

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 23, Page 1, Section  
2 A, Line 4, by inserting after all of said section and line the following:

3  
4 "26.950. The state historic preservation office and Missouri advisory council on historic  
5 preservation, chapter 253, are hereby transferred by type I transfer under the Omnibus State  
6 Reorganization Act of 1974 to the office of the lieutenant governor."; and

7  
8 Further amend said bill, Page 23, Section 143.125, Line 62, by inserting after all of said section and  
9 line the following:

10  
11 "143.183. 1. As used in this section, the following terms mean:

12 (1) "Nonresident entertainer", a person residing or registered as a corporation outside this  
13 state who, for compensation, performs any vocal, instrumental, musical, comedy, dramatic, dance or  
14 other performance in this state before a live audience and any other person traveling with and  
15 performing services on behalf of a nonresident entertainer, including a nonresident entertainer who  
16 is paid compensation for providing entertainment as an independent contractor, a partnership that is  
17 paid compensation for entertainment provided by nonresident entertainers, a corporation that is paid  
18 compensation for entertainment provided by nonresident entertainers, or any other entity that is paid  
19 compensation for entertainment provided by nonresident entertainers;

20 (2) "Nonresident member of a professional athletic team", a professional athletic team  
21 member who resides outside this state, including any active player, any player on the disabled list if  
22 such player is in uniform on the day of the game at the site of the game, and any other person  
23 traveling with and performing services on behalf of a professional athletic team;

24 (3) "Personal service income" includes exhibition and regular season salaries and wages,  
25 guaranteed payments, strike benefits, deferred payments, severance pay, bonuses, and any other type  
26 of compensation paid to the nonresident entertainer or nonresident member of a professional athletic  
27 team, but does not include prizes, bonuses or incentive money received from competition in a  
28 livestock, equine or rodeo performance, exhibition or show;

29 (4) "Professional athletic team" includes, but is not limited to, any professional baseball,  
30 basketball, football, soccer and hockey team.

31 2. Any person, venue, or entity who pays compensation to a nonresident entertainer shall  
32 deduct and withhold from such compensation as a prepayment of tax an amount equal to two  
33 percent of the total compensation if the amount of compensation is in excess of three hundred  
34 dollars paid to the nonresident entertainer. For purposes of this section, the term "person, venue, or  
35 entity who pays compensation" shall not be construed to include any person, venue, or entity that is  
36 exempt from taxation under 26 U.S.C. Section 501(c)(3), as amended, and that pays an amount to

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1 the nonresident entertainer for the entertainer's appearance but receives no benefit from the  
2 entertainer's appearance other than the entertainer's performance.

3 3. Any person, venue, or entity required to deduct and withhold tax pursuant to subsection 2  
4 of this section shall, for each calendar quarter, on or before the last day of the month following the  
5 close of such calendar quarter, remit the taxes withheld in such form or return as prescribed by the  
6 director of revenue and pay over to the director of revenue or to a depository designated by the  
7 director of revenue the taxes so required to be deducted and withheld.

8 4. Any person, venue, or entity subject to this section shall be considered an employer for  
9 purposes of section 143.191, and shall be subject to all penalties, interest, and additions to tax  
10 provided in this chapter for failure to comply with this section.

11 5. Notwithstanding other provisions of this chapter to the contrary, the commissioner of  
12 administration, for all taxable years beginning on or after January 1, 1999, but none after December  
13 31, 2030, shall annually estimate the amount of state income tax revenues collected pursuant to this  
14 chapter which are received from nonresident members of professional athletic teams and  
15 nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of  
16 thirty-one years, sixty percent of the annual estimate of taxes generated from the nonresident  
17 entertainer and professional athletic team income tax shall be allocated annually to the Missouri arts  
18 council trust fund, and shall be transferred, subject to appropriations, from the general revenue fund  
19 to the Missouri arts council trust fund established in section 185.100 and any amount transferred  
20 shall be in addition to such agency's budget base for each fiscal year. The director shall by rule  
21 establish the method of determining the portion of personal service income of such persons that is  
22 allocable to Missouri.

23 6. Notwithstanding the provisions of sections 186.050 to 186.067 to the contrary, the  
24 commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for  
25 none after December 31, 2030, shall estimate annually the amount of state income tax revenues  
26 collected pursuant to this chapter which are received from nonresident members of professional  
27 athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal  
28 year for a period of thirty-one years, ten percent of the annual estimate of taxes generated from the  
29 nonresident entertainer and professional athletic team income tax shall be allocated annually to the  
30 Missouri humanities council trust fund, and shall be transferred, subject to appropriations, from the  
31 general revenue fund to the Missouri humanities council trust fund established in section 186.055  
32 and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

33 7. Notwithstanding other provisions of section 182.812 to the contrary, the commissioner of  
34 administration, for all taxable years beginning on or after January 1, 1999, but for none after  
35 December 31, 2030, shall estimate annually the amount of state income tax revenues collected  
36 pursuant to this chapter which are received from nonresident members of professional athletic teams  
37 and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period  
38 of thirty-one years, ten percent of the annual estimate of taxes generated from the nonresident  
39 entertainer and professional athletic team income tax shall be allocated annually to the Missouri  
40 state library networking fund, and shall be transferred, subject to appropriations, from the general  
41 revenue fund to the secretary of state for distribution to public libraries for acquisition of library  
42 materials as established in section 182.812 and any amount transferred shall be in addition to such  
43 agency's budget base for each fiscal year.

44 8. Notwithstanding other provisions of section 185.200 to the contrary, the commissioner of  
45 administration, for all taxable years beginning on or after January 1, 1999, but for none after  
46 December 31, 2030, shall estimate annually the amount of state income tax revenues collected  
47 pursuant to this chapter which are received from nonresident members of professional athletic teams  
48 and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period  
49 of thirty-one years, ten percent of the annual estimate of taxes generated from the nonresident

entertainer and professional athletic team income tax shall be allocated annually to the Missouri public television broadcasting corporation special fund, and shall be transferred, subject to appropriations, from the general revenue fund to the Missouri public television broadcasting corporation special fund, and any amount transferred shall be in addition to such agency's budget base for each fiscal year; provided, however, that twenty-five percent of such allocation shall be used for grants to public radio stations which were qualified by the corporation for public broadcasting as of November 1, 1996. Such grants shall be distributed to each of such public radio stations in this state after receipt of the station's certification of operating and programming expenses for the prior fiscal year. Certification shall consist of the most recent fiscal year financial statement submitted by a station to the corporation for public broadcasting. The grants shall be divided into two categories, an annual basic service grant and an operating grant. The basic service grant shall be equal to thirty-five percent of the total amount and shall be divided equally among the public radio stations receiving grants. The remaining amount shall be distributed as an operating grant to the stations on the basis of the proportion that the total operating expenses of the individual station in the prior fiscal year bears to the aggregate total of operating expenses for the same fiscal year for all Missouri public radio stations which are receiving grants.

9. Notwithstanding other provisions of section 253.402 to the contrary, the commissioner of administration, for all taxable years beginning on or after January 1, 1999, but for none after December 31, 2030, shall estimate annually the amount of state income tax revenues collected pursuant to this chapter which are received from nonresident members of professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal year for a period of thirty-one years, ten percent of the annual estimate of taxes generated from the nonresident entertainer and professional athletic team income tax shall be allocated annually to the ~~Missouri department of natural resources~~ office of the lieutenant governor Missouri historic preservation revolving fund, and shall be transferred, subject to appropriations, from the general revenue fund to the ~~Missouri department of natural resources~~ office of the lieutenant governor Missouri historic preservation revolving fund established in section 253.402 and any amount transferred shall be in addition to such agency's budget base for each fiscal year.

10. This section shall not be construed to apply to any person who makes a presentation for professional or technical education purposes or to apply to any presentation that is part of a seminar, conference, convention, school, or similar program format designed to provide professional or technical education."; and

Further amend said bill, Page 29, Section 144.070, Line 121, by inserting after all of said section and line the following:

"194.400. As used in sections 194.400 to 194.410 the following words and phrases mean:

(1) "Council", the Missouri advisory council on historic preservation created under section 253.408;

(2) "Cultural items", shall include:

(a) "Associated funerary objects", objects that are reasonably believed to have been placed with individual human remains either at the time of death, or during the death rite or ceremony, or later, and all other items exclusively made for burial purposes including items made to contain human remains;

(b) "Unassociated funerary objects", objects that are reasonably believed to have been placed with individual human remains either at the time of death or during the death rite or ceremony, or later, which can be identified by a preponderance of the evidence as related to known human remains or an unmarked human burial site or can be identified as having been removed from a specific unmarked human burial site;

(3) "General archaeological investigation", refers to:

(a) Excavations performed by professional archaeologists usually consisting of a structured scientific undertaking comprised of three segments including field investigations, laboratory analysis, and preparation and submission of a report of investigation; and

(b) Identification of the presence of human remains in excavated materials considered to occur at the completion of the laboratory analysis segment of the studies as above;

(4) "Professional archaeologist", a person who has a graduate degree in archaeology, anthropology, or closely related field, at least one year of full-time professional experience or equivalent specialized training in archaeological research, administration of management, or at least four months of supervised field and analytic experience in general North American archaeology and demonstrated ability to carry archaeological research to completion, as evidenced by a master of arts or master of science thesis, or report equivalent in scope and quality;

(5) "Second or subsequent violation", any violation, other than the first violation, of a criminal law related to the trafficking of human remains or cultural items located in the state of Missouri, the United States, or any other state;

(6) "Skeletal analyst", a person possessing a postgraduate degree representing specialized training in skeletal biology, forensic osteology, or other relevant aspects of physical anthropology. The skeletal analyst shall have a minimum experience of one year in conducting laboratory reconstruction and analysis, and shall have demonstrated the ability to design and execute a skeletal analysis, and to present the written results and interpretations of such analysis in a thorough, scientific, and timely manner;

(7) "Specific scientific investigations", refers to detailed studies of human remains by professional archaeologists, anthropologists, osteologists, or professionals in related disciplines;

(8) "State historic preservation officer", the ~~[director of the department of natural resources]~~ lieutenant governor;

(9) "Unmarked human burial", any instance where human skeletal remains are discovered or believed to exist, but for which there exists no written historical documentation or grave markers.

253.022. The ~~[department of natural resources]~~ office of the lieutenant governor is authorized to administer the National Historic Preservation Act of 1966, Public Law 89-665.

253.390. The state historic preservation office and Missouri advisory council on historic preservation, chapter 253, are hereby transferred by type I transfer under the Omnibus State Reorganization Act of 1974 to the office of the lieutenant governor.

253.401. As used in sections 253.400 to 253.407, unless the context requires otherwise, the following terms mean:

(1) ~~["Department" means the department of natural resources;~~

(2) ~~"Fund" [means],~~ the historic preservation revolving fund;

(3) (2) "Historic property" or "property" ~~[means],~~ any building, structure, district, area or site that is significant in the history, architecture, archaeology or culture of this state, its communities or this country, which is eligible for nomination to the National Register of Historic Places;

(3) "Office", the office of the lieutenant governor.

253.402. For the purpose of protecting and preserving the historic properties of this state, there is hereby created a "Historic Preservation Revolving Fund" to be administered by the ~~[department of natural resources]~~ office of the lieutenant governor. All expenses incurred in the acquisition of and all revenues received from the disposition of property as provided in sections 253.400 to 253.407 shall be paid for out of and deposited in the historic preservation revolving fund. Any moneys appropriated and any other moneys made available by gift, grant, bequest, contribution or otherwise to the department to carry out the purpose of sections 253.400 to 253.407, and all

1 interest earned on, and income generated from, moneys in the fund shall be paid to, and deposited  
2 in, the historic preservation revolving fund.

3 253.403. 1. From the moneys in the historic preservation revolving fund, upon  
4 appropriation by the general assembly, the ~~[department of natural resources-]~~ office of the lieutenant  
5 governor may acquire, preserve, restore, hold, maintain or operate any historic properties, together  
6 with such adjacent or associated lands as may be necessary for their protection, preservation,  
7 maintenance or operation, or may award grants to preserve, protect, or restore historic county  
8 courthouses and historic county courthouse grounds. Acquisition of historic property may include  
9 acquiring the fee simple title or any lesser interest therein. Property may be acquired by gift, grant,  
10 bequest, devise, lease, purchase or otherwise, but not by condemnation.

11 2. The ~~[department of natural resources-]~~ office of the lieutenant governor is authorized to  
12 award grants to preserve, protect, or restore historic county courthouses and historic county  
13 courthouse grounds in accordance with rules the ~~[department]~~ office shall promulgate. The  
14 ~~[department of natural resources-]~~ office of the lieutenant governor shall administer and act as the  
15 fiscal agent for the grant program and shall be responsible for receiving and reviewing grant  
16 applications and awarding any grants under this section. Any rule or portion of a rule, as that term  
17 is defined in section 536.010, that is created under the authority delegated in this section shall  
18 become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
19 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers  
20 vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
21 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
22 authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

23 253.404. Any interest in property acquired using the moneys in the historic preservation  
24 revolving fund shall be limited to that estate, agency, interest or term deemed by the ~~[department]~~  
25 office to be reasonably necessary for the continued protection or preservation of the property. The  
26 moneys in this fund may be used to acquire the fee simple title, but where the department finds that  
27 a lesser interest, including any development right, negative or affirmative easement in gross or  
28 appurtenant covenant, lease or other contractual right of or to any real property to be the most  
29 practical and economical method of protecting and preserving historical property, the lesser interest  
30 may be acquired.

31 253.405. The ~~[department]~~ office, using moneys from this fund, may acquire or, in the case  
32 of property on which moneys from this fund have been expended, dispose of the fee or lesser  
33 interest to any historic property, including adjacent and associated lands, for the specific purpose of  
34 conveying or leasing the property back to its original owner or to any such other person, firm,  
35 association, corporation or other organization under such covenants, deed restrictions, lease or other  
36 contractual arrangements as will limit the future use of the property in such a way as to insure its  
37 preservation. In all cases where property on which money from this fund has been expended is  
38 conveyed or leased, it shall be subjected by covenant, or otherwise, to such rights of access, public  
39 visitation and other conditions as may be agreed upon between the ~~[department]~~ office and the  
40 grantee or lessee to accomplish the purpose of this section. Any conveyance or lease shall contain a  
41 reversion clause providing that, in the event the historic property is not operated, maintained,  
42 restored and repaired in accordance with the provisions of this section or in such a way as to insure  
43 its preservation, title and control of such property shall immediately revert to and vest in the  
44 governor.

45 253.408. 1. Sections 253.408 to 253.412 shall be known and may be cited as the "State  
46 Historic Preservation Act".

47 2. The ~~[director of the department of natural resources-]~~ lieutenant governor is hereby  
48 designated as the state historic preservation officer. The state historic preservation office shall be  
49 located in the ~~[department of natural resources-]~~ office of the lieutenant governor and shall be

1 responsible for establishing, implementing, and administering federal and state programs or plans  
2 for historic preservation and shall have the following duties including, but not limited to:

- 3 (1) Direct and conduct a comprehensive statewide survey of historic, archaeological,  
4 architectural, and cultural properties and maintain inventories of such properties;
- 5 (2) Identify and nominate eligible properties to the National Register of Historic Places and  
6 otherwise administer applications for listing historic properties on the national register;
- 7 (3) Prepare and implement a comprehensive statewide historic preservation plan;
- 8 (4) Administer the state program of federal assistance for historic preservation within the  
9 state;
- 10 (5) Administer historic preservation fund grants as mandated by the National Historic  
11 Preservation Act of 1966, as amended;
- 12 (6) Provide public information, education and training, and technical assistance relating to  
13 the federal and state historic preservation programs;
- 14 (7) Cooperate with local governments in the development of local historic preservation  
15 programs, and to assist local governments in becoming certified pursuant to the Historic  
16 Preservation Act of 1966, as amended;
- 17 (8) Advise and assist federal and state agencies and local governments in carrying out their  
18 historic preservation responsibilities;
- 19 (9) Cooperate with the National Advisory Council on Historic Preservation, federal and  
20 state agencies, local governments, and organizations and individuals to ensure that historic  
21 properties are taken into consideration at all levels of planning and development;
- 22 (10) Administer responsibilities as detailed in sections 194.400 to 194.410;
- 23 (11) Administer the historic preservation revolving fund, as detailed in sections 253.400 to  
24 253.407; and

25 (12) Cooperate with the department of economic development in administering the ~~[main~~  
26 ~~street Missouri act]~~ Missouri main street program act, as detailed in sections 251.470 to 251.485.

27 3. (1) There is hereby established and created, within the ~~[department of natural resources]~~  
28 office of the lieutenant governor, the "Missouri Advisory Council on Historic Preservation"  
29 consisting of nine persons, to be appointed by the governor with the advice and consent of the  
30 senate, who shall serve without compensation other than expenses incurred. The membership of the  
31 council shall be as provided in 36 C.F.R. Part 61.4, as may be amended from time to time, and shall  
32 consist of persons having expertise and knowledge in the fields of history, historic and prehistoric  
33 archaeology, architectural history, architecture, and economic and community development, as well  
34 as nonprofessional members with demonstrated interest in historic preservation. Each member shall  
35 serve for a term of two years from the date of appointment and until his or her replacement is duly  
36 appointed.

37 (2) The council shall meet at least three times per year and may adopt bylaws to govern its  
38 operations which bylaws shall be consistent with all applicable federal rules and regulations.

39 (3) The council shall have all the powers, duties and responsibilities provided by federal law  
40 and the rules and regulations for such council including, but not limited to, the following:

41 (a) Reviewing and approving each national register nomination prior to submission to the  
42 national register;

43 (b) Reviewing each completed state historic preservation plan as developed by the state  
44 historic preservation officer prior to its submission to the Secretary of the United States Department  
45 of Interior; and

46 (c) Providing general advice, guidance, and professional recommendations to the state  
47 historic preservation officer in conducting the comprehensive statewide survey, preparing the state  
48 historic preservation plan, carrying out any grants-in-aid program, and carrying out the other duties  
49 and responsibilities of the state historic preservation officer.

253.420. 1. After August 28, 1991, no person, corporation, partnership, proprietorship or organization shall initiate salvage operations, excavation or similar ground disturbing activities of any submerged or embedded abandoned shipwreck in this state which meets the national register of historic places criteria without obtaining a permit from the ~~[department of natural resources]~~ office of the lieutenant governor as provided in this section. As used in this section, the term "embedded" means firmly affixed in lands such that the use of excavation tools is required in order to gain access to any part of the shipwreck or its cargo.

2. The ~~[department of natural resources]~~ office of the lieutenant governor shall not issue a permit under this section unless the applicant submits a detailed plan of the activities regulated by this section to be made by the applicant and such plan is approved by the ~~[department]~~ office. The ~~[department]~~ office is authorized to promulgate appropriate regulations for the administration of this section. All recovery and investigation plans shall meet the current professional standards for such activities, which minimize the risk of loss or damage to the shipwreck or its cargo. An applicant shall be a professional archaeologist, as defined in section 194.400, or shall hire a professional archaeologist as a staff member or consultant to the activities regulated by this section. Upon approval of a permit application, the applicant shall pay a permit fee of one hundred dollars to the director of the department of revenue, who shall deposit all funds received pursuant to this section in the state treasury to the credit of the general revenue fund. The ~~[department of natural resources]~~ office of the lieutenant governor shall approve or deny any application for a permit under this section within thirty days of application.

3. In the event there is a sale, at least fifty percent of each class, category or type of all artifacts or recovered materials shall be donated or offered for sale at fair market value to public or private museums or to other public institutions in this state. Such museums and institutions shall study, interpret and display such materials or artifacts. To the maximum extent possible, such artifacts shall remain in Missouri.

4. Any person, corporation, partnership, proprietorship or organization who violates the provisions of this section shall be guilty of a class A misdemeanor. Upon conviction, all specimens, objects and materials collected or excavated by such person, together with all photographs and records relating to such material, are property of the state. Each day of a continuing violation of subsection 1 of this section shall constitute a separate offense.

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 section 536.024.

253.421. 1. As used in section 253.420 and this section, the following words and phrases mean:

(1) ~~["Department", the department of natural resources, state historic preservation office;~~  
 (2) "Historic shipwreck", artifacts and remains of historic shipwreck sites which are over fifty years in age, including but not limited to a ship's structure and rigging, machinery, hardware, tools, utensils, cargo, personal items of crew passengers, and monetary or treasure trove;

~~[(3)]~~ (2) "Lands beneath navigable waters":

(a) All lands within the boundaries of this state which are covered by nontidal waters that are now navigable, or were navigable under the laws of the United States at the time this state became a member of the Union or acquired sovereignty over such lands and waters thereafter, up to the ordinary high water mark as heretofore or hereafter modified by accretion, erosion, river channel shifts, and reliction;

(b) All filled in, made, or reclaimed lands which formerly were lands beneath navigable waters;

(3) "Office", the office of the lieutenant governor;

(4) "Shipwreck", a vessel or wreck, its cargo, and other contents, reasonably believed to have wrecked or been abandoned at least fifty years prior to any permit application.

2. Under the Abandoned Shipwreck Act of 1987, 43 U.S.C. Sections 2101-2106, all historic shipwreck materials and such objects having intrinsic or historical and archaeological value which have been abandoned on lands beneath navigable waters shall belong to the state with jurisdiction thereto vested in the department for the purposes of administration and protection. The department shall have the authority to promulgate rules and regulations for the acceptable visitation, study, and salvage of such historic shipwreck materials.

3. Any plan of regulated activities submitted by an applicant under subsection 2 of section 253.420 shall include authorized written permission from any affected landowner allowing access both to and from sites on the property and permitting any ground-disturbing activities on such property.

253.544. Sections 253.544 to 253.559 shall be known and may be cited as the "Missouri Historic, Rural Revitalization, and Regulatory Streamlining Act".

253.545. As used in sections ~~[253.545]~~ 253.544 to 253.559, the following terms mean, unless the context requires otherwise:

(1) "Applicable percentage":

(a) For the rehabilitation of a property that receives or intends to receive a state tax credit under sections 135.350 to 135.363, twenty-five percent;

(b) For the rehabilitation of a property located in a qualifying county approved for a state tax credit and that is not a property that receives or intends to receive a state tax credit under sections 135.350 to 135.363, thirty-five percent; or

(c) For the rehabilitation of a property not located in a qualifying county approved for a tax credit, twenty-five percent;

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

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

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

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

~~[(4)]~~ (6) "Eligible recipient", an individual taxpayer or nonprofit entity incurring expenses in connection with an eligible property;

(7) "Leasehold interest", a lease in an eligible property for a term of not less than thirty years;

~~[(5)]~~ (8) "Principal", a managing partner, general partner, or president of a taxpayer;

~~[(6)]~~ "Projected net fiscal benefit", the total net fiscal benefit to the state or municipality, less any state or local benefits offered to the taxpayer for a project, as determined by the department of economic development;

~~[(7)]~~ (9) "Qualified census tract", a census tract or census block with a poverty rate of twenty percent or higher as determined by a map and listing of census tracts which shall be published by the department [of economic development] and updated on a five-year cycle, and which map and listing shall depict census tracts with twenty percent poverty rate or higher, grouped by census tracts with twenty percent to forty-two percent poverty, and forty-two percent to eighty-one percent poverty as determined by the most current five-year figures published by the American Community Survey conducted by the United States Census Bureau;

~~[(8)]~~ (10) "Qualified rehabilitation standards", the Secretary of the Interior's Standards for Rehabilitation, codified under 36 CFR 67;

(11) "Qualifying county", any county or portion thereof in this state that is not:

(a) Within a city with more than four hundred thousand inhabitants and located in more than one county; or



1 (b) A city not within a county;

2 (12) "Structure in a certified historic district", a structure located in Missouri which is  
 3 certified by the ~~[department of natural resources]~~ state historic preservation office as contributing to  
 4 the historic significance of a certified historic district listed on the National Register of Historic  
 5 Places, or a local district that has been certified by the United States Department of the Interior;

6 ~~[(9)]~~ (13) "Taxpayer", any person, firm, partnership, trust, estate, limited liability company,  
 7 or corporation;

8 (14) "Theater", any historic theater that is a certified historic structure or is located in a  
 9 historic district;

10 (15) "Vacant school", any historic school that is a certified historic structure or that is  
 11 located in a historic district.

12 253.550. 1. (1) Any taxpayer incurring costs and expenses for the rehabilitation of eligible  
 13 property, which is a certified historic structure or structure in a certified historic district, may,  
 14 subject to the provisions of this section and section 253.559, receive a credit against the taxes  
 15 imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer  
 16 in an amount equal to twenty-five percent of the total costs and expenses of rehabilitation incurred  
 17 after January 1, 1998, which shall include, but not be limited to, qualified rehabilitation  
 18 expenditures as defined under Section 47(c)(2)(A) of the Internal Revenue Code of 1986, as  
 19 amended, and the related regulations thereunder, provided the rehabilitation costs associated with  
 20 rehabilitation and the expenses exceed fifty percent of the total basis in the property and the  
 21 rehabilitation meets standards consistent with the standards of the Secretary of the United States  
 22 Department of the Interior for rehabilitation as determined by the ~~[state historic preservation officer~~  
 23 ~~of the Missouri department of natural resources]~~ office of the lieutenant governor. Ten percent of  
 24 such total costs and expenses of rehabilitation upon which the tax credit is based may be incurred  
 25 for building stabilization before the taxpayer submits the application for tax credits under sections  
 26 253.544 to 253.559.

27 (2) Any taxpayer incurring costs and expenses for the rehabilitation of eligible property that  
 28 is in a qualifying county and is a certified historic structure or a structure in a certified historic  
 29 district shall, subject to the provisions of this section and section 253.559, receive a credit against  
 30 the taxes imposed under chapters 143 and 148, excluding withholding tax imposed under sections  
 31 143.191 to 143.265, on such taxpayer in an amount equal to thirty-five percent of the total costs and  
 32 expenses of rehabilitation incurred on or after July 1, 2023. Ten percent of the total costs and  
 33 expenses of rehabilitation upon which the tax credit is based may be incurred for building  
 34 stabilization before the taxpayer submits the application for tax credits under sections 253.544 to  
 35 253.559. Such total costs and expenses of rehabilitation shall include, but not be limited to,  
 36 qualified rehabilitation expenditures as defined under 26 U.S.C. Section 47(c)(2)(A), as amended,  
 37 and related regulations, if:

38 (a) Such qualified rehabilitation expenditures exceed fifty percent of the total basis in the  
 39 property; and

40 (b) The rehabilitation meets the qualified rehabilitation standards of the Secretary of the  
 41 United States Department of the Interior for rehabilitation of historic structures.

42 (3) State historic rehabilitation standards shall not be more restrictive than the Secretary of  
 43 the Interior's Standards for Rehabilitation set forth under 36 CFR 67.

44 2. (1) ~~[During the period beginning on January 1, 2010, but ending on or after June 30,~~  
 45 ~~2010, the department of economic development shall not approve applications for tax credits under~~  
 46 ~~the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate, exceed seventy~~  
 47 ~~million dollars, increased by any amount of tax credits for which approval shall be rescinded under~~  
 48 ~~the provisions of section 253.559. For each fiscal year beginning on or after July 1, 2010, but~~  
 49 ~~ending before June 30, 2018, the department of economic development shall not approve~~

1 applications for tax credits under the provisions of subsections 4 and 10 of section 253.559 which, in  
 2 the aggregate, exceed one hundred forty million dollars, increased by any amount of tax credits for  
 3 which approval shall be rescinded under the provisions of section 253.559. For each fiscal year  
 4 beginning on or after July 1, 2018,] The department [of economic development] shall not approve  
 5 applications for tax credits for properties not located in a qualified census tract under the provisions  
 6 of subsections [4] 6 and [10] 12 of section 253.559 which, in the aggregate, exceed ninety million  
 7 dollars, increased by any amount of tax credits for which approval shall be rescinded under the  
 8 provisions of section 253.559. The limitations provided under this subsection shall not apply to  
 9 applications approved under the provisions of subsection [4] 6 of section 253.559 for projects to  
 10 receive less than [two] three hundred [seventy-five] thousand dollars in tax credits, which number  
 11 shall be annually adjusted by the percentage increase in the Consumer Price Index for All Urban  
 12 Consumers, or its successor index, as such index is defined and officially reported by the United  
 13 States Department of Labor, or its successor agency.

14 (2) For each fiscal year beginning on or after July 1, 2018, the department shall authorize an  
 15 amount up to, but not to exceed, an additional thirty million dollars in tax credits issued under  
 16 subsections [4] 6 and [10] 12 of section 253.559, provided that such tax credits are authorized solely  
 17 for projects located in a qualified census tract. Projects that receive preliminary approval that are  
 18 located within a qualified census tract may receive an authorization of tax credit under either  
 19 subdivision (1) of this subsection or this subdivision, but such projects shall first be authorized from  
 20 the tax credit amount in this subdivision before being authorized from the tax credit amount in  
 21 subdivision (1) of this subsection. The thirty million dollars in tax credits provided in this  
 22 subdivision shall be annually adjusted by the percentage increase in the Consumer Price Index for  
 23 All Urban Consumers, or its successor index, as such index is defined and officially reported by the  
 24 United States Department of Labor, or its successor agency.

25 (3) For each fiscal year beginning on or after July 1, 2018, if the maximum amount of tax  
 26 credits allowed in any fiscal year as provided under subdivisions (1) and (2) of this subsection is  
 27 authorized, the maximum amount of tax credits allowed under [subdivision (1)] subdivisions (1) and  
 28 (2) of this subsection shall be adjusted by the percentage increase in the Consumer Price Index for  
 29 All Urban Consumers, or its successor index, as such index is defined and officially reported by the  
 30 United States Department of Labor, or its successor agency. Only one such adjustment shall be  
 31 made for each instance in which the provisions of this subdivision apply. The director of the  
 32 department [of economic development] shall publish such adjusted amount.

33 3. (1) For all applications for tax credits approved on or after January 1, 2010, no more than  
 34 two hundred fifty thousand dollars in tax credits may be issued for eligible costs and expenses  
 35 incurred in the rehabilitation of an eligible property [which] that is a [nonincome] non-income-  
 36 producing single-family[, owner-occupied] residential property occupied by the taxpayer applicant  
 37 or any relative within the third degree of consanguinity or affinity of such applicant and that is either  
 38 a certified historic structure or a structure in a certified historic district.

39 (2) For all applications for tax credits, an amount equal to the applicable percentage may be  
 40 issued for eligible costs and expenses incurred in the rehabilitation of an eligible property that is a  
 41 non-income-producing single-family residential property occupied by the taxpayer applicant or any  
 42 relative within the third degree of consanguinity or affinity of such applicant and that is either a  
 43 certified historic structure or a structure in a certified historic district. For properties not located in a  
 44 qualifying county, tax credits shall not be issued under this subdivision unless the property is located  
 45 in a distressed community, as defined under section 135.530.

46 4. The limitations on tax credit authorization provided under the provisions of subsection 2  
 47 of this section shall not apply to:

48 (1) Any application submitted by a taxpayer, which has received approval from the  
 49 department prior to October 1, 2018; or

(2) Any taxpayer applying for tax credits, provided under this section, which, on or before October 1, 2018, has filed an application with the department evidencing that such taxpayer:

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

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

5. A single-resource certified historic structure of more than one million gross square feet with a Part I approval before January 1, 2023, shall not be subject to the dollar caps under subsection 2 of section 253.550 if:

(1) The project otherwise meets all the requirements of this section;

(2) The project meets the ten percent incurred costs test under subsection 10 of section 253.559 within thirty-six months after an award is issued; and

(3) The taxpayer agrees with the department of economic development, on a form prescribed by the department, to claim the original "state historical tax credits" over three state fiscal years with the initial year being the calendar year when the tax credits are issued.

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in which the rehabilitated property is placed in service, the amount that exceeds the state tax liability may be carried back to any of the three preceding years and carried forward for credit against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first. Not-for-profit entities<sub>;</sub> including, but not limited to, corporations organized as not-for-profit corporations pursuant to chapter 355 shall be ~~ineligible~~ eligible for the tax credits authorized under sections ~~[253.545 through 253.561]~~ 253.544 to 253.559. Taxpayers eligible for ~~such~~ tax credits may transfer, sell, or assign the credits. Credits granted to a partnership, a limited liability company taxed as a partnership, or multiple owners of property shall be passed through to the partners, members, or owners respectively pro rata or pursuant to an executed agreement among the partners, members, or owners documenting an alternate distribution method.

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

253.559. 1. To obtain approval for tax credits allowed under sections ~~[253.545]~~ 253.544 to 253.559, a taxpayer shall submit an application for tax credits to the department ~~[of economic development]~~. The department shall establish an application cycle that allows for year-round submission and year-round receipt and review of such applications. Each application for approval, including any applications received for supplemental allocations of tax credits as provided under subsection ~~[40]~~ 12 of this section, shall be prioritized for review and approval, in the order of the date on which the application was postmarked, with the oldest postmarked date receiving priority. Applications postmarked on the same day shall go through a lottery process to determine the order in which such applications shall be reviewed.

2. Each application shall be reviewed by the department ~~[of economic development]~~ for approval. In order to receive approval, an application, other than applications submitted under the provisions of subsection ~~[40]~~ 12 of this section, shall include:

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

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

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

(4) Proof that the property is an eligible property and a certified historic structure or a structure in a certified historic district or part 1 of a federal application or a draft national register of historic places nomination has been submitted to the state historic preservation office of the office of the lieutenant governor;

(5) A copy of ~~[all]~~ land use ~~[and building approvals reasonably necessary for the commencement of the project]~~ plans; and

(6) Any other information ~~[which]~~ the department ~~[of economic development]~~ may reasonably require to review the project for approval.

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

3. (1) In evaluating an application for tax credits submitted under this section, the department ~~[of economic development]~~ shall also consider:

(a) The amount of projected net fiscal benefit of the project to the state and local municipality~~], and the period in which the state and municipality would realize such net fiscal benefit]~~ as calculated based on reasonable methods, which shall exclude proprietary computer models;

(b) The overall size and quality of the proposed project~~];~~ including, but not limited to:

a. The estimated number of new jobs or housing units, or both, to be created by the project~~];~~

b. The estimated number of construction jobs and professional jobs associated with the project that are included in total project costs;

c. Capital improvements created by a project and the potential of future capital improvements;

d. Increased revenues from sales or property taxes;

e. The potential multiplier effect of the project~~];~~ and

f. Other similar factors; and

(c) ~~[The level of economic distress in the area; and~~

(d) ~~]~~ Input from the local elected officials in the local municipality in which the proposed project is located as to the importance of the proposed project to the municipality. ~~[For any~~

1 proposed project in any city not within a county, input from the local elected officials shall include,  
2 but shall not be limited to, the president of the board of aldermen.]

3 (2) The provisions of this subsection shall not apply to vacant schools or theaters or  
4 applications for projects to receive less than ~~[two]~~ three hundred ~~[seventy-five]~~ thousand dollars in  
5 tax credits, which number shall be annually adjusted by the percentage increase in the Consumer  
6 Price Index for All Urban Consumers, or its successor index, as such index is defined and officially  
7 reported by the United States Department of Labor, or its successor agency.

8 4. The state historic preservation office shall allow for a third-party review as evidence that  
9 the proposed rehabilitation satisfies the qualified rehabilitation standard.

10 5. (1) The department shall promptly notify the state historic preservation office of the  
11 office of the lieutenant governor of each preliminary application for tax credits. After receipt of  
12 such notice, the state historic preservation office shall determine whether a rehabilitation satisfies  
13 the qualified rehabilitation standards within ninety days of a taxpayer filing an initial application for  
14 tax credits. The determination shall be based upon evidence that the rehabilitation will meet  
15 qualified rehabilitation standards, and that evidence shall consist of one of the following:

16 (a) Preliminary approval by the state historic preservation office; or

17 (b) An approved part 2 of the federal application, which the state historic preservation office  
18 shall forward directly to the department without any additional review by such office.

19 (2) If the state historic preservation office approves the application for tax credits within the  
20 ninety-day determination period established in subdivision (1) of this subsection, such office shall  
21 forward the application with any review comments to the National Park Service and shall forward  
22 any such review comments to the applicant. If such office fails to approve the application within the  
23 ninety-day determination period, such office shall forward the application without any comments to  
24 the National Park Service and shall have no further opportunity to submit any comments on such  
25 application.

26 (3) Conditions on a state preliminary application or on part 2 of a federal application shall  
27 not delay preliminary state approval but shall be addressed by the applicant for final approval of  
28 such application.

29 (4) Any application for state tax credits that does not include an application for federal tax  
30 credits or a nomination to the federal National Register of Historic Places shall be reviewed by the  
31 state historic preservation office within ninety days of a notice received under subdivision (1) of this  
32 subsection.

33 (5) (a) An application for state tax credits may provide information indicating that the  
34 project is a phased rehabilitation project as described under 26 U.S.C. Section 47, as amended.  
35 Such application for a phased rehabilitation project shall include at least the following:

36 a. A schedule of the phases of the project with a beginning date for each phase and the  
37 expected costs for the whole project. The applicant may submit detailed plans for the project at a  
38 later time within the application process;

39 b. The adjusted total basis of such project, which shall be submitted with the schedule of  
40 phases of the project; and

41 c. A statement that the applicant agrees to begin each phase of such project within twelve  
42 months of the start date for such phase listed in the schedule of the phases.

43 (b) The applicant may submit a preliminary certification of costs upon the completion of  
44 each phase of the project.

45 (c) Upon approval of the cost certification submitted and the work completed on each phase  
46 of such project, the department shall issue eighty percent of the amount of the state tax credit for  
47 which the taxpayer is approved under this section. The remaining twenty percent of the amount of  
48 the state tax credit for which the taxpayer is approved under this section shall be issued upon the  
49 final approval of the project under this section.

(6) If the department determines that the amount of tax credits issued to a taxpayer under subdivision (5) of this subsection is in excess of the total amount of tax credits such taxpayer is eligible to receive, the department shall notify such taxpayer, and such taxpayer shall repay the department an amount equal to such excess.

[4-] 6. If the department [~~of economic development~~] deems the application sufficient, the taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the amount provided under section 253.550 less any amount of tax credits previously approved. Such approvals shall be granted to applications in the order of priority established under this section and shall require full compliance thereafter with all other requirements of law as a condition to any claim for such credits. If the department [~~of economic development~~] disapproves an application, the taxpayer shall be notified in writing of the reasons for such disapproval. A disapproved application may be resubmitted. If the scope of a project for which an application has been approved under this section materially changes, the taxpayer shall be eligible to receive additional tax credits in the year in which the department is notified of and approves of such change in scope, subject to the provisions of subsection 2 of section 253.550 and subsection 7 of this section, if applicable; however, if such project was originally approved prior to August 28, 2018, the department shall evaluate the change in scope of the project under the criteria in effect prior to such date. A change in project scope shall be considered material under this subsection if:

(1) The project was not previously subject to a material change in scope for which additional tax credits were approved; and

(2) The requested amount of tax credits for the project after the change in scope is higher than the originally approved amount of tax credits.

[5-] 7. Following approval of an application, the identity of the taxpayer contained in such application shall not be modified except:

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

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

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

[7-] 9. All taxpayers with applications receiving approval on or after July 1, 2019, shall submit within [~~sixty~~] one hundred twenty days following the award of credits evidence of the capacity of the applicant to finance the costs and expenses for the rehabilitation of the eligible property in the form of a line of credit or letter of commitment subject to the lender's termination for a material adverse change impacting the extension of credit. If the department [~~of economic development~~] determines that a taxpayer has failed to comply with the requirements under this

subsection, then the department shall notify the applicant of such failure and the applicant shall have a thirty-day period from the date of such notice to submit additional evidence to remedy the failure.

[8-] 10. All taxpayers with applications receiving approval on or after the effective date of this act shall commence rehabilitation within ~~[nine]~~ eighteen months of the date of issuance of the letter from the department ~~[of economic development]~~ granting the approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in which actual physical work, contemplated by the architectural plans submitted with the application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided in the application. Taxpayers with approval of a project shall submit evidence of compliance with the provisions of this subsection. Taxpayers shall notify the department of any loss of site control or of any failure to exercise any option to obtain site control within the prescribed time period within ten days of such loss or failure. If the department ~~[of economic development]~~ determines that a taxpayer has lost or failed to obtain site control of the eligible property or otherwise failed to comply with the requirements provided under this section, the approval for the amount of tax credits for such taxpayer shall be rescinded [and such amount of tax credits]. A taxpayer may voluntarily forfeit such approval at any time by written notice to the department. Any approval rescinded or forfeited under this subsection shall then be included in the total amount of tax credits available in the year of such rescission or forfeiture, provided under subsection 2 of section 253.550, from which approvals may be granted. Any taxpayer whose approval [shall be subject to rescission] is rescinded or forfeited under this subsection shall be notified of such from the department [of economic development] and, upon receipt of such notice, may submit a new application for the project. If a taxpayer's approval is rescinded or forfeited under this subsection and such taxpayer later submits a new application for the same project, any expenditures eligible for tax credits under section 253.550 that are incurred by such taxpayer from and after the date of the rescinded or forfeited approval shall remain eligible expenditures for the purposes of determining the amount of tax credits that may be approved under section 253.550.

[9-] 11. (1) (a) To claim the credit authorized under sections ~~[253.550]~~ 253.544 to 253.559, a taxpayer with approval shall apply for final approval and issuance of tax credits from the department ~~[of economic development], which[, in consultation with the department of natural resources,]~~ shall determine the final amount of eligible rehabilitation costs and expenses and whether the completed rehabilitation meets the qualified rehabilitation standards of the Secretary of the United States Department of the Interior for rehabilitation ~~[as determined by the state historic preservation officer of the Missouri department of natural resources]~~.

(b) Final approval shall be shown by one of the following:

- a. Final approval by the state historic preservation office; or
- b. An approved part 3 of the federal application.

(c) For applications for tax credits for an eligible property for which a taxpayer applies for both the federal historic preservation certification under the Internal Revenue Code of 1986, as amended, and the state historic tax credits under section 253.544 to 253.559, a taxpayer may submit part 1 of the federal application approved by the National Park Service with such state tax credit application. In such instances, the state tax credit application may proceed as a preliminary application concurrent with the associated federal process for nomination to the National Register of Historic Places. An award of tax credits under sections 253.544 to 253.559 shall be contingent on and awarded upon the listing of such eligible property on the National Register of Historic Places.

(d) The state historic preservation office shall allow for a third-party review as evidence that the completed rehabilitation satisfies the qualified rehabilitation standards.

(2) Within sixty days of the department's receipt of all materials required by the department for an application for final approval and issuance of tax credits, which shall include a state approval by the state historic preservation office or an approved part 3 of the federal application for projects

1 receiving federal rehabilitation credits, the department shall issue to the taxpayer tax credit  
 2 certificates in the amount of seventy-five percent of the lesser of:

3 (a) The total amount of the tax credits for which the taxpayer is eligible as provided in the  
 4 taxpayer's certification of qualified expenses submitted with an application for final approval; or

5 (b) The total amount of tax credits approved for such project under subsection 3 of this  
 6 section, including any amounts approved in connection with a material change in scope of the  
 7 project.

8 (3) Within one hundred twenty days of the department's receipt of all materials required by  
 9 the department for an application of final approval and issuance of tax credits for a project, the  
 10 department shall, unless such project is under appeal under subsection 14 of this section:

11 (a) Make a final determination of the total costs and expenses of rehabilitation and the  
 12 amount of tax credits to be issued for such costs and expenses;

13 (b) Notify the taxpayer in writing of its final determination; and

14 (c) Issue to the taxpayer tax credit certificates in an amount equal to the remaining amount  
 15 of tax credits such taxpayer is eligible to receive, as determined by the department, but was not  
 16 issued in the initial tax credit issuance under subdivision (2) of this subsection.

17 (4) If the department determines that the amount of tax credits issued to a taxpayer in the  
 18 initial tax credit issuance under subdivision (2) of this subsection is in excess of the total amount of  
 19 tax credits such taxpayer is eligible to receive, the department shall notify such taxpayer, and such  
 20 taxpayer shall repay the department an amount equal to such excess.

21 (5) For financial institutions credits authorized pursuant to sections [253.550 to 253.561]  
 22 253.544 to 253.559 shall be deemed to be economic development credits for purposes of section  
 23 148.064. The approval of all applications and the issuing of certificates of eligible credits to  
 24 taxpayers shall be performed by the department [of economic development]. The department [of  
 25 economic development] shall inform a taxpayer of final approval by letter and shall issue, to the  
 26 taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all Missouri income tax  
 27 returns on which the credit is claimed.

28 [40:] 12. Except as expressly provided in this subsection, tax credit certificates shall be  
 29 issued in the final year that costs and expenses of rehabilitation of the project are incurred, or within  
 30 the twelve-month period immediately following the conclusion of such rehabilitation. In the event  
 31 the amount of eligible rehabilitation costs and expenses incurred by a taxpayer would result in the  
 32 issuance of an amount of tax credits in excess of the amount provided under such taxpayer's  
 33 approval granted under subsection [4] 6 of this section, such taxpayer may apply to the department  
 34 for issuance of tax credits in an amount equal to such excess. Applications for issuance of tax  
 35 credits in excess of the amount provided under a taxpayer's application shall be made on a form  
 36 prescribed by the department. Such applications shall be subject to all provisions regarding priority  
 37 provided under subsection 1 of this section.

38 [41:] 13. The department [of economic development] shall determine, on an annual basis,  
 39 the overall economic impact to the state from the rehabilitation of eligible property.

40 14. (1) With regard to an application submitted under sections 253.544 to 253.559, an  
 41 applicant or an applicant's duly authorized representative may appeal any official decision, including  
 42 all preliminary or final approvals, denials of approvals, or dollar amounts of issued tax credits, made  
 43 by the department of economic development or the state historic preservation office. Such an appeal  
 44 shall constitute an administrative review of the decision and shall not be conducted as an  
 45 adjudicative proceeding.

46 (2) The department shall establish an equitable appeals process.

47 (3) The appeals process shall incorporate an independent review panel consisting of  
 48 members of the private sector and the department.

49 (4) The department shall name an independent appeals officer as chair.



(5) An appeal shall be submitted to the designated appeals officer or review panel in writing within thirty days of receipt by the applicant or the applicant's duly authorized representative of the decision that is the subject of the appeal and shall include all information the appellant wishes the appeals officer or review panel to consider in deciding the appeal.

(6) Within fourteen days of receipt of an appeal, the appeals officer or review panel shall notify the department of economic development or the state historic preservation office that an appeal is pending, identify the decision being appealed, and forward a copy of the information submitted by the appellant. The department of economic development or the state historic preservation office may submit a written response to the appeal within thirty days.

(7) The appellant shall be entitled to one meeting with the appeals officer or review panel to discuss the appeal, and the appeals officer or review panel may schedule additional meetings at the officer's or panel's discretion. The department of economic development or the state historic preservation office may appear at any such meeting.

(8) The appeals officer or review panel shall consider the record of the decision in question; any further written submissions by the appellant, department of economic development, or state historic preservation office; and other available information and shall deliver a written decision to all parties as promptly as circumstances permit but no later than ninety days after the initial receipt of an appeal by the appeals officer or review panel.

(9) The appeals officer and the members of the review panel shall serve without compensation."; and

Further amend said bill, Page 33, Section 407.828, Line 121, by inserting after all of said section and line the following:

"620.1900. 1. The department of economic development may charge a fee to the recipient of any tax credits issued by the department, in an amount up to two and one-half percent of the amount of tax credits issued, or for tax credits issued under sections ~~[253.545]~~ 253.544 to 253.559 in an amount equal to four percent of the amount of tax credits issued. The fee shall be paid by the recipient upon the issuance of the tax credits. However, no fee shall be charged for the tax credits issued under section 135.460, ~~[or]~~ section 208.770, or ~~[under]~~ sections 32.100 to 32.125, if issued for community services, crime prevention, education, job training, or physical revitalization.

2. (1) All fees received by the department of economic development under this section shall be deposited solely to the credit of the economic development advancement fund, created under subsection 3 of this section.

(2) Thirty-seven and one-half percent of the revenue derived from the four percent fee charged on tax credits issued under sections 253.545 to 253.559 shall be appropriated from the economic development advancement fund for business recruitment and marketing. The provisions of subdivision (1) of this subsection notwithstanding, the fees received by the department of economic development from the four percent fee charged on tax credits issued under sections 253.544 to 253.559 shall be distributed as follows:

(a) Thirty-seven and one-half percent of such revenue shall be deposited in the economic development advancement fund and shall be appropriated for business recruitment and marketing;

(b) Ten percent, or a different percentage as determined by the department, of such revenue shall be appropriated to the department of economic development for the administration of the provisions of sections 253.544 to 253.559;

(c) Ten percent, or a different percentage as determined by the department, of such revenue shall be appropriated to the state historic preservation office for the administration of the provisions of sections 253.544 to 253.559; and

1        (d) Forty-two and one-half percent of such revenue shall be deposited in the economic  
2 development advancement fund for the purposes described in subsection 5 of this section.

3        3. There is hereby created in the state treasury the "Economic Development Advancement  
4 Fund", which shall consist of money collected under this section. The state treasurer shall be  
5 custodian of the fund and shall approve disbursements from the fund in accordance with sections  
6 30.170 and 30.180. Upon appropriation, money in the fund shall be used solely for the  
7 administration of this section. Notwithstanding the provisions of section 33.080 to the contrary, any  
8 moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general  
9 revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds  
10 are invested. Any interest and moneys earned on such investments shall be credited to the fund.

11        4. Such fund shall consist of any fees charged under subsection 1 of this section, any gifts,  
12 contributions, grants, or bequests received from federal, private, or other sources, fees or  
13 administrative charges from private activity bond allocations, moneys transferred or paid to the  
14 department in return for goods or services provided by the department, and any appropriations to the  
15 fund.

16        5. At least fifty percent of the fees and other moneys deposited in the fund shall be  
17 appropriated for marketing, technical assistance, and training, contracts for specialized economic  
18 development services, and new initiatives and pilot programming to address economic trends. The  
19 remainder may be appropriated toward the costs of staffing and operating expenses for the program  
20 activities of the department of economic development, and for accountability functions."; and  
21

22 Further amend said bill by amending the title, enacting clause, and intersectional references  
23 accordingly.