

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Bill No. 264, Page 1, Section 26.275, Line 13, by inserting after said section and
2 line the following:

3
4 "135.750. 1. This act shall be referred to as the "Show Missouri Film and Digital Media
5 Act".

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

7 (1) "Highly compensated individual", any individual who receives compensation in excess
8 of [one million] two hundred fifty thousand dollars in connection with a single qualified film
9 production project;

10 (2) "Qualified film production project", any film, video, commercial, or television
11 production, as approved by the department of economic development and the office of the Missouri
12 film commission, that features a statement and logo designated by the department of economic
13 development in the credits of the film indicating that the project was filmed in Missouri and that is
14 under thirty minutes in length with an expected in-state expenditure budget in excess of fifty
15 thousand dollars[,] or [that] is over thirty minutes in length with an expected in-state expenditure
16 budget in excess of one hundred thousand dollars. Regardless of the production costs, "qualified
17 film production project" shall not include any:

18 (a) News or current events programming;

19 (b) Talk show;

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

22 (d) Sports event or sports program;

23 (e) Gala presentation or awards show;

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

25 (g) Political ad;

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

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

29 (a) Goods and services leased or purchased by the production company. For goods with a
30 purchase price of twenty-five thousand dollars or more, the amount included in qualifying in-state
31 expenses shall be the purchase price less the fair market value of the goods at the time the
32 production is completed;

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

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(4) "Qualifying out-of-state expenses", the sum of all compensation and wages paid by the production company to non-Missouri residents on which the production company remitted withholding payments to the department of revenue under chapter 143. For purposes of this section, "compensation and wages" shall not include any amounts paid to a highly compensated individual;

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

[(5)] (6) "Taxpayer", any individual, partnership, or corporation as described in section 143.441, 143.471, or section 148.370 that is subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 148 or any charitable organization which 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 chapter 143.

[2.] 3. (1) For all [taxable] tax years beginning on or after January 1, 1999, but ending on or before December 31, 2007, a taxpayer shall be granted a tax credit for up to fifty percent of the amount of investment in production or production-related activities in any film production project with an expected in-state expenditure budget in excess of three hundred thousand dollars[.];

(2) For all [taxable] tax years beginning on or after January 1, 2008, but ending on or before November 28, 2013, a taxpayer shall be allowed a tax credit for up to thirty-five percent of the amount of qualifying expenses in a qualified film production project; and

(3) For all tax years beginning on or after January 1, 2020, a taxpayer shall be allowed a tax credit equal to twenty percent of qualifying in-state expenses and ten percent of qualifying out-of-state expenses. An additional five percent may be earned for both qualifying in-state expenses and qualifying out-of-state expenses if at least fifty percent of the qualified film production project is filmed in Missouri. Each film production company shall be limited to one qualified film production project per year. Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be approved by the office of the Missouri film commission and the department of economic development.

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

[4.] 5. For all [taxable] tax years ending on or before December 31, 2007, tax credits certified pursuant to subsection [2] 3 of this section shall not exceed one million dollars per taxpayer per year, and shall not exceed a total for all tax credits certified of one million five hundred thousand dollars per year. For all [taxable] tax years beginning on or after January 1, 2008, tax credits certified under subsection [1] 3 of this section shall not exceed a total for all tax credits certified of four million five hundred thousand dollars per year. Taxpayers may carry forward unused credits for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film production or production-related activities for which the credits are certified by the department occurred.

[5.] 6. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits allowed in subsection [2] 3 of this section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or chapter 148. Unused acquired credits may be carried forward for up to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period in which the film

1 production or production-related activities for which the credits are certified by the department
2 occurred.

3 [6.] 7. Notwithstanding any provision of law to the contrary, the value of any tax credit
4 authorized under this section shall be ninety percent of the value determined by the department of
5 economic development for qualified projects located in municipalities, unless the applicable
6 municipality agrees by council vote to remit to the department of revenue one percent of the value
7 of the tax credit for qualified projects located within their boundaries to be credited to general
8 revenue. Thereupon, the value of the tax credit shall equal the full amount determined under this
9 section.

10 8. In addition to the information required by this section, an applicant for such tax credit
11 shall also include information detailing any political contributions in excess of twenty-five dollars
12 made to a Missouri candidate committee, Missouri campaign committee, or a Missouri state
13 political party committee, as these entities are defined under chapter 130, during the two years
14 immediately prior to the application filing date. The administering agency shall provide the
15 information submitted under this subsection to the Missouri ethics commission. Such information
16 shall be considered a public record under chapter 610.

17 9. Under section 23.253 of the Missouri sunshine act:

18 (1) The provisions of the new program authorized under this section shall automatically
19 sunset on December thirty-first six years after [November 28, 2007,] the effective date of this
20 section unless reauthorized by an act of the general assembly; and

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

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

26
27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.