

FIRST REGULAR SESSION

HOUSE BILL NO. 639

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE RIGGS.

0677H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 143.183, 194.400, 253.022, 253.401, 253.402, 253.403, 253.404, 253.405, 253.408, 253.420, 253.421, 253.550, and 253.559, RSMo, and to enact in lieu thereof fifteen new sections relating to the state historic preservation office.

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

Section A. Sections 143.183, 194.400, 253.022, 253.401, 253.402, 253.403, 253.404, 253.405, 253.408, 253.420, 253.421, 253.550, and 253.559, RSMo, are repealed and fifteen new sections enacted in lieu thereof, to be known as sections 26.950, 143.183, 194.400, 253.022, 253.390, 253.401, 253.402, 253.403, 253.404, 253.405, 253.408, 253.420, 253.421, 253.550, and 253.559, to read as follows:

26.950. 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.

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

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

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.

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

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

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

22 2. Any person, venue, or entity who pays compensation to a nonresident entertainer
23 shall deduct and withhold from such compensation as a prepayment of tax an amount equal to
24 two percent of the total compensation if the amount of compensation is in excess of three
25 hundred dollars paid to the nonresident entertainer. For purposes of this section, the term
26 "person, venue, or entity who pays compensation" shall not be construed to include any
27 person, venue, or entity that is exempt from taxation under 26 U.S.C. Section 501(c)(3), as
28 amended, and that pays an amount to the nonresident entertainer for the entertainer's
29 appearance but receives no benefit from the entertainer's appearance other than the
30 entertainer's performance.

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

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

40 5. Notwithstanding other provisions of this chapter to the contrary, the commissioner
41 of administration, for all taxable years beginning on or after January 1, 1999, but none after
42 December 31, 2030, shall annually estimate the amount of state income tax revenues
43 collected pursuant to this chapter which are received from nonresident members of
44 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
45 subsequent fiscal year for a period of thirty-one years, sixty percent of the annual estimate of
46 taxes generated from the nonresident entertainer and professional athletic team income tax
47 shall be allocated annually to the Missouri arts council trust fund, and shall be transferred,

48 subject to appropriations, from the general revenue fund to the Missouri arts council trust
49 fund established in section 185.100 and any amount transferred shall be in addition to such
50 agency's budget base for each fiscal year. The director shall by rule establish the method of
51 determining the portion of personal service income of such persons that is allocable to
52 Missouri.

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

64 7. Notwithstanding other provisions of section 182.812 to the contrary, the
65 commissioner of administration, for all taxable years beginning on or after January 1, 1999,
66 but for none after December 31, 2030, shall estimate annually the amount of state income tax
67 revenues collected pursuant to this chapter which are received from nonresident members of
68 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
69 subsequent fiscal year for a period of thirty-one years, ten percent of the annual estimate of
70 taxes generated from the nonresident entertainer and professional athletic team income tax
71 shall be allocated annually to the Missouri state library networking fund, and shall be
72 transferred, subject to appropriations, from the general revenue fund to the secretary of state
73 for distribution to public libraries for acquisition of library materials as established in section
74 182.812 and any amount transferred shall be in addition to such agency's budget base for each
75 fiscal year.

76 8. Notwithstanding other provisions of section 185.200 to the contrary, the
77 commissioner of administration, for all taxable years beginning on or after January 1, 1999,
78 but for none after December 31, 2030, shall estimate annually the amount of state income tax
79 revenues collected pursuant to this chapter which are received from nonresident members of
80 professional athletic teams and nonresident entertainers. For fiscal year 2000, and for each
81 subsequent fiscal year for a period of thirty-one years, ten percent of the annual estimate of
82 taxes generated from the nonresident entertainer and professional athletic team income tax
83 shall be allocated annually to the Missouri public television broadcasting corporation special
84 fund, and shall be transferred, subject to appropriations, from the general revenue fund to the

85 Missouri public television broadcasting corporation special fund, and any amount transferred
86 shall be in addition to such agency's budget base for each fiscal year; provided, however, that
87 twenty-five percent of such allocation shall be used for grants to public radio stations which
88 were qualified by the corporation for public broadcasting as of November 1, 1996. Such
89 grants shall be distributed to each of such public radio stations in this state after receipt of the
90 station's certification of operating and programming expenses for the prior fiscal year.
91 Certification shall consist of the most recent fiscal year financial statement submitted by a
92 station to the corporation for public broadcasting. The grants shall be divided into two
93 categories, an annual basic service grant and an operating grant. The basic service grant shall
94 be equal to thirty-five percent of the total amount and shall be divided equally among the
95 public radio stations receiving grants. The remaining amount shall be distributed as an
96 operating grant to the stations on the basis of the proportion that the total operating expenses
97 of the individual station in the prior fiscal year bears to the aggregate total of operating
98 expenses for the same fiscal year for all Missouri public radio stations which are receiving
99 grants.

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

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

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

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

5 (2) "Cultural items", shall include:

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

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

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

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

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

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

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

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

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

40 (8) "State historic preservation officer", the ~~director of the department of natural~~
41 ~~resources~~ **lieutenant governor**;

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

253.022. The ~~[department of natural resources]~~ **office of the lieutenant governor** is
 2 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
 2 historic preservation, chapter 253, are hereby transferred by type I transfer under the
 3 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
 2 otherwise:

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

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

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

9 (4) "Office", **the office of the lieutenant governor.**

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

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

10 2. The ~~[department of natural resources]~~ **office of the lieutenant governor** is
 11 authorized to award grants to preserve, protect, or restore historic county courthouses and

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

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

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

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

3 2. The ~~[director of the department of natural resources]~~ **lieutenant governor** is
4 hereby designated as the state historic preservation officer. The state historic preservation

5 office shall be located in the [~~department of natural resources~~] **office of the lieutenant**
6 **governor** and shall be responsible for establishing, implementing, and administering federal
7 and state programs or plans for historic preservation and shall have the following duties
8 including, but not limited to:

9 (1) Direct and conduct a comprehensive statewide survey of historic, archaeological,
10 architectural, and cultural properties and maintain inventories of such properties;

11 (2) Identify and nominate eligible properties to the National Register of Historic
12 Places and otherwise administer applications for listing historic properties on the national
13 register;

14 (3) Prepare and implement a comprehensive statewide historic preservation plan;

15 (4) Administer the state program of federal assistance for historic preservation within
16 the state;

17 (5) Administer historic preservation fund grants as mandated by the National Historic
18 Preservation Act of 1966, as amended;

19 (6) Provide public information, education and training, and technical assistance
20 relating to the federal and state historic preservation programs;

21 (7) Cooperate with local governments in the development of local historic
22 preservation programs, and to assist local governments in becoming certified pursuant to
23 the Historic Preservation Act of 1966, as amended;

24 (8) Advise and assist federal and state agencies and local governments in carrying out
25 their historic preservation responsibilities;

26 (9) Cooperate with the National Advisory Council on Historic Preservation, federal
27 and state agencies, local governments, and organizations and individuals to ensure that
28 historic properties are taken into consideration at all levels of planning and development;

29 (10) Administer responsibilities as detailed in sections 194.400 to 194.410;

30 (11) Administer the historic preservation revolving fund, as detailed in sections
31 253.400 to 253.407; and

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

35 3. (1) There is hereby established and created, within the [~~department of natural~~
36 ~~resources~~] **office of the lieutenant governor**, the "Missouri Advisory Council on Historic
37 Preservation" consisting of nine persons, to be appointed by the governor with the advice and
38 consent of the senate, who shall serve without compensation other than expenses incurred.
39 The membership of the council shall be as provided in 36 C.F.R. Part 61.4, as may be
40 amended from time to time, and shall consist of persons having expertise and knowledge in
41 the fields of history, historic and prehistoric archaeology, architectural history, architecture,

42 and economic and community development, as well as nonprofessional members with
43 demonstrated interest in historic preservation. Each member shall serve for a term of two
44 years from the date of appointment and until his or her replacement is duly appointed.

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

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

51 (a) Reviewing and approving each national register nomination prior to submission to
52 the national register;

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

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

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

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

20 the credit of the general revenue fund. The [~~department of natural resources~~] **office of the**
21 **lieutenant governor** shall approve or deny any application for a permit under this section
22 within thirty days of application.

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

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

33 5. No rule or portion of a rule promulgated under the authority of this section shall
34 become effective unless it has been promulgated pursuant to the provisions of section
35 536.024.

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

3 (1) [~~"Department", the department of natural resources , state historic preservation~~
4 ~~office;~~

5 ~~(2)~~ "Historic shipwreck", artifacts and remains of historic shipwreck sites which are
6 over fifty years in age, including but not limited to a ship's structure and rigging, machinery,
7 hardware, tools, utensils, cargo, personal items of crew passengers, and monetary or treasure
8 trove;

9 ~~(3)~~ (2) "Lands beneath navigable waters":

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

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

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

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

20 2. Under the Abandoned Shipwreck Act of 1987, 43 U.S.C. Sections 2101-2106, all
21 historic shipwreck materials and such objects having intrinsic or historical and archaeological

22 value which have been abandoned on lands beneath navigable waters shall belong to the state
23 with jurisdiction thereto vested in the department for the purposes of administration and
24 protection. The department shall have the authority to promulgate rules and regulations for
25 the acceptable visitation, study, and salvage of such historic shipwreck materials.

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

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

14 2. (1) During the period beginning on January 1, 2010, but ending on or after June
15 30, 2010, the department of economic development shall not approve applications for tax
16 credits under the provisions of subsections 4 and 10 of section 253.559 which, in the
17 aggregate, exceed seventy million dollars, increased by any amount of tax credits for which
18 approval shall be rescinded under the provisions of section 253.559. For each fiscal year
19 beginning on or after July 1, 2010, but ending before June 30, 2018, the department of
20 economic development shall not approve applications for tax credits under the provisions of
21 subsections 4 and 10 of section 253.559 which, in the aggregate, exceed one hundred forty
22 million dollars, increased by any amount of tax credits for which approval shall be rescinded
23 under the provisions of section 253.559. For each fiscal year beginning on or after July 1,
24 2018, the department of economic development shall not approve applications for tax credits
25 under the provisions of subsections 4 and 10 of section 253.559 which, in the aggregate,
26 exceed ninety million dollars, increased by any amount of tax credits for which approval shall
27 be rescinded under the provisions of section 253.559. The limitations provided under this
28 subsection shall not apply to applications approved under the provisions of subsection 4 of

29 section 253.559 for projects to receive less than two hundred seventy-five thousand dollars in
30 tax credits.

31 (2) For each fiscal year beginning on or after July 1, 2018, the department shall
32 authorize an amount up to, but not to exceed, an additional thirty million dollars in tax credits
33 issued under subsections 4 and 10 of section 253.559, provided that such tax credits are
34 authorized solely for projects located in a qualified census tract.

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

43 3. For all applications for tax credits approved on or after January 1, 2010, no more
44 than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and
45 expenses incurred in the rehabilitation of an eligible property which is a nonincome
46 producing single-family, owner-occupied residential property and is either a certified historic
47 structure or a structure in a certified historic district.

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

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

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

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

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

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 10 of this section, shall

5 be 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
7 the same day shall go through a lottery process to determine the order in which such
8 applications 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
11 under the provisions of subsection 10 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
14 closing statement. Proof of site control may be evidenced by a leasehold interest or an option
15 to acquire such an interest. If the taxpayer is in the process of acquiring fee simple
16 ownership, proof of site control shall include an executed sales contract or an executed option
17 to purchase the eligible property;

18 (2) Floor plans of the existing structure, architectural plans, and, where applicable,
19 plans 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;

25 (5) A copy of all land use and building approvals reasonably necessary for the
26 commencement of the project; and

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

29

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

39 3. (1) In evaluating an application for tax credits submitted under this section, the
40 department of economic development shall also consider:

41 (a) The amount of projected net fiscal benefit of the project to the state and local
42 municipality, and the period in which the state and municipality would realize such net fiscal
43 benefit;

44 (b) The overall size and quality of the proposed project, including the estimated
45 number of new jobs to be created by the project, the potential multiplier effect of the project,
46 and similar factors;

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

48 (d) Input from the local elected officials in the local municipality in which the
49 proposed project is located as to the importance of the proposed project to the municipality.
50 For any proposed project in any city not within a county, input from the local elected officials
51 shall include, but shall not be limited to, the president of the board of aldermen.

52 (2) The provisions of this subsection shall not apply to applications for projects to
53 receive less than two hundred seventy-five thousand dollars in tax credits.

54 4. If the department of economic development deems the application sufficient, the
55 taxpayer shall be notified in writing of the approval for an amount of tax credits equal to the
56 amount provided under section 253.550 less any amount of tax credits previously approved.
57 Such approvals shall be granted to applications in the order of priority established under this
58 section and shall require full compliance thereafter with all other requirements of law as a
59 condition to any claim for such credits. If the department of economic development
60 disapproves an application, the taxpayer shall be notified in writing of the reasons for such
61 disapproval. A disapproved application may be resubmitted.

62 5. Following approval of an application, the identity of the taxpayer contained in such
63 application shall not be modified except:

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

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

71 6. In the event that the department of economic development grants approval for tax
72 credits equal to the total amount available under subsection 2 of section 253.550, or sufficient
73 that when totaled with all other approvals, the amount available under subsection 2 of section
74 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter
75 submitted for approval shall be notified by the department of economic development that no
76 additional approvals shall be granted during the fiscal year and shall be notified of the priority
77 given to such taxpayer's application then awaiting approval. Such applications shall be kept

78 on file by the department of economic development and shall be considered for approval for
79 tax credits in the order established in this section in the event that additional credits become
80 available due to the rescission of approvals or when a new fiscal year's allocation of credits
81 becomes available for approval.

82 7. All taxpayers with applications receiving approval on or after July 1, 2019, shall
83 submit within sixty days following the award of credits evidence of the capacity of the
84 applicant to finance the costs and expenses for the rehabilitation of the eligible property in the
85 form of a line of credit or letter of commitment subject to the lender's termination for a
86 material adverse change impacting the extension of credit. If the department of economic
87 development determines that a taxpayer has failed to comply with the requirements under this
88 subsection, then the department shall notify the applicant of such failure and the applicant
89 shall have a thirty-day period from the date of such notice to submit additional evidence to
90 remedy the failure.

91 8. All taxpayers with applications receiving approval on or after the effective date of
92 this act shall commence rehabilitation within nine months of the date of issuance of the letter
93 from the department of economic development granting the approval for tax credits.
94 "Commencement of rehabilitation" shall mean that as of the date in which actual physical
95 work, contemplated by the architectural plans submitted with the application, has begun, the
96 taxpayer has incurred no less than ten percent of the estimated costs of rehabilitation provided
97 in the application. Taxpayers with approval of a project shall submit evidence of compliance
98 with the provisions of this subsection. If the department of economic development
99 determines that a taxpayer has failed to comply with the requirements provided under this
100 section, the approval for the amount of tax credits for such taxpayer shall be rescinded and
101 such amount of tax credits shall then be included in the total amount of tax credits, provided
102 under subsection 2 of section 253.550, from which approvals may be granted. Any taxpayer
103 whose approval shall be subject to rescission shall be notified of such from the department of
104 economic development and, upon receipt of such notice, may submit a new application for the
105 project.

106 9. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with
107 approval shall apply for final approval and issuance of tax credits from the department of
108 economic development which~~[- in consultation with the department of natural resources,]~~
109 shall determine the final amount of eligible rehabilitation costs and expenses and whether the
110 completed rehabilitation meets the standards of the Secretary of the United States Department
111 of the Interior for rehabilitation as determined by the state historic preservation officer of the
112 ~~[Missouri department of natural resources]~~ **office of the lieutenant governor**. For financial
113 institutions credits authorized pursuant to sections 253.550 to 253.561 shall be deemed to be
114 economic development credits for purposes of section 148.064. The approval of all

115 applications and the issuing of certificates of eligible credits to taxpayers shall be performed
116 by the department of economic development. The department of economic development shall
117 inform a taxpayer of final approval by letter and shall issue, to the taxpayer, tax credit
118 certificates. The taxpayer shall attach the certificate to all Missouri income tax returns on
119 which the credit is claimed.

120 10. Except as expressly provided in this subsection, tax credit certificates shall be
121 issued in the final year that costs and expenses of rehabilitation of the project are incurred, or
122 within the twelve-month period immediately following the conclusion of such rehabilitation.
123 In the event the amount of eligible rehabilitation costs and expenses incurred by a taxpayer
124 would result in the issuance of an amount of tax credits in excess of the amount provided
125 under such taxpayer's approval granted under subsection 4 of this section, such taxpayer may
126 apply to the department for issuance of tax credits in an amount equal to such excess.
127 Applications for issuance of tax credits in excess of the amount provided under a taxpayer's
128 application shall be made on a form prescribed by the department. Such applications shall be
129 subject to all provisions regarding priority provided under subsection 1 of this section.

130 11. The department of economic development shall determine, on an annual basis, the
131 overall economic impact to the state from the rehabilitation of eligible property.

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