded to grant requests of twenty-five thousand dollars or less. No single
64 rural agricultural business concept shall receive more than two hundred thousand dollars in grant
65 awards from the authority. Agricultural businesses owned by minority members or women shall
66 be given consideration in the allocation of funds.

67 **7. No tax credits shall be authorized under the provisions of this section after June**
68 **30, 2015, unless an appropriation is made under the provisions of section 135.821. In any**
69 **fiscal year for which an appropriation is made to the fund created under this section under**

70 the provisions of section 135.821, no more than the amount appropriated shall be
71 authorized.

72 8. There is hereby created in the state treasury the "Agricultural Product
73 Utilization Tax Credit Program Fund", which shall consist of money appropriated under
74 this section and section 135.821. The state treasurer shall be custodian of the fund and may
75 approve disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
76 appropriation, money in the fund shall be used solely for the administration of this section.
77 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
78 in the fund for tax credits which have been authorized but not yet redeemed at the end of
79 the fiscal year shall not revert to the credit of the general revenue fund. Any moneys
80 remaining in the fund at the end of the fiscal year for any tax credits which remain
81 unauthorized at the end of the fiscal year shall revert to the credit of the general revenue
82 fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of
83 revenue shall notify the authority and the state treasurer upon redemption of each tax
84 credit authorized under the provisions of this section. Upon such notification, an amount
85 equal to the tax credits redeemed shall be transferred from the fund created in this section
86 to the general revenue fund. In the event the authority determines that any tax credit
87 authorized under this section is precluded from being redeemed due to contractual
88 agreement entered into by the authority and the tax credit applicant or is otherwise
89 precluded by law from being redeemed, the authority shall notify the state treasurer and
90 an amount equal to such tax credit shall be transferred from the fund created in this
91 section to the general revenue fund. The state treasurer shall invest moneys in the fund in
92 the same manner as other funds are invested. Any interest and moneys earned on such
93 investments shall be credited to the general revenue fund at the end of each fiscal year.

348.432. 1. The tax credit created in this section shall be known as the "New Generation
2 Cooperative Incentive Tax Credit".

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

4 (1) "Authority", the agriculture and small business development authority as provided
5 in this chapter;

6 (2) "Development facility", a facility producing either a good derived from an
7 agricultural commodity or using a process to produce a good derived from an agricultural
8 product;

9 (3) "Eligible new generation cooperative", a nonprofit cooperative association formed
10 pursuant to chapter 274 or incorporated pursuant to chapter 357 for the purpose of operating
11 within this state a development facility or a renewable fuel production facility and approved by
12 the authority;

13 (4) "Eligible new generation processing entity", a partnership, corporation, cooperative,
14 or limited liability company organized or incorporated pursuant to the laws of this state
15 consisting of not less than twelve members, approved by the authority, for the purpose of owning
16 or operating within this state a development facility or a renewable fuel production facility in
17 which producer members:

18 (a) Hold a majority of the governance or voting rights of the entity and any governing
19 committee;

20 (b) Control the hiring and firing of management; and

21 (c) Deliver agricultural commodities or products to the entity for processing, unless
22 processing is required by multiple entities;

23 (5) "Employee-qualified capital project", an eligible new generation cooperative with
24 capital costs greater than fifteen million dollars which will employ at least sixty employees;

25 (6) "Large capital project", an eligible new generation cooperative with capital costs
26 greater than one million dollars;

27 (7) "Producer member", a person, partnership, corporation, trust or limited liability
28 company whose main purpose is agricultural production that invests cash funds to an eligible
29 new generation cooperative or eligible new generation processing entity;

30 (8) "Renewable fuel production facility", a facility producing an energy source which is
31 derived from a renewable, domestically grown, organic compound capable of powering
32 machinery, including an engine or power plant, and any by-product derived from such energy
33 source;

34 (9) "Small capital project", an eligible new generation cooperative with capital costs of
35 no more than one million dollars.

36 3. Beginning tax year 1999, and ending December 31, 2002, any producer member who
37 invests cash funds in an eligible new generation cooperative or eligible new generation
38 processing entity may receive a credit against the tax or estimated quarterly tax otherwise due
39 pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265 or
40 chapter 148, chapter 147, in an amount equal to the lesser of fifty percent of such producer
41 member's investment or fifteen thousand dollars.

42 4. For all tax years beginning on or after January 1, 2003, any producer member who
43 invests cash funds in an eligible new generation cooperative or eligible new generation
44 processing entity may receive a credit against the tax or estimated quarterly tax otherwise due
45 pursuant to chapter 143, other than taxes withheld pursuant to sections 143.191 to 143.265,
46 chapter 147 or chapter 148, in an amount equal to the lesser of fifty percent of such producer
47 member's investment or fifteen thousand dollars. Tax credits claimed in a taxable year may be
48 done so on a quarterly basis and applied to the estimated quarterly tax pursuant to subsection 3

49 of this section. If a quarterly tax credit claim or series of claims contributes to causing an
50 overpayment of taxes for a taxable year, such overpayment shall not be refunded but shall be
51 applied to the next taxable year.

52 5. A producer member shall submit to the authority an application for the tax credit
53 authorized by this section on a form provided by the authority. If the producer member meets
54 all criteria prescribed by this section and is approved by the authority, the authority shall issue
55 a tax credit certificate in the appropriate amount. Tax credits issued pursuant to this section may
56 be carried back to any of the producer member's three prior taxable years and carried forward to
57 any of the producer member's five subsequent taxable years regardless of the type of tax liability
58 to which such credits are applied as authorized pursuant to subsection 3 of this section. Tax
59 credits issued pursuant to this section may be assigned, transferred, sold or otherwise conveyed
60 and the new owner of the tax credit shall have the same rights in the credit as the producer
61 member. Whenever a certificate of tax credit is assigned, transferred, sold or otherwise
62 conveyed, a notarized endorsement shall be filed with the authority specifying the name and
63 address of the new owner of the tax credit or the value of the credit.

64 6. Ten percent of the tax credits authorized pursuant to this section initially shall be
65 offered in any fiscal year to small capital projects. If any portion of the ten percent of tax credits
66 offered to small capital costs projects is unused in any calendar year, then the unused portion of
67 tax credits may be offered to employee-qualified capital projects and large capital projects. If
68 the authority receives more applications for tax credits for small capital projects than tax credits
69 are authorized therefor, then the authority, by rule, shall determine the method of distribution of
70 tax credits authorized for small capital projects.

71 7. Ninety percent of the tax credits authorized pursuant to this section initially shall be
72 offered in any fiscal year to employee-qualified capital projects and large capital projects. If any
73 portion of the ninety percent of tax credits offered to employee-qualified capital projects and
74 large capital costs projects is unused in any fiscal year, then the unused portion of tax credits may
75 be offered to small capital projects. The maximum tax credit allowed per employee-qualified
76 capital project is three million dollars and the maximum tax credit allowed per large capital
77 project is one million five hundred thousand dollars. If the authority approves the maximum tax
78 credit allowed for any employee-qualified capital project or any large capital project, then the
79 authority, by rule, shall determine the method of distribution of such maximum tax credit. In
80 addition, if the authority receives more tax credit applications for employee-qualified capital
81 projects and large capital projects than the amount of tax credits authorized therefor, then the
82 authority, by rule, shall determine the method of distribution of tax credits authorized for
83 employee-qualified capital projects and large capital projects.

84 **8. No tax credits shall be authorized under the provisions of this section after June**
85 **30, 2015, unless an appropriation is made under the provisions of section 135.821. In any**
86 **fiscal year for which an appropriation is made to the fund created under this section under**
87 **the provisions of section 135.821, no more than the amount appropriated shall be**
88 **authorized.**

89 **9. There is hereby created in the state treasury the "New Generation Cooperative**
90 **Tax Credit Program Fund", which shall consist of money appropriated under this section**
91 **and section 135.821. The state treasurer shall be custodian of the fund and may approve**
92 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
93 **appropriation, money in the fund shall be used solely for the administration of this section.**
94 **Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining**
95 **in the fund for tax credits which have been authorized but not yet redeemed at the end of**
96 **the fiscal year shall not revert to the credit of the general revenue fund. Any moneys**
97 **remaining in the fund at the end of the fiscal year for any tax credits which remain**
98 **unauthorized at the end of the fiscal year shall revert to the credit of the general revenue**
99 **fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of**
100 **revenue shall notify the authority and the state treasurer upon redemption of each tax**
101 **credit authorized under the provisions of this section. Upon such notification, an amount**
102 **equal to the tax credits redeemed shall be transferred from the fund created in this section**
103 **to the general revenue fund. In the event the authority determines that any tax credit**
104 **authorized under this section is precluded from being redeemed due to contractual**
105 **agreement entered into by the authority and the tax credit applicant or is otherwise**
106 **precluded by law from being redeemed, the authority shall notify the state treasurer and**
107 **an amount equal to such tax credit shall be transferred from the fund created in this**
108 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
109 **the same manner as other funds are invested. Any interest and moneys earned on such**
110 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

 348.434. 1. The aggregate of tax credits issued per fiscal year pursuant to sections
2 348.430 and 348.432 shall not exceed six million dollars.

3 2. Upon July 2, 1999, and ending June 30, 2000, tax credits shall be issued pursuant to
4 section 348.430, except that, the authority shall allocate no more than three million dollars to
5 fund section 348.432 in fiscal year 2000. Beginning in fiscal year 2001 and each subsequent
6 year, tax credits shall be issued pursuant to section 348.432.

7 3. Beginning the first day of May of each fiscal year following implementation of section
8 348.432, the authority may determine the extent of tax credits, pursuant to section 348.432, that
9 will be utilized in each fiscal year. If the authority determines that:

10 (1) Less than six million dollars for a fiscal year is to be utilized in tax credits pursuant
11 to section 348.432; and

12 (2) The assets available to the authority, pursuant to section 348.430, do not exceed
13 twelve million dollars; then, the authority may offer the remaining authorized tax credits be
14 issued pursuant to section 348.430.

15 **4. The provisions of this section shall expire June 30, 2015.**

348.505. 1. As used in this section, "state tax liability", any state tax liability incurred
2 by a taxpayer under the provisions of chapters 143, 147, and 148, exclusive of the provisions
3 relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related
4 provisions.

5 2. Any eligible lender under the family farm livestock loan program under section
6 348.500 shall be entitled to receive a tax credit equal to one hundred percent of the amount of
7 interest waived by the lender under section 348.500 on a qualifying loan for the first year of the
8 loan only. The tax credit shall be evidenced by a tax credit certificate issued by the agricultural
9 and small business development authority and may be used to satisfy the state tax liability of the
10 owner of such certificate that becomes due in the tax year in which the interest on a qualified
11 loan is waived by the lender under section 348.500. No lender may receive a tax credit under
12 this section unless such person presents a tax credit certificate to the department of revenue for
13 payment of such state tax liability. The amount of the tax credits that may be issued to all
14 eligible lenders claiming tax credits authorized in this section in a fiscal year shall not exceed
15 three hundred thousand dollars. **No tax credits shall be authorized under the provisions of
16 this section after June 30, 2015, unless an appropriation is made under the provisions of
17 section 135.821. In any fiscal year for which an appropriation is made to the fund created
18 under this section under the provisions of section 135.821, no more than the amount
19 appropriated shall be authorized.**

20 3. The agricultural and small business development authority shall be responsible for the
21 administration and issuance of the certificate of tax credits authorized by this section. The
22 authority shall issue a certificate of tax credit at the request of any lender. Each request shall
23 include a true copy of the loan documents, the name of the lender who is to receive a certificate
24 of tax credit, the type of state tax liability against which the tax credit is to be used, and the
25 amount of the certificate of tax credit to be issued to the lender based on the interest waived by
26 the lender under section 348.500 on the loan for the first year.

27 4. The Missouri department of revenue shall accept a certificate of tax credit in lieu of
28 other payment in such amount as is equal to the lesser of the amount of the tax or the remaining
29 unused amount of the credit as indicated on the certificate of tax credit, and shall indicate on the
30 certificate of tax credit the amount of tax thereby paid and the date of such payment.

31 5. The following provisions shall apply to tax credits authorized under this section:

32 (1) Tax credits claimed in a taxable year may be claimed on a quarterly basis and applied
33 to the estimated quarterly tax of the lender;

34 (2) Any amount of tax credit which exceeds the tax due, including any estimated
35 quarterly taxes paid by the lender under subdivision (1) of this subsection which results in an
36 overpayment of taxes for a taxable year, shall not be refunded but may be carried over to any
37 subsequent taxable year, not to exceed a total of three years for which a tax credit may be taken
38 for a qualified family farm livestock loan;

39 (3) Notwithstanding any provision of law to the contrary, a lender may assign, transfer
40 or sell tax credits authorized under this section, with the new owner of the tax credit receiving
41 the same rights in the tax credit as the lender. For any tax credits assigned, transferred, sold, or
42 otherwise conveyed, a notarized endorsement shall be filed by the lender with the authority
43 specifying the name and address of the new owner of the tax credit and the value of such tax
44 credit; and

45 (4) Notwithstanding any other provision of this section to the contrary, any commercial
46 bank may use tax credits created under this section as provided in section 148.064 and receive
47 a net tax credit against taxes actually paid in the amount of the first year's interest on loans made
48 under this section. If such first year tax credits reduce taxes due as provided in section 148.064
49 to zero, the remaining tax credits may be carried over as otherwise provided in this section and
50 utilized as provided in section 148.064 in subsequent years.

51 **6. There is hereby created in the state treasury the "Family Farm Breeding**
52 **Livestock Loan Tax Credit Program Fund", which shall consist of money appropriated**
53 **under this section and section 135.821. The state treasurer shall be custodian of the fund**
54 **and may approve disbursements from the fund in accordance with sections 30.170 and**
55 **30.180. Upon appropriation, money in the fund shall be used solely for the administration**
56 **of sections 348.500 to 348.505. Notwithstanding the provisions of section 33.080 to the**
57 **contrary, any moneys remaining in the fund for tax credits which have been authorized but**
58 **not yet redeemed at the end of the fiscal year shall not revert to the credit of the general**
59 **revenue fund. Any moneys remaining in the fund at the end of the fiscal year for any tax**
60 **credits which remain unauthorized at the end of the fiscal year shall revert to the credit of**
61 **the general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,**
62 **the department of revenue shall notify the authority and the state treasurer upon**
63 **redemption of each tax credit authorized under the provisions of this section. Upon such**
64 **notification, an amount equal to the tax credits redeemed shall be transferred from the**
65 **fund created in this section to the general revenue fund. In the event the authority**
66 **determines that any tax credit authorized under this section is precluded from being**

67 **redeemed due to contractual agreement entered into by the department and the tax credit**
68 **applicant or is otherwise precluded by law from being redeemed, the authority shall notify**
69 **the state treasurer and an amount equal to such tax credit shall be transferred from the**
70 **fund created in this section to the general revenue fund. The state treasurer shall invest**
71 **moneys in the fund in the same manner as other funds are invested. Any interest and**
72 **moneys earned on such investments shall be credited to the general revenue fund at the end**
73 **of each fiscal year.**

375.774. 1. The association shall issue to each insurer paying an assessment under
2 sections 375.771 to 375.779 a certificate of contribution, in appropriate form and terms as
3 prescribed by the director, for the amount so paid. All outstanding certificates shall be of equal
4 dignity and priority without reference to amounts or dates of issue.

5 2. A certificate of contribution may be shown by the insurer in its financial statements
6 as an admitted asset for such amount and period of time, as follows:

- 7 (1) One hundred percent for the calendar year of issuance;
8 (2) Sixty-six and two-thirds percent for the first calendar year after the year of issuance;
9 (3) Thirty-three and one-third percent for the second year after the year of issuance which
10 shall be the last year each such certificate shall be carried as an asset.

11 3. The insurer shall, **subject to the limitations provided under subsection 6 of this**
12 **section**, be entitled to a credit against the premium tax liability under sections 148.310 to
13 148.461 for contributions paid to the association. This tax credit shall be taken over a period of
14 the three successive tax years beginning after the year of contribution at the rate of thirty-three
15 and one-third percent, per year, of the contribution paid to the association, and such credit shall
16 not be subject to subsection 1 of section 375.916.

17 4. Any sums recovered by the association representing sums which have theretofore been
18 written off by contributing insurers and offset against premium taxes as provided in subsection
19 3 of this section shall be paid by the association to the director of revenue who shall handle such
20 funds in the same manner as provided in section 148.380.

21 5. The association shall be exempt from payment of all fees and all capitation or poll and
22 excise taxes levied by this state or any of its political subdivisions and the real and personal
23 property of the association is hereby declared to be property actually and regularly used
24 exclusively for purposes purely charitable and not held for private or corporate profit within the
25 meaning of subdivision (5) of section 137.100, RSMo 1986.

26 6. **No tax credits provided under this section shall be authorized after June 30,**
27 **2015, unless an appropriation is made under the provisions of section 135.821. In any**
28 **fiscal year for which an appropriation is made to the fund created under this section under**
29 **the provisions of section 135.821, no more than the amount appropriated shall be**

30 **authorized. The provisions of this section shall not be construed to limit or in any way**
31 **impair a recipient's ability to redeem tax credits or an administering agency's ability to**
32 **issue tax credits authorized prior to July 1, 2015.**

33 7. After August 28, 2012, insurers shall file an application for tax credits provided under
34 this section with the director of the department of revenue no later than the first day of March
35 of each year. The director of the department of revenue shall review all applications received
36 and determine the amount of appropriation necessary to provide all eligible insurers the credit
37 provided under this section and shall, no later than the first day of April of each year, submit to
38 the budget committee of the house of representatives and the appropriations committee of the
39 senate, a request for appropriation in an amount sufficient to provide all eligible insurers a tax
40 credit in the amount provided in this section. To the extent that an appropriation provided under
41 this section is insufficient to provide credits to all insurers in the amount provided under this
42 section, the director of the department of revenue shall determine the apportionment percentage
43 by dividing the amount appropriated for the fiscal year as provided under this section, by the total
44 amount of all eligible claims for a credit as provided under this section. After determining the
45 apportionment percentage, the director shall adjust the amount of credit for each eligible insurer
46 by multiplying the amount of the credit provided under this section by the apportionment
47 percentage. If no appropriation is made by the general assembly for any fiscal year, then no
48 credits shall be available in such fiscal year.

376.745. 1. **Subject to the limitations provided under subsection 4 of this section,**
2 a member insurer may offset against its premium tax liability to this state an assessment
3 described in section 376.738 to the extent of twenty percent of the amount of such assessment
4 for each of the five calendar years following the year in which such assessment was paid. In the
5 event a member insurer should cease doing business, all uncredited assessments may be credited
6 against its premium tax liability for the year it ceases doing business.

7 2. **Subject to the limitations provided under subsection 4 of this section,** a member
8 insurer exempt from chapter 148 may offset against its sales or use tax liability to this state an
9 assessment described in section 376.738 to the extent of twenty percent of the amount of such
10 assessment for each of the five calendar years following the year in which such assessment was
11 paid. In the event a member insurer should cease doing business, all uncredited assessments may
12 be credited against its sales or use tax liability for the year it ceases doing business.

13 3. Any sums which are acquired by refund, pursuant to the provisions of section 376.738,
14 from the association by member insurers, and which have theretofore been offset against
15 premium taxes as provided in subsection 1 of this section or have theretofore been offset against
16 sales or use taxes as provided in subsection 2 of this section, shall be paid by such insurers to this

17 state in such manner as the tax authorities may require. The association shall notify the director
18 that such refunds have been made.

19 **4. No tax credits shall be authorized under the provisions of this section after June**
20 **30, 2015, unless an appropriation is made under the provisions of section 135.821. In any**
21 **fiscal year for which an appropriation is made to the fund created under this section under**
22 **the provisions of section 135.821, no more than the amount appropriated shall be**
23 **authorized. To the extent that an appropriation provided under this section is insufficient**
24 **to provide offsets to all member insurers in the amount provided under subsections 1 and**
25 **2 of this section, the director of the department of insurance shall determine the**
26 **apportionment percentage by dividing the amount appropriated for the fiscal year as**
27 **provided under this section, by the total amount of all offsets provided under subsections**
28 **1 and 2 of this section. After determining the apportionment percentage, the director shall**
29 **adjust the amount of offset for each member insurer by multiplying the amount of the**
30 **offset provided under subsection 1 or 2 by the apportionment percentage. If no**
31 **appropriation is made by the general assembly for any fiscal year, then no offset shall be**
32 **available in such fiscal year.**

33 **5. There is hereby created in the state treasury the "Missouri Life and Health**
34 **Insurance Guarantee Association Assessment Tax Credit Program Fund", which shall**
35 **consist of money appropriated under this section and section 135.821. The state treasurer**
36 **shall be custodian of the fund and may approve disbursements from the fund in**
37 **accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall**
38 **be used solely for the administration of sections 348.500 to 348.505. Notwithstanding the**
39 **provisions of section 33.080 to the contrary, any moneys remaining in the fund for tax**
40 **credits which have been authorized but not yet redeemed at the end of the fiscal year shall**
41 **not revert to the credit of the general revenue fund. Any moneys remaining in the fund at**
42 **the end of the fiscal year for any tax credits which remain unauthorized at the end of the**
43 **fiscal year shall revert to the credit of the general revenue fund. Notwithstanding the**
44 **provisions of section 32.057 to the contrary, the department of revenue shall notify the**
45 **director of the department and the state treasurer upon redemption of each tax credit**
46 **authorized under the provisions of this section. Upon such notification, an amount equal**
47 **to the tax credits redeemed shall be transferred from the fund created in this section to the**
48 **general revenue fund. In the event the department determines that any tax credit**
49 **authorized under this section is precluded from being redeemed due to contractual**
50 **agreement entered into by the department and the tax credit applicant or is otherwise**
51 **precluded by law from being redeemed, the department shall notify the state treasurer and**
52 **an amount equal to such tax credit shall be transferred from the fund created in this**

53 **section to the general revenue fund. The state treasurer shall invest moneys in the fund in**
54 **the same manner as other funds are invested. Any interest and moneys earned on such**
55 **investments shall be credited to the general revenue fund at the end of each fiscal year.**

376.975. 1. Each member's proportion of participation in the pool shall be determined
2 annually by the board based on annual statements and other reports deemed necessary by the
3 board and filed by the member with it. Any deficit incurred by the pool shall be recouped by
4 assessments apportioned as provided in subsections 1, 2, and 3 of section 376.973 by the board
5 among members. **Except as otherwise provided in this section,** the amount of assessments
6 incurred by each member of the pool shall be allowed as an offset against certain taxes, and shall
7 be subject to certain limitations, as follows: Each pool member subject to chapter 148 may
8 deduct from premium taxes payable for any calendar year to the state any and all assessments
9 paid for the same year pursuant to sections 376.960 to 376.989. All assessments, for a fiscal
10 year, shall not exceed the net premium tax due and payable by such member in the previous year.
11 If the assessment exceeds any premium tax due or payable in such year, the excess shall be a
12 credit or offset carried forward against any premium tax due or payable in succeeding years until
13 the excess is exhausted.

14 **2. No offsets or tax credits shall be authorized under the provisions of this section**
15 **after June 30, 2015, unless an appropriation is made under the provisions of section**
16 **135.821. In any fiscal year for which an appropriation is made under the provisions of**
17 **section 135.821, no more than the amount of offsets and tax credits so appropriated shall**
18 **be authorized.**

19 **3. After June 30, 2015, members shall file an application for offsets and tax credits**
20 **provided under this section with the director of the department of revenue no later than**
21 **the first day of March of each year. The director of the department of revenue shall review**
22 **all applications received and determine the amount of appropriation necessary to provide**
23 **all eligible members the offsets and credits provided under this section and shall, no later**
24 **than the first day of April of each year, submit to the budget committee of the house of**
25 **representatives and the appropriations committee of the senate, a request for**
26 **appropriation in an amount sufficient to provide all eligible members a tax credit in the**
27 **amount provided in this section. To the extent that an appropriation provided under this**
28 **section is insufficient to provide credits to all members in the amount provided under this**
29 **section, the director of the department of revenue shall determine the apportionment**
30 **percentage by dividing the amount appropriated for the fiscal year as provided under this**
31 **section, by the total amount of all eligible claims for a credit as provided under this section.**
32 **After determining the apportionment percentage, the director shall adjust the amount of**
33 **credit for each eligible member by multiplying the amount of the credit provided under**

34 this section by the apportionment percentage. If no appropriation is made by the general
35 assembly for any fiscal year, then no credits shall be available in such fiscal year.

36 4. There is hereby created in the state treasury the "Missouri Health Insurance
37 Pool Tax Credit Fund", which shall consist of money appropriated under this section and
38 section 135.821. The state treasurer shall be custodian of the fund and may approve
39 disbursements from the fund in accordance with sections 30.170 and 30.180. Upon
40 appropriation, money in the fund shall be used solely for the administration of this section.
41 Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining
42 in the fund for tax credits which have been authorized but not yet redeemed at the end of
43 the fiscal year shall not revert to the credit of the general revenue fund. Any moneys
44 remaining in the fund at the end of the fiscal year for any tax credits which remain
45 unauthorized at the end of the fiscal year shall revert to the credit of the general revenue
46 fund. Notwithstanding the provisions of section 32.057 to the contrary, the department of
47 revenue shall notify the director of the department upon redemption of each tax credit
48 authorized under the provisions of this section. Upon such notification, an amount equal
49 to the tax credits redeemed shall be transferred from the fund created in this section to the
50 general revenue fund. In the event the department determines that any tax credit
51 authorized under this section is precluded from being redeemed due to contractual
52 agreement entered into by the department and the tax credit applicant or is otherwise
53 precluded by law from being redeemed, an amount equal to such tax credit shall be
54 transferred from the fund created in this section to the general revenue fund. The state
55 treasurer shall invest moneys in the fund in the same manner as other funds are invested.
56 Any interest and moneys earned on such investments shall be credited to the general
57 revenue fund at the end of each fiscal year.

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 and direct utility charges for performing the voluntary remediation activities for the preexisting
102 hazardous substance contamination and releases, including, but not limited to, the costs of
103 performing operation and maintenance of the remediation equipment at the property beyond the
104 year in which the systems and equipment are built and installed at the eligible project and the
105 costs of performing the voluntary remediation activities over a period not in excess of four tax
106 years following the taxpayer's tax year in which the system and equipment were first put into use
107 at the eligible project, provided the remediation activities are the subject of a plan submitted to,
108 and approved by, the director of natural resources pursuant to sections 260.565 to 260.575. The
109 tax credit may also include up to one hundred percent of the costs of demolition that are not
110 directly part of the remediation activities, provided that the demolition is on the property where
111 the voluntary remediation activities are occurring, the demolition is necessary to accomplish the
112 planned use of the facility where the remediation activities are occurring, and the demolition is
113 part of a redevelopment plan approved by the municipal or county government and the
114 department of economic development. The demolition may occur on an adjacent property if the
115 project is located in a municipality which has a population less than twenty thousand and the
116 above conditions are otherwise met. The adjacent property shall independently qualify as
117 abandoned or underutilized. The amount of the credit available for demolition not associated
118 with remediation cannot exceed the total amount of credits approved for remediation including
119 demolition required for remediation.

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

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

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

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

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

135.250. The director of the department of economic development shall notify the directors of the departments of natural resources and revenue of the termination, suspension or revocation of any tax credits as determined in this section or pursuant to the provisions of section 447.716.

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

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

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

(2) One hundred percent of the total business' income tax if the eligible facility does not replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period. That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same manner as prescribed in subdivision [(6)] (7) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible project for which the remediation tax credit may offset, shall be determined in the same manner as prescribed in paragraph (a) of subdivision [(6)] (7) of section 135.100.

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

192 8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section
193 shall be required to file all applicable tax credit applications, forms and schedules prescribed by
194 the director during the taxpayer's tax period immediately after the tax period in which the eligible
195 project was first put into use, or during the taxpayer's tax period immediately after the tax period
196 in which the voluntary remediation activities were performed.

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

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

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

219 (1) The shareholders of the corporation described in section 143.471;

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

223 **12. No tax credits shall be authorized under the provisions of this section after June**
224 **30, 2015, unless an appropriation is made under the provisions of section 135.821. In any**
225 **fiscal year for which an appropriation is made to the fund created under this section under**
226 **the provisions of section 135.821, no more than the amount appropriated shall be**
227 **authorized.**

228 **13. There is hereby created in the state treasury the "Brownfield Redevelopment**
229 **Tax Credit Program Fund", which shall consist of money appropriated under this section**
230 **and section 135.821. The state treasurer shall be custodian of the fund and may approve**
231 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
232 **appropriation, money in the fund shall be used solely for the administration of sections**
233 **447.700 to 447.718. Notwithstanding the provisions of section 33.080 to the contrary, any**
234 **moneys remaining in the fund for tax credits which have been authorized but not yet**
235 **redeemed at the end of the fiscal year shall not revert to the credit of the general revenue**
236 **fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits**
237 **which remain unauthorized at the end of the fiscal year shall revert to the credit of the**
238 **general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,**
239 **the department of revenue shall notify the director of the department of economic**
240 **development and the state treasurer upon redemption of each tax credit authorized under**
241 **the provisions of this section. Upon such notification, an amount equal to the tax credits**
242 **redeemed shall be transferred from the fund created in this section to the general revenue**
243 **fund. In the event the department determines that any tax credit authorized under this**
244 **section is precluded from being redeemed due to contractual agreement entered into by the**
245 **department and the tax credit applicant or is otherwise precluded by law from being**
246 **redeemed, the department shall notify the state treasurer and an amount equal to such tax**
247 **credit shall be transferred from the fund created in this section to the general revenue**
248 **fund. The state treasurer shall invest moneys in the fund in the same manner as other**
249 **funds are invested. Any interest and moneys earned on such investments shall be credited**
250 **to the general revenue fund at the end of each fiscal year.**

620.495. 1. This section shall be known as the "Small Business Incubators Act".

2 2. As used in this section, unless the context clearly indicates otherwise, the following
3 words and phrases shall mean:

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

5 (2) "Incubator", a program in which small units of space may be leased by a tenant and
6 in which management maintains or provides access to business development services for use by
7 tenants or a program without infrastructure in which participants avail themselves of business
8 development services to assist in the growth of their start-up small businesses;

9 (3) "Local sponsor" or "sponsor", an organization which enters into a written agreement
10 with the department to establish, operate and administer a small business incubator program or
11 to provide funding to an organization which operates such a program;

12 (4) "Participant", a sole proprietorship, business partnership or corporation operating a
13 business for profit through which the owner avails himself or herself of business development
14 services in an incubator program;

15 (5) "Tenant", a sole proprietorship, business partnership or corporation operating a
16 business for profit and leasing or otherwise occupying space in an incubator.

17 3. There is hereby established under the direction of the department a loan, loan
18 guarantee and grant program for the establishment, operation and administration of small
19 business incubators, to be known as the "Small Business Incubator Program". A local sponsor
20 may submit an application to the department to obtain a loan, loan guarantee or grant to establish
21 an incubator. Each application shall:

22 (1) Demonstrate that a program exists that can be transformed into an incubator at a
23 specified cost;

24 (2) Demonstrate the ability to directly provide or arrange for the provision of business
25 development services for tenants and participants of the incubator. These services shall include,
26 but need not be limited to, financial consulting assistance, management and marketing assistance,
27 business education, and physical services;

28 (3) Demonstrate a potential for sustained use of the incubator program by eligible tenants
29 and participants, through a market study or other means;

30 (4) Demonstrate the ability to manage and operate the incubator program;

31 (5) Include such other information as the department may require through its guidelines.

32 4. The department shall review and accept applications based on the following criteria:

33 (1) Ability of the local sponsor to carry out the provisions of this section;

34 (2) Economic impact of the incubator on the community;

35 (3) Conformance with areawide and local economic development plans, if such exist;

36 (4) Location of the incubator, in order to encourage geographic distribution of incubators
37 across the state.

38 5. Loans, loan guarantees and grants shall be administered in the following manner:

39 (1) Loans awarded or guaranteed and grants awarded shall be used only for the
40 acquisition and leasing of land and existing buildings, the rehabilitation of buildings or other
41 facilities, construction of new facilities, the purchase of equipment and furnishings which are
42 necessary for the creation and operation of the incubator, and business development services
43 including, but not limited to, business management advising and business education;

44 (2) Loans, loan guarantees and grants may not exceed fifty percent of total eligible
45 project costs;

46 (3) Payment of interest and principal on loans may be deferred at the discretion of the
47 department.

48 6. A local sponsor, or the organization receiving assistance through the local sponsor,
49 shall have the following responsibilities and duties in establishing and operating an incubator
50 with assistance from the small business incubator program:

51 (1) Secure title on a facility for the program or a lease of a facility for the program;

52 (2) Manage the physical development of the incubator program, including the provision
53 of common conference or meeting space;

54 (3) Furnish and equip the program to provide business services to the tenants and
55 participants;

56 (4) Market the program and secure eligible tenants and participants;

57 (5) Provide financial consulting, marketing and management assistance services or
58 arrange for the provision of these services for tenants and participants of the incubator, including
59 assistance in accessing private financial markets;

60 (6) Set rental and service fees;

61 (7) Encourage the sharing of ideas between tenants and participants and otherwise aid
62 the tenants and participants in an innovative manner while they are within the incubator;

63 (8) Establish policies and criteria for the acceptance of tenants and participants into the
64 incubator and for the termination of occupancy of tenants so as to maximize the opportunity to
65 succeed for the greatest number of tenants, consistent with those specified in this section.

66 7. The department:

67 (1) May adopt such rules, statements of policy, procedures, forms and guidelines as may
68 be necessary for the implementation of this section;

69 (2) May make loans, loan guarantees and grants to local sponsors for incubators;

70 (3) Shall ensure that local sponsors receiving loans, loan guarantees or grants meet the
71 conditions of this section;

72 (4) Shall receive and evaluate annual reports from local sponsors. Such annual reports
73 shall include, but need not be limited to, a financial statement for the incubator, evidence that
74 all tenants and participants in the program are eligible under the terms of this section, and a list
75 of companies in the incubator.

76 8. The department of economic development is also hereby authorized to review any
77 previous loans made under this program and, where appropriate in the department's judgment,
78 convert such loans to grant status.

79 9. On or before January first of each year, the department shall provide a report to the
80 governor, the chief clerk of the house of representatives and the secretary of the senate which
81 shall include, but need not be limited to:

82 (1) The number of applications for incubators submitted to the department;

83 (2) The number of applications for incubators approved by the department;

84 (3) The number of incubators created through the small business incubator program;

85 (4) The number of tenants and participants engaged in each incubator;

86 (5) The number of jobs provided by each incubator and tenants and participant of each
87 incubator;

88 (6) The occupancy rate of each incubator;

89 (7) The number of firms still operating in the state after leaving incubators and the
90 number of jobs they have provided.

91 10. There is hereby established in the state treasury a special fund to be known as the
92 "Missouri Small Business Incubators Fund", which shall consist of all moneys which may be
93 appropriated to it by the general assembly, and also any gifts, contributions, grants or bequests
94 received from federal, private or other sources. Moneys for loans, loan guarantees and grants
95 under the small business incubator program may be obtained from appropriations made by the
96 general assembly from the Missouri small business incubators fund. Any moneys remaining in
97 the Missouri small business incubators fund at the end of any fiscal year shall not lapse to the
98 general revenue fund, as provided in section 33.080, but shall remain in the Missouri small
99 business incubators fund.

100 11. For any taxable year beginning after December 31, 1989, a taxpayer, including any
101 charitable organization which is exempt from federal income tax and whose Missouri unrelated
102 business taxable income, if any, would be subject to the state income tax imposed under chapter
103 143, shall be entitled to a tax credit against any tax otherwise due under the provisions of chapter
104 143, or chapter 147, or chapter 148, excluding withholding tax imposed by sections 143.191 to
105 143.265, in the amount of fifty percent of any amount contributed by the taxpayer to the Missouri
106 small business incubators fund during the taxpayer's tax year or any contribution by the taxpayer
107 to a local sponsor after the local sponsor's application has been accepted and approved by the
108 department. The tax credit allowed by this subsection shall be claimed by the taxpayer at the
109 time he files his **or her** return and shall be applied against the income tax liability imposed by
110 chapter 143, or chapter 147, or chapter 148, after all other credits provided by law have been
111 applied. That portion of earned tax credits which exceeds the taxpayer's tax liability may be
112 carried forward for up to five years. The aggregate of all tax credits authorized under this section
113 shall not exceed five hundred thousand dollars in any taxable year. **No tax credits shall be**
114 **authorized under the provisions of this section after June 30, 2015, unless an appropriation**
115 **is made under the provisions of section 135.821. In any fiscal year for which an**
116 **appropriation is made to the fund created under this section under the provisions of section**
117 **135.821, no more than the amount appropriated shall be authorized.**

118 12. There is hereby created in the state treasury the "Small Business Incubator Tax
119 Credit Program Fund", which shall consist of money appropriated under this section and

section 135.821. 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 section. 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. Notwithstanding the provisions of section 32.057 to the contrary, the department of revenue shall notify the director of the department and the state treasurer upon redemption of each tax credit authorized under the provisions of this section. Upon such notification, an amount equal to the tax credits redeemed shall be transferred from the fund created in this section to the general revenue fund. In the event the department determines that any tax credit authorized under this section 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, the department shall notify the state treasurer and an amount equal to such tax credit shall be transferred from the fund created in this section 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.

13. Notwithstanding any provision of Missouri law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection 11 of this section under the terms and conditions prescribed in subdivisions (1) and (2) of this subsection. Such taxpayer, hereinafter the assignor for the purpose of this subsection, may sell, assign, exchange or otherwise transfer earned tax credits:

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

(2) In an amount not to exceed one hundred percent of annual earned credits. The taxpayer acquiring earned credits, hereinafter the assignee for the purpose of this subsection, may use the acquired credits to offset up to one hundred percent of the tax liabilities otherwise imposed by chapter 143, or chapter 147, or chapter 148 excluding withholding tax imposed by sections 143.191 to 143.265. Unused credits in the hands of the assignee may be carried forward for up to five years. The assignor shall enter into a written agreement with the assignee establishing the terms and conditions of the agreement and shall perfect such transfer by notifying the department of economic development in writing within thirty calendar days following the effective day of the transfer and shall provide any information as may be required

156 by the department of economic development to administer and carry out the provisions of this
157 section. The director of the department of economic development shall prescribe the method for
158 submitting applications for claiming the tax credit allowed under subsection 11 of this section
159 and shall, if the application is approved, certify to the director of revenue that the taxpayer
160 claiming the credit has satisfied all the requirements specified in this section and is eligible to
161 claim the credit.

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 Missouri works jobs training
34 program under sections 620.800 to 620.809, the real property tax increment allocation
35 redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and rural economic
36 stimulus act under sections 99.915 to 99.980. If any qualified company also participates in the
37 Missouri works jobs training program in sections 620.800 to 620.809, the company shall retain
38 no withholding tax, but the department shall issue a refundable tax credit for the full amount of
39 benefit allowed under this subdivision. The calendar year annual maximum amount of tax
40 credits which may be issued to a qualifying company that also participates in the new job training
41 program shall be increased by an amount equivalent to the withholding tax retained by that
42 company under the new jobs training program. However, if the combined benefits of the quality
43 jobs program and the new jobs training program exceed the projected state benefit of the project,
44 as determined by the department of economic development through a cost-benefit analysis, the
45 increase in the maximum tax credits shall be limited to the amount that would not cause the
46 combined benefits to exceed the projected state benefit. Any taxpayer who is awarded benefits
47 under this program who knowingly hires individuals who are not allowed to work legally in the
48 United States shall immediately forfeit such benefits and shall repay the state an amount equal
49 to any state tax credits already redeemed and any withholding taxes already retained.

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

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

60 (2) Technology business projects: in exchange for the consideration provided by the new
61 tax revenues and other economic stimuli that will be generated by the new jobs created by the
62 program, a qualified company may retain an amount equal to a maximum of five percent of new
63 payroll for a period of five years from the date the required number of jobs were created from
64 the withholding tax of the new jobs that would otherwise be withheld and remitted by the
65 qualified company under the provisions of sections 143.191 to 143.265 if the average wage of
66 the new payroll equals or exceeds the county average wage. An additional one-half percent of

67 new payroll may be added to the five percent maximum if the average wage of the new payroll
68 in any year exceeds one hundred twenty percent of the county average wage in the county in
69 which the project facility is located, plus an additional one-half percent of new payroll may be
70 added if the average wage of the new payroll in any year exceeds one hundred forty percent of
71 the average wage in the county in which the project facility is located. The department shall
72 issue a refundable tax credit for any difference between the amount of benefit allowed under this
73 subdivision and the amount of withholding tax retained by the company, in the event the
74 withholding tax is not sufficient to provide the entire amount of benefit due to the qualified
75 company under this subdivision;

76 (3) High impact projects: in exchange for the consideration provided by the new tax
77 revenues and other economic stimuli that will be generated by the new jobs created by the
78 program, a qualified company may retain an amount from the withholding tax of the new jobs
79 that would otherwise be withheld and remitted by the qualified company under the provisions
80 of sections 143.191 to 143.265, equal to three percent of new payroll for a period of five years
81 from the date the required number of jobs were created if the average wage of the new payroll
82 equals or exceeds the county average wage of the county in which the project facility is located.
83 For high-impact projects in a facility located within two adjacent counties, the new payroll shall
84 equal or exceed the higher county average wage of the adjacent counties. The percentage of
85 payroll allowed under this subdivision shall be three and one-half percent of new payroll if the
86 average wage of the new payroll in any year exceeds one hundred twenty percent of the county
87 average wage in the county in which the project facility is located. The percentage of payroll
88 allowed under this subdivision shall be four percent of new payroll if the average wage of the
89 new payroll in any year exceeds one hundred forty percent of the county average wage in the
90 county in which the project facility is located. An additional one percent of new payroll may be
91 added to these percentages if local incentives equal between ten percent and twenty-four percent
92 of the new direct local revenue; an additional two percent of new payroll is added to these
93 percentages if the local incentives equal between twenty-five percent and forty-nine percent of
94 the new direct local revenue; or an additional three percent of payroll is added to these
95 percentages if the local incentives equal fifty percent or more of the new direct local revenue.
96 The department shall issue a refundable tax credit for any difference between the amount of
97 benefit allowed under this subdivision and the amount of withholding tax retained by the
98 company, in the event the withholding tax is not sufficient to provide the entire amount of benefit
99 due to the qualified company under this subdivision;

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

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

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

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

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

(e) The local taxing entities shall provide local incentives of at least fifty percent of the new direct local revenues created by the project over a ten-year period.

The quality jobs advisory task force may recommend to the department of economic development that appropriate penalties be applied to the company for violating the agreement. The amount of the job retention credit granted may be equal to up to fifty percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of five years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a job retention project or combination of job retention projects shall be seven hundred fifty thousand dollars per year, but the maximum amount may be increased up to one million dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting the increased limit on behalf of the job retention project. In no event shall the total amount of all tax credits issued for the entire job retention program under this subdivision exceed three million dollars annually. Notwithstanding the above, no tax credits shall be issued for job retention projects approved by the department after August 30, 2013;

(5) 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;

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

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

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

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

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

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

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

174 Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued
175 for small business job retention and flood survivor relief projects approved by the department
176 after August 30, 2010.

177 4. The qualified company shall provide an annual report of the number of jobs and such
178 other information as may be required by the department to document the basis for the benefits
179 of this program. The department may withhold the approval of any benefits until it is satisfied
180 that proper documentation has been provided, and shall reduce the benefits to reflect any
181 reduction in full-time employees or new payroll. Upon approval by the department, the qualified
182 company may begin the retention of the withholding taxes when it reaches the minimum number
183 of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be
184 issued upon satisfaction by the department that the qualified company has exceeded the county
185 average wage and the minimum number of new jobs. In such annual report, if the average wage
186 is below the county average wage, the qualified company has not maintained the employee
187 insurance as required, or if the number of new jobs is below the minimum, the qualified
188 company shall not receive tax credits or retain the withholding tax for the balance of the benefit
189 period. In the case of a qualified company that initially filed a notice of intent and received an
190 approval from the department for high-impact benefits and the minimum number of new jobs
191 in an annual report is below the minimum for high-impact projects, the company shall not
192 receive tax credits for the balance of the benefit period but may continue to retain the
193 withholding taxes if it otherwise meets the requirements of a small and expanding business under
194 this program.

195 5. The maximum calendar year annual tax credits issued for the entire program shall not
196 exceed eighty million dollars. Notwithstanding any provision of law to the contrary, the
197 maximum annual tax credits authorized under section 135.535 are hereby reduced from ten
198 million dollars to eight million dollars, with the balance of two million dollars transferred to this
199 program. There shall be no limit on the amount of withholding taxes that may be retained by
200 approved companies under this program. **No tax credits shall be authorized under the**
201 **provisions of this program after June 30, 2015, unless an appropriation is made under the**
202 **provisions of section 135.821. In any fiscal year for which an appropriation is made to the**
203 **fund created under this section under the provisions of section 135.821, no more than the**
204 **amount appropriated shall be authorized.**

205 6. The department shall allocate the annual tax credits based on the date of the approval,
206 reserving such tax credits based on the department's best estimate of new jobs and new payroll
207 of the project, and the other factors in the determination of benefits of this program. However,
208 the annual issuance of tax credits is subject to the annual verification of the actual new payroll.
209 The allocation of tax credits for the period assigned to a project shall expire if, within two years

210 from the date of commencement of operations, or approval if applicable, the minimum
211 thresholds have not been achieved. The qualified company may retain authorized amounts from
212 the withholding tax under this section once the minimum new jobs thresholds are met for the
213 duration of the project period. No benefits shall be provided under this program until the
214 qualified company meets the minimum new jobs thresholds. In the event the qualified company
215 does not meet the minimum new job threshold, the qualified company may submit a new notice
216 of intent or the department may provide a new approval for a new project of the qualified
217 company at the project facility or other facilities.

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

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

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

229 10. Prior to the issuance of tax credits, the department shall verify through the
230 department of revenue, or any other state department, that the tax credit applicant does not owe
231 any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent
232 fees or assessments levied by any state department and through the department of insurance,
233 financial institutions and professional registration that the applicant does not owe any delinquent
234 insurance taxes. Such delinquency shall not affect the authorization of the application for such
235 tax credits, except that at issuance credits shall be first applied to the delinquency and any
236 amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue
237 or the department of insurance, financial institutions and professional registration, or any other
238 state department, concludes that a taxpayer is delinquent after June fifteenth but before July first
239 of any year and the application of tax credits to such delinquency causes a tax deficiency on
240 behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the
241 deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all
242 available credits toward a tax delinquency, the administering agency shall notify the appropriate
243 department and that department shall update the amount of outstanding delinquent tax owed by
244 the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax

245 delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions
246 of other provisions of law.

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

250 12. An employee of a qualified company will receive full credit for the amount of tax
251 withheld as provided in section 143.211.

252 13. **There is hereby created in the state treasury the "Quality Jobs Tax Credit**
253 **Program Fund", which shall consist of money appropriated under this section and section**
254 **135.821. The state treasurer shall be custodian of the fund and may approve**
255 **disbursements from the fund in accordance with sections 30.170 and 30.180. Upon**
256 **appropriation, money in the fund shall be used solely for the administration of sections**
257 **620.1875 to 620.1900. Notwithstanding the provisions of section 33.080 to the contrary, any**
258 **moneys remaining in the fund for tax credits which have been authorized but not yet**
259 **redeemed at the end of the fiscal year shall not revert to the credit of the general revenue**
260 **fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits**
261 **which remain unauthorized at the end of the fiscal year shall revert to the credit of the**
262 **general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,**
263 **the department of revenue shall notify the director of the department and the state**
264 **treasurer upon redemption of each tax credit authorized under the provisions of this**
265 **section. Upon such notification, an amount equal to the tax credits redeemed shall be**
266 **transferred from the fund created in this section to the general revenue fund. In the event**
267 **the department determines that any tax credit authorized under this section is precluded**
268 **from being redeemed due to contractual agreement entered into by the department and the**
269 **tax credit applicant or is otherwise precluded by law from being redeemed, the department**
270 **shall notify the state treasurer and an amount equal to such tax credit shall be transferred**
271 **from the fund created in this section to the general revenue fund. The state treasurer shall**
272 **invest moneys in the fund in the same manner as other funds are invested. Any interest**
273 **and moneys earned on such investments shall be credited to the general revenue fund at**
274 **the end of each fiscal year.**

275 14. If any provision of sections 620.1875 to 620.1890 or application thereof to any
276 person or circumstance is held invalid, the invalidity shall not affect other provisions or
277 application of these sections which can be given effect without the invalid provisions or
278 application, and to this end, the provisions of sections 620.1875 to 620.1890 are hereby declared
279 severable.

660.055. 1. Any registered caregiver who meets the requirements of this section shall be eligible for a shared care tax credit in an amount not to exceed five hundred dollars to defray the cost of caring for an elderly person. In order to be eligible for a shared care tax credit, a registered caregiver shall:

(1) Care for an elderly person, age sixty or older, who:

(a) Is physically or mentally incapable of living alone, as determined and certified by his or her physician licensed pursuant to chapter 334, or by the division of aging staff when an assessment has been completed for the purpose of qualification for other services; and

(b) Requires assistance with activities of daily living to the extent that without care and oversight at home would require placement in a facility licensed pursuant to chapter 198; and

(c) Under no circumstances, is able or allowed to operate a motor vehicle; and

(d) Does not receive funding or services through Medicaid or social services block grant funding;

(2) Live in the same residence to give protective oversight for the elderly person meeting the requirements described in subdivision (1) of this subsection for an aggregate of more than six months per tax year;

(3) Not receive monetary compensation for providing care for the elderly person meeting the requirements described in subdivision (1) of this subsection; and

(4) File the original completed and signed physician certification for shared care tax credit form or the original completed and signed division of aging certification for shared care tax credit form provided for in subsection 2 of section 660.054 along with such caregiver's Missouri individual income tax return to the department of revenue.

2. The tax credit allowed by this section shall apply to any year beginning after December 31, 1999.

3. **No tax credits shall be authorized under the provisions of this section after June 30, 2015, unless an appropriation is made under the provisions of section 135.821. In any fiscal year for which an appropriation is made to the fund created under this section under the provisions of section 135.821, no more than the amount appropriated shall be authorized.**

4. **There is hereby created in the state treasury the "Shared Care Tax Credit Program Fund", which shall consist of money appropriated under this section and section 135.821. 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 sections 660.053 to 660.055. 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**

37 redeemed at the end of the fiscal year shall not revert to the credit of the general revenue
38 fund. Any moneys remaining in the fund at the end of the fiscal year for any tax credits
39 which remain unauthorized at the end of the fiscal year shall revert to the credit of the
40 general revenue fund. Notwithstanding the provisions of section 32.057 to the contrary,
41 the department of revenue shall notify the director of the department and the state
42 treasurer upon redemption of each tax credit authorized under the provisions of this
43 section. Upon such notification, an amount equal to the tax credits redeemed shall be
44 transferred from the fund created in this section to the general revenue fund. In the event
45 the department determines that any tax credit authorized under this section is precluded
46 from being redeemed due to contractual agreement entered into by the department and the
47 tax credit applicant or is otherwise precluded by law from being redeemed, the department
48 shall notify the state treasurer and an amount equal to such tax credit shall be transferred
49 from the fund created in this section to the general revenue fund. The state treasurer shall
50 invest moneys in the fund in the same manner as other funds are invested. Any interest
51 and moneys earned on such investments shall be credited to the general revenue fund at
52 the end of each fiscal year.

53 5. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
54 under the authority delegated in sections 660.050 to 660.057 shall become effective only if it
55 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
56 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force and effect
57 and repealed. Nothing in this section shall be interpreted to repeal or affect the validity of any
58 rule filed or adopted prior to August 28, 1999, if it fully complied with all applicable provisions
59 of law. This section and chapter 536 are nonseverable and if any of the powers vested with the
60 general assembly pursuant to chapter 536 to review, to delay the effective date or to disapprove
61 and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority
62 and any rule proposed or adopted after August 28, 1999, shall be invalid and void.

63 [4.] 6. Any person who knowingly falsifies any document required for the shared care
64 tax credit shall be subject to the same penalties for falsifying other tax documents as provided
65 in chapter 143.

2 [135.545. A taxpayer shall be allowed a credit for taxes paid pursuant to
3 chapter 143, 147 or 148 in an amount equal to fifty percent of a qualified
4 investment in transportation development for aviation, mass transportation,
5 including parking facilities for users of mass transportation, railroads, ports,
6 including parking facilities and limited access roads within ports, waterborne
7 transportation, bicycle and pedestrian paths, or rolling stock located in a
8 distressed community as defined in section 135.530, and which are part of a
9 development plan approved by the appropriate local agency. If the department
of economic development determines the investment has been so approved, the

10 department shall grant the tax credit in order of date received. A taxpayer may
11 carry forward any unused tax credit for up to ten years and may carry it back for
12 the previous three years until such credit has been fully claimed. Certificates of
13 tax credit issued in accordance with this section may be transferred, sold or
14 assigned by notarized endorsement which names the transferee. The tax credits
15 allowed pursuant to this section shall be for an amount of no more than ten
16 million dollars for each year. This credit shall apply to returns filed for all
17 taxable years beginning on or after January 1, 1999. Any unused portion of the
18 tax credit authorized pursuant to this section shall be available for use in the
19 future by those entities until fully claimed. For purposes of this section, a
20 "taxpayer" shall include any charitable organization that is exempt from federal
21 income tax and whose Missouri unrelated business taxable income, if any, would
22 be subject to the state income tax imposed under chapter 143.]

2 [135.546. For all tax years beginning on or after January 1, 2005, no tax
credits shall be approved, awarded, or issued to any person or entity claiming any
3 tax credit under section 135.545; if an organization has been allocated credits for
4 contribution-based credits prior to January 1, 2005, the organization may issue
5 such credits prior to January 1, 2007, for qualified contributions.]

2 [135.766. An eligible small business, as defined in Section 44 of the
Internal Revenue Code, shall be allowed a credit against the tax otherwise due
3 pursuant to chapter 143, not including sections 143.191 to 143.265, in an amount
4 equal to any amount paid by the eligible small business to the United States
5 Small Business Administration as a guaranty fee pursuant to obtaining Small
6 Business Administration guaranteed financing and to programs administered by
7 the United States Department of Agriculture for rural development or farm
8 service agencies. No tax credits provided under this section shall be authorized
9 on or after the thirtieth day following the effective date of this act. The
10 provisions of this subsection shall not be construed to limit or in any way impair
11 the department's ability to issue tax credits authorized prior to the thirtieth day
12 following the effective date of this act, or a taxpayer's ability to redeem such tax
13 credits.]

2 [320.093. 1. Any person, firm or corporation who purchases a dry fire
hydrant, as defined in section 320.273, or provides an acceptable means of water
3 storage for such dry fire hydrant including a pond, tank or other storage facility
4 with the primary purpose of fire protection within the state of Missouri, shall be
5 eligible for a credit on income taxes otherwise due pursuant to chapter 143,
6 except sections 143.191 to 143.261, as an incentive to implement safe and
7 efficient fire protection controls. The tax credit, not to exceed five thousand
8 dollars, shall be equal to fifty percent of the cost in actual expenditure for any
9 new water storage construction, equipment, development and installation of the
10 dry hydrant, including pipes, valves, hydrants and labor for each such installation
11 of a dry hydrant or new water storage facility. The amount of the tax credit

12 claimed for in-kind contributions shall not exceed twenty-five percent of the total
13 amount of the contribution for which the tax credit is claimed.

14 2. Any amount of credit which exceeds the tax due shall not be refunded
15 but may be carried over to any subsequent taxable year, not to exceed seven
16 years. The person, firm or corporation may elect to assign to a third party the
17 approved tax credit. The certificate of assignment and other appropriate forms
18 shall be filed with the Missouri department of revenue and the department of
19 economic development.

20 3. The person, firm or corporation shall make application for the credit
21 to the department of economic development after receiving approval of the state
22 fire marshal. The fire marshal shall establish by rule promulgated pursuant to
23 chapter 536 the requirements to be met based on the National Resources
24 Conservation Service's Dry Hydrant Standard. The state fire marshal or
25 designated local representative shall review and authorize the construction and
26 installation of any dry fire hydrant site. Only approved dry fire hydrant sites shall
27 be eligible for tax credits as indicated in this section. Under no circumstance
28 shall such authority deny any entity the ability to provide a dry fire hydrant site
29 when tax credits are not requested.

30 4. The department of public safety shall certify to the department of
31 revenue that the dry hydrant system meets the requirements to obtain a tax credit
32 as specified in subsection 5 of this section.

33 5. In order to qualify for a tax credit under this section, a dry hydrant or
34 new water storage facility shall meet the following minimum requirements:

35 (1) Each body of water or water storage structure shall be able to provide
36 two hundred fifty gallons per minute for a continuous two-hour period during a
37 fifty-year drought or freeze at a vertical lift of eighteen feet;

38 (2) Each dry hydrant shall be located within twenty-five feet of an
39 all-weather roadway and shall be accessible to fire protection equipment;

40 (3) Dry hydrants shall be located a reasonable distance from other dry or
41 pressurized hydrants; and

42 (4) The site shall provide a measurable economic improvement potential
43 for rural development.

44 6. New credits shall not be awarded under this section after August 28,
45 2010. The total amount of all tax credits allowed pursuant to this section is five
46 hundred thousand dollars in any one fiscal year as approved by the director of the
47 department of economic development.

48 7. Any rule or portion of a rule, as that term is defined in section 536.010,
49 that is created under the authority delegated in this section shall become effective
50 only if it complies with and is subject to all of the provisions of chapter 536 and,
51 if applicable, section 536.028. This section and chapter 536 are nonseverable and
52 if any of the powers vested with the general assembly pursuant to chapter 536 to
53 review, to delay the effective date or to disapprove and annul a rule are

54 subsequently held unconstitutional, then the grant of rulemaking authority and
55 any rule proposed or adopted after August 28, 2007, shall be invalid and void.]

[620.1039. 1. As used in this section, the term "taxpayer" means an
2 individual, a partnership, or any charitable organization which is exempt from
3 federal income tax and whose Missouri unrelated business taxable income, if any,
4 would be subject to the state income tax imposed under chapter 143, or a
5 corporation as described in section 143.441 or 143.471, or section 148.370, and
6 the term "qualified research expenses" has the same meaning as prescribed in 26
7 U.S.C. 41.

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

21 3. The director of economic development shall prescribe the manner in
22 which the tax credit may be applied for. The tax credit authorized by this section
23 may be claimed by the taxpayer to offset the tax liability imposed by chapter 143
24 or chapter 148 that becomes due in the tax year during which such qualified
25 research expenses were incurred. Where the amount of the credit exceeds the tax
26 liability, the difference between the credit and the tax liability may only be
27 carried forward for the next five succeeding taxable years or until the full credit
28 has been claimed, whichever first occurs. The application for tax credits
29 authorized by the director pursuant to subsection 2 of this section shall be made
30 no later than the end of the taxpayer's tax period immediately following the tax
31 period for which the credits are being claimed.

32 4. Certificates of tax credit issued pursuant to this section may be
33 transferred, sold or assigned by filing a notarized endorsement thereof with the
34 department which names the transferee and the amount of tax credit transferred.
35 The director of economic development may allow a taxpayer to transfer, sell or
36 assign up to forty percent of the amount of the certificates of tax credit issued to
37 and not claimed by such taxpayer pursuant to this section during any tax year
38 commencing on or after January 1, 1996, and ending not later than December 31,
39 1999. Such taxpayer shall file, by December 31, 2001, an application with the
40 department which names the transferee, the amount of tax credit desired to be
41 transferred, and a certification that the funds received by the applicant as a result

of the transfer, sale or assignment of the tax credit shall be expended within three years at the state university for the sole purpose of conducting research activities agreed upon by the department, the taxpayer and the state university. Failure to expend such funds in the manner prescribed pursuant to this section shall cause the applicant to be subject to the provisions of section 620.017.

5. No rule or portion of a rule promulgated under the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.

6. The aggregate of all tax credits authorized pursuant to this section shall not exceed nine million seven hundred thousand dollars in any year.

7. For all tax years beginning on or after January 1, 2005, no tax credits shall be approved, awarded, or issued to any person or entity claiming any tax credit under this section.]

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