

SECOND REGULAR SESSION

HOUSE BILL NO. 2319

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE OWEN.

4638H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 32.125, 68.075, 100.286, 100.297, 100.850, 135.090, 135.110, 135.326, 135.339, 135.341, 135.432, 135.460, 135.487, 135.490, 135.550, 135.562, 135.600, 135.630, 135.647, 135.690, 135.700, 135.719, 135.772, 135.775, 135.778, 135.1125, 135.1150, 135.1180, 137.1018, 143.119, 143.177, 143.471, 148.030, 192.2015, 208.770, 348.505, and 447.708, RSMo, and to enact in lieu thereof thirty-seven new sections relating to tax credits.

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

Section A. Sections 32.125, 68.075, 100.286, 100.297, 100.850, 135.090, 135.110, 2 135.326, 135.339, 135.341, 135.432, 135.460, 135.487, 135.490, 135.550, 135.562, 135.600, 3 135.630, 135.647, 135.690, 135.700, 135.719, 135.772, 135.775, 135.778, 135.1125, 4 135.1150, 135.1180, 137.1018, 143.119, 143.177, 143.471, 148.030, 192.2015, 208.770, 5 348.505, and 447.708, RSMo, are repealed and thirty-seven new sections enacted in lieu 6 thereof, to be known as sections 32.125, 68.075, 100.286, 100.297, 100.850, 135.090, 7 135.110, 135.326, 135.339, 135.341, 135.432, 135.460, 135.487, 135.490, 135.550, 135.562, 8 135.600, 135.630, 135.647, 135.690, 135.700, 135.719, 135.772, 135.775, 135.778, 9 135.1125, 135.1150, 135.1180, 137.1018, 143.119, 143.177, 143.471, 148.030, 192.2015, 10 208.770, 348.505, and 447.708, to read as follows:

32.125. **1.** No rule or portion of a rule promulgated under the authority of this chapter 2 shall become effective unless it has been promulgated pursuant to the provisions of section 3 536.024.

4 **2. Under section 23.253 of the Missouri sunset act:**

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.

5 **(1) The provisions of the program authorized under sections 32.105 to 32.125**
6 **shall automatically sunset on December 31, 2030, unless reauthorized by an act of the**
7 **general assembly;**

8 **(2) If such program is reauthorized, the program authorized under sections**
9 **32.105 to 32.125 shall automatically sunset on December thirty-first, six years after the**
10 **effective date of the reauthorization of sections 32.105 to 32.125;**

11 **(3) Sections 32.105 to 32.125 shall terminate on September first of the calendar**
12 **year immediately following the calendar year in which the program authorized under**
13 **sections 32.105 to 32.125 is sunset; and**

14 **(4) The provisions of this subsection shall not be construed to limit or in any way**
15 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
16 **program authorized under this section expires.**

68.075. 1. This section shall be known and may be cited as the "Advanced Industrial
2 Manufacturing Zones Act".

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

4 (1) "AIM zone", an area identified through a resolution passed by the port authority
5 board of commissioners appointed under section 68.045 that is being developed or
6 redeveloped for any purpose so long as any infrastructure and building built or improved is in
7 the development area. The port authority board of commissioners shall file an annual report
8 indicating the established AIM zones with the department of revenue;

9 (2) "County average wage", the average wage in each county as determined by the
10 Missouri department of economic development for the most recently completed full calendar
11 year. However, if the computed county average wage is above the statewide average wage,
12 the statewide average wage shall be deemed the county average wage for such county for the
13 purpose of determining eligibility;

14 (3) "New job", the number of full-time employees located at the project facility that
15 exceeds the project facility base employment less any decrease in the number of full-time
16 employees at related facilities below the related facility base employment. No job that was
17 created prior to the date of the notice of intent shall be deemed a new job. An employee that
18 spends less than fifty percent of the employee's work time at the facility is still considered to
19 be located at a facility if the employee receives his or her directions and control from that
20 facility, is on the facility's payroll, one hundred percent of the employee's income from such
21 employment is Missouri income, and the employee is paid at or above the county average
22 wage;

23 (4) "Related facility", a facility operated by a company or a related company prior to
24 the establishment of the AIM zone in question located within any port district, as defined

25 under section 68.015, which is directly related to the operations of the facility within the new
26 AIM zone.

27 3. Any port authority located in this state may establish an AIM zone. Such zone may
28 only include the area within the port authority's jurisdiction, ownership, or control, and may
29 include any such area. The port authority shall determine the boundaries for each AIM zone,
30 and more than one AIM zone may exist within the port authority's jurisdiction or under the
31 port authority's ownership or control, and may be expanded or contracted by resolution of the
32 port authority board of commissioners.

33 4. (1) Fifty percent of the state tax withholdings imposed by sections 143.191 to
34 143.265 on new jobs within such zone after development or redevelopment has commenced
35 shall not be remitted to the general revenue fund of the state of Missouri. Such moneys shall
36 be deposited into the port authority AIM zone fund established under subsection 5 of this
37 section for the purpose of continuing to expand, develop, and redevelop AIM zones identified
38 by the port authority board of commissioners and may be used for managerial, engineering,
39 legal, research, promotion, planning, satisfaction of bonds issued under section 68.040, and
40 any other expenses.

41 (2) **For all tax years beginning on or after January 1, 2025, the cumulative**
42 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
43 **total cap amount which shall be an amount equal to twenty percent greater than the**
44 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
45 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

46 (3) **If the amount of tax credits claimed in a tax year under this section exceeds**
47 **the total cap determined under subdivision (2) of this subsection, tax credits shall be**
48 **allowed based on the order in which they are claimed.**

49 5. There is hereby created in the state treasury the "Port Authority AIM Zone Fund",
50 which shall consist of money collected under this section. The state treasurer shall be
51 custodian of the fund and shall approve disbursements from the fund in accordance with
52 sections 30.170 and 30.180 to the port authorities from which the funds were collected, less
53 the pro-rata portion appropriated by the general assembly to be used solely for the
54 administration of this section which shall not exceed ten percent of the total amount collected
55 within the zones of a port authority. Notwithstanding the provisions of section 33.080 to the
56 contrary, any moneys remaining in the fund at the end of the biennium shall not revert to the
57 credit of the general revenue fund. The state treasurer shall invest moneys in the fund in the
58 same manner as other funds are invested. Any interest and moneys earned on such
59 investments shall be credited to the fund.

60 6. The port authority shall approve any projects that begin construction and disperse
61 any money collected under this section. The port authority shall submit an annual budget for

62 the funds to the department of economic development explaining how and when such money
63 will be spent.

64 7. The provision of section 23.253 notwithstanding, no AIM zone may be established
65 after August 28, 2030. Any AIM zone created prior to that date shall continue to exist and be
66 coterminous with the retirement of all debts incurred under subsection 4 of this section. No
67 debts may be incurred or reauthorized using AIM zone revenue after August 28, 2030.

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

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

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

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

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

12 (5) Does not exceed five million dollars;

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

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

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

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

29 4. The securing of any loans by the development and reserve fund, the infrastructure
30 development fund or the export finance fund shall be conditioned upon approval of the

31 application by the board, and receipt of an annual reserve participation fee, as prescribed by
32 the board, submitted by or on behalf of the borrower.

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

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

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

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

65 (2) In an amount not to exceed one hundred percent of annual earned credits.

66

67 The taxpayer acquiring earned credits, hereinafter the assignee for the purpose of this
68 subsection, may use the acquired credits to offset up to one hundred percent of the tax
69 liabilities otherwise imposed by chapter 143, excluding withholding tax imposed by sections
70 143.191 to 143.261, chapter 147, or chapter 148. Unused credits in the hands of the assignee
71 may be carried forward for up to five years, provided all such credits shall be claimed within
72 ten years following the tax years in which the contribution was made. The assignor shall
73 enter into a written agreement with the assignee establishing the terms and conditions of the
74 agreement and shall perfect such transfer by notifying the board in writing within thirty
75 calendar days following the effective day of the transfer and shall provide any information as
76 may be required by the board to administer and carry out the provisions of this section.
77 Notwithstanding any other provision of law to the contrary, the amount received by the
78 assignor of such tax credit shall be taxable as income of the assignor, and the excess of the par
79 value of such credit over the amount paid by the assignee for such credit shall be taxable as
80 income of the assignee.

81 8. Provisions of subsections 1 to 7 of this section to the contrary notwithstanding, no
82 more than ten million dollars in tax credits provided under this section, may be authorized or
83 approved annually. The limitation on tax credit authorization and approval provided under
84 this subsection may be exceeded only upon mutual agreement, evidenced by a signed and
85 properly notarized letter, by the commissioner of the office of administration, the director of
86 the department of economic development, and the director of the department of revenue that
87 such action is essential to ensure retention or attraction of investment in Missouri provided,
88 however, that in no case shall more than twenty-five million dollars in tax credits be
89 authorized or approved during such year. Taxpayers shall file, with the board, an application
90 for tax credits authorized under this section on a form provided by the board. The provisions
91 of this subsection shall not be construed to limit or in any way impair the ability of the board
92 to authorize tax credits for issuance for projects authorized or approved, by a vote of the
93 board, on or before the thirtieth day following the effective date of this act, or a taxpayer's
94 ability to redeem such tax credits.

95 **9. Under section 23.253 of the Missouri sunset act:**

96 **(1) The tax credit provisions of the program authorized under this section shall**
97 **automatically sunset on December 31, 2030, unless reauthorized by an act of the general**
98 **assembly;**

99 **(2) If such tax credit provisions are reauthorized, the tax credit provisions**
100 **authorized under this section shall automatically sunset on December thirty-first, six**
101 **years after the effective date of the reauthorization of this section;**

102 **(3) This section shall terminate on September first of the calendar year**
103 **immediately following the calendar year in which the program authorized under this**
104 **section is sunset; and**

105 **(4) The provisions of this subsection shall not be construed to limit or in any way**
106 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
107 **program authorized under this section expires.**

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

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

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

9 2. Upon making the determinations specified in subsection 1 of this section, the board
10 may declare that each owner of an issue of revenue bonds or notes shall be entitled, in lieu of
11 any other deduction with respect to such bonds or notes, to a tax credit against any tax
12 otherwise due by such owner pursuant to the provisions of chapter 143, excluding
13 withholding tax imposed by sections 143.191 to 143.261, chapter 147, or chapter 148, in the
14 amount of one hundred percent of the unpaid principal of and unpaid interest on such bonds
15 or notes held by such owner in the ~~taxable~~ tax year of such owner following the calendar
16 year of the default of the loan by the borrower with respect to the project. The occurrence of a
17 default shall be governed by documents authorizing the issuance of the bonds. The tax credit
18 allowed pursuant to this section shall be available to the original owners of the bonds or notes
19 or any subsequent owner or owners thereof. Once an owner is entitled to a claim, any such
20 tax credits shall be transferable as provided in subsection 7 of section 100.286.
21 Notwithstanding any provision of Missouri law to the contrary, any portion of the tax
22 credit to which any owner of a revenue bond or note is entitled pursuant to this section which
23 exceeds the total income tax liability of such owner of a revenue bond or note shall be carried
24 forward and allowed as a credit against any future taxes imposed on such owner within the
25 next ten years pursuant to the provisions of chapter 143, excluding withholding tax imposed
26 by sections 143.191 to 143.261, chapter 147, or chapter 148. The eligibility of the owner of
27 any revenue bond or note issued pursuant to the provisions of sections 100.250 to 100.297 for
28 the tax credit provided by this section shall be expressly stated on the face of each such bond
29 or note. The tax credit allowed pursuant to this section shall also be available to any financial
30 institution or guarantor which executes any credit facility as security for bonds issued
31 pursuant to this section to the same extent as if such financial institution or guarantor was an

32 owner of the bonds or notes, provided however, in such case the tax credits provided by this
33 section shall be available immediately following any default of the loan by the borrower with
34 respect to the project. In addition to reimbursing the financial institution or guarantor for
35 claims relating to unpaid principal and interest, such claim may include payment of any
36 unpaid fees imposed by such financial institution or guarantor for use of the credit facility.

37 3. The aggregate principal amount of revenue bonds or notes outstanding at any time
38 with respect to which the tax credit provided in this section shall be available shall not exceed
39 fifty million dollars.

40 **4. Under section 23.253 of the Missouri sunset act:**

41 **(1) The provisions of the tax credit program authorized under this section shall**
42 **automatically sunset on December 31, 2030, unless reauthorized by an act of the general**
43 **assembly;**

44 **(2) If such program is reauthorized, the program authorized under this section**
45 **shall automatically sunset on December thirty-first, six years after the effective date of**
46 **the reauthorization of this section;**

47 **(3) This section shall terminate on September first of the calendar year**
48 **immediately following the calendar year in which the program authorized under this**
49 **section is sunset; and**

50 **(4) The provisions of this subsection shall not be construed to limit or in any way**
51 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
52 **program authorized under this section expires.**

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

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

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

13 4. Any approved company which has paid an assessment for debt reduction shall be
14 allowed a tax credit equal to the amount of the assessment. The tax credit may be claimed
15 against taxes otherwise imposed by chapters 143 and 148, except withholding taxes imposed

16 under the provisions of sections 143.191 to 143.265, which were incurred during the tax
17 period in which the assessment was made.

18 5. In no event shall the aggregate amount of tax credits authorized by subsection 4 of
19 this section exceed twenty-five million dollars annually. Of such amount, nine hundred fifty
20 thousand dollars shall be reserved for an approved project for a world headquarters of a
21 business whose primary function is tax return preparation that is located in any home rule city
22 with more than four hundred thousand inhabitants and located in more than one county, which
23 amount reserved shall end in the year of the final maturity of the certificates issued for such
24 approved project.

25 6. The director of revenue shall issue a refund to the approved company to the extent
26 that the amount of credits allowed in subsection 4 of this section exceeds the amount of the
27 approved company's income tax.

28 **7. Under section 23.253 of the Missouri sunset act:**

29 **(1) The provisions of the program authorized under sections 100.700 to 100.850**
30 **shall automatically sunset on December 31, 2030, unless reauthorized by an act of the**
31 **general assembly;**

32 **(2) If such program is reauthorized, the program authorized under sections**
33 **100.700 to 100.850 shall automatically sunset on December thirty-first, six years after**
34 **the effective date of the reauthorization of sections 100.700 to 100.850;**

35 **(3) Sections 100.700 to 100.850 shall terminate on September first of the**
36 **calendar year immediately following the calendar year in which the program authorized**
37 **under sections 100.700 to 100.850 is sunset; and**

38 **(4) The provisions of this subsection shall not be construed to limit or in any way**
39 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
40 **program authorized under this section expires.**

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

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

6 (2) "Public safety officer", any firefighter, police officer, capitol police officer, parole
7 officer, probation officer, correctional employee, water patrol officer, park ranger,
8 conservation officer, commercial motor vehicle enforcement officer, emergency medical
9 responder, as defined in section 190.100, emergency medical technician, first responder, or
10 highway patrolman employed by the state of Missouri or a political subdivision thereof who
11 is killed in the line of duty, unless the death was the result of the officer's own misconduct or
12 abuse of alcohol or drugs;

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

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

24 3. **(1) For all tax years beginning on or after January 1, 2025, the cumulative**
25 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
26 **total cap amount which shall be an amount equal to twenty percent greater than the**
27 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
28 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department of**
29 **revenue.**

30 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
31 **the total cap determined under subdivision (2) of this subsection, tax credits shall be**
32 **allowed based on the order in which they are claimed.**

33 4. **After the effective date of this section, the department of public safety shall**
34 **administer the tax credit provided under this section.**

35 5. The department of ~~revenue~~ **public safety** shall promulgate rules to implement the
36 provisions of this section.

37 ~~[4-]~~ 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become effective only if it complies
39 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
40 This section and chapter 536 are nonseverable and if any of the powers vested with the
41 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
42 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
43 rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid
44 and void.

45 ~~[5-]~~ 7. Pursuant to section 23.253 of the Missouri sunset act:

46 (1) The program authorized under this section shall expire on December 31, 2027,
47 unless reauthorized by the general assembly; and

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

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

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

34 (a) to (g) and (i) to (l) of subdivision (12) of section 135.100 which establishes an office as
35 defined in subdivision (9) of section 135.100 shall equal or exceed twenty-five.

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

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

45 (2) Up to fifty percent or, in the case of an economic development project located
46 within a distressed community as defined in section 135.530, seventy-five percent of the
47 business income tax otherwise imposed by chapter 143, excluding withholding tax imposed
48 by sections 143.191 to 143.265, or in the case of an insurance company, the tax on the direct
49 premiums, as defined in chapter 148, and in the case of an insurance company exempt from
50 the thirty percent employee requirement of section 135.230, against any obligation imposed
51 pursuant to section 375.916 if the business operates no other facilities in Missouri. In the case
52 of an existing business facility operating more than one facility in Missouri, the credit
53 allowed in subsection 1 of this section shall offset up to the greater of the portion prescribed
54 in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic
55 development project located within a distressed community as defined in section 135.530,
56 thirty-five percent of the business' tax, except that no taxpayer operating more than one
57 facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of
58 an economic development project located within a distressed community as defined in section
59 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the
60 method prescribed in this subdivision. Such credit shall be an amount equal to the sum of one
61 hundred dollars or, in the case of an economic development project located within a distressed
62 community as defined in section 135.530, one hundred fifty dollars for each new business
63 facility employee plus one hundred dollars or, in the case of an economic development project
64 located within a distressed community as defined in section 135.530, one hundred fifty
65 dollars for each one hundred thousand dollars, or major fraction thereof (which shall be
66 deemed to be fifty-one percent or more) in new business facility investment. For the purpose
67 of this section, tax credits earned by a taxpayer, who establishes a new business facility
68 because it satisfies the requirements of paragraph (c) of subdivision (5) of section 135.100,
69 shall offset the greater of the portion prescribed in subdivision (1) of this subsection or up to
70 fifty percent or, in the case of an economic development project located within a distressed

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

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

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

90 (2) Up to one hundred percent of the business income tax otherwise imposed by
91 chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or in the
92 case of an insurance company, the tax on the direct premiums, as defined in chapter 148, and
93 in the case of an insurance company exempt from the thirty percent employee requirement of
94 section 135.230, against any obligation imposed pursuant to section 375.916 if the business
95 has no other facilities operating in Missouri. In the case of a taxpayer not operating an
96 existing business and operating more than one facility in Missouri, the credit allowed by
97 subsection 1 of this section shall offset up to the greater of the portion prescribed in
98 subdivision (1) of this subsection or twenty-five percent or, in the case of an economic
99 development project located within a distressed community as defined in section 135.530,
100 thirty-five percent of the business' tax, except that no taxpayer operating more than one
101 facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of
102 an economic development project located within a distressed community as defined in section
103 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the
104 method prescribed in this subdivision. Such credit shall be an amount equal to the sum of
105 seventy-five dollars or, in the case of an economic development project located within a
106 distressed community as defined in section 135.530, one hundred twenty-five dollars for each
107 new business facility employee plus seventy-five dollars or, in the case of an economic

108 development project located within a distressed community as defined in section 135.530,
109 one hundred twenty-five dollars for each one hundred thousand dollars, or major fraction
110 thereof (which shall be deemed to be fifty-one percent or more) in new business facility
111 investment.

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

132 5. For the purpose of computing the credit allowed by this section in the case of a
133 facility which qualifies as a new business facility because it qualifies as a separate facility
134 pursuant to subsection 6 of this section, and, in the case of a new business facility which
135 satisfies the requirements of paragraph (c) of subdivision (5) of section 135.100 or
136 subdivision (11) of section 135.100, the amount of the taxpayer's new business facility
137 investment in such facility shall be reduced by the average amount, computed as provided in
138 subdivision (8) of section 135.100 for new business facility investment, of the investment of
139 the taxpayer, or related taxpayer immediately preceding such expansion or replacement or at
140 the time of acquisition. Furthermore, the amount of the taxpayer's new business facility
141 investment shall also be reduced by the amount of investment employed by the taxpayer or
142 related taxpayer which was subsequently transferred to the new business facility from another
143 Missouri facility and for which credits authorized in this section are not being earned,

144 whether such credits are earned because of an expansion, acquisition, relocation or the
145 establishment of a new facility.

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

149 (1) The taxpayer's new business facility investment in the expansion during the tax
150 period in which the credits allowed in this section are claimed exceeds one hundred thousand
151 dollars, or, if less, one hundred percent of the investment in the original facility prior to
152 expansion and if the number of new business facility employees engaged or maintained in
153 employment at the expansion facility for the ~~taxable~~ tax year for which credit is claimed
154 equals or exceeds two, except that the number of new business facility employees engaged or
155 maintained in employment at the expansion facility for the ~~taxable~~ tax year for which the
156 credit is claimed equals or exceeds twenty-five if an office as defined in subdivision (9) of
157 section 135.100 is established by a revenue-producing enterprise other than a revenue-
158 producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of
159 section 135.100 and the total number of employees at the facility after the expansion is at
160 least two greater than the total number of employees before the expansion, except that the
161 total number of employees at the facility after the expansion is at least greater than the
162 number of employees before the expansion by twenty-five, if an office as defined in
163 subdivision (9) of section 135.100 is established by a revenue-producing enterprise other than
164 a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision
165 (12) of section 135.100; and

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

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

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

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

179 (2) The partners of the partnership.

180

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

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

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

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

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

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

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

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

203 (2) "Headquarters" means:

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

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

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

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

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

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

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

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

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

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

236 (2) In an amount not to exceed one hundred percent of such earned credits.

237

238 The taxpayer acquiring the earned credits referred to as the assignee for the purpose of this
239 subsection may use the acquired credits to offset up to one hundred percent of the tax
240 liabilities otherwise imposed by chapter 143, excluding withholding tax imposed by sections
241 143.191 to 143.261, or chapter 148, or in the case of an insurance company exempt from the
242 thirty percent employee requirement of section 135.230, against any obligation imposed
243 pursuant to section 375.916. Unused credits in the hands of the assignee may be carried
244 forward for up to five tax periods, provided all such credits shall be claimed within ten tax
245 periods following the tax period in which commencement of commercial operations occurred
246 at the new business facility. The assignor shall enter into a written agreement with the
247 assignee establishing the terms and conditions of the agreement and shall perfect such transfer
248 by notifying the director in writing within thirty calendar days following the effective date of
249 the transfer and shall provide any information as may be required by the director to administer
250 and carry out the provisions of this subsection. Notwithstanding any other provision of law to
251 the contrary, the amount received by the assignor of such tax credit shall be taxable as income
252 of the assignor, and the difference between the amount paid by the assignee and the par value
253 of the credits shall be taxable as income of the assignee.

254 **15. (1) For all tax years beginning on or after January 1, 2025, the cumulative**
255 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
256 **total cap amount which shall be an amount equal to twenty percent greater than the**
257 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
258 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

259 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
260 **the total cap determined under subdivision (2) of this subsection, tax credits shall be**
261 **allowed based on the order in which they are claimed.**

135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

2 (1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in
3 an S corporation doing business in the state of Missouri and subject to the state income tax
4 imposed by the provisions of chapter 143, or a corporation subject to the annual corporation
5 franchise tax imposed by the provisions of chapter 147, or an insurance company paying an
6 annual tax on its gross premium receipts in this state, or other financial institution paying
7 taxes to the state of Missouri or any political subdivision of this state under the provisions of
8 chapter 148, or an express company which pays an annual tax on its gross receipts in this state
9 pursuant to chapter 153;

10 (2) "Child", any individual who:

11 (a) Has not attained an age of at least eighteen years; or

12 (b) Is eighteen years of age or older but is physically or mentally incapable of caring
13 for himself or herself;

14 (3) **"Department", the department of social services;**

15 (4) "Disability", a mental, physical, or emotional impairment that substantially limits
16 one or more major life activities, whether the impairment is congenital or acquired by
17 accident, injury or disease, and where the impairment is verified by medical findings;

18 ~~[(4)]~~ (5) "Nonrecurring adoption expenses", reasonable and necessary adoption fees,
19 court costs, ~~[attorney]~~ **attorney's** fees, and other expenses which are directly related to the
20 legal adoption of a child and which are not incurred in violation of federal, state, or local law;

21 ~~[(5)]~~ (6) "Special needs child", a child for whom it has been determined by the
22 children's division, or by a child-placing agency licensed by the state, or by a court of
23 competent jurisdiction to be a child:

24 (a) That cannot or should not be returned to the home of his or her parents; and

25 (b) Who has a specific factor or condition such as age, membership in a sibling group,
26 medical condition or diagnosis, or disability because of which it is reasonable to conclude that
27 such child cannot be easily placed with adoptive parents;

28 ~~[(6)]~~ (7) "State tax liability", any liability incurred by a taxpayer under the provisions
29 of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating

30 to the withholding of tax as provided for in sections 143.191 to 143.265 and related
31 provisions.

135.339. 1. **After the effective date of this section, the department of social
2 services shall administer the tax credit provided under sections 135.325 to 135.339.**

3 2. The [~~director of revenue, in consultation with the children's division,~~] **department
4 of social services** shall prescribe such rules and regulations necessary to carry out the
5 provisions of sections 135.325 to 135.339. No rule or portion of a rule promulgated under the
6 authority of sections 135.325 to 135.339 shall become effective unless it has been
7 promulgated pursuant to the provisions of section 536.024.

8 3. **Under section 23.253 of the Missouri sunset act:**

9 (1) **The provisions of the program authorized under sections 135.325 to 135.339
10 shall automatically sunset on December 31, 2030, unless reauthorized by an act of the
11 general assembly;**

12 (2) **If such program is reauthorized, the program authorized under sections
13 135.325 to 135.339 shall automatically sunset on December thirty-first, six years after
14 the effective date of the reauthorization of sections 135.325 to 135.339;**

15 (3) **Sections 135.325 to 135.339 shall terminate on September first of the
16 calendar year immediately following the calendar year in which the program authorized
17 under sections 135.325 to 135.339 is sunset; and**

18 (4) **The provisions of this subsection shall not be construed to limit or in any way
19 impair a taxpayer's ability to redeem tax credits authorized on or before the date the
20 program authorized under this section expires.**

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

2 (1) "CASA", an entity which receives funding from the court-appointed special
3 advocate fund established under section 476.777, including an association based in this state,
4 affiliated with a national association, organized to provide support to entities receiving
5 funding from the court-appointed special advocate fund;

6 (2) "Child advocacy centers", the regional child assessment centers listed in
7 subsection 2 of section 210.001, including an association based in this state, affiliated with a
8 national association, and organized to provide support to entities listed in subsection 2 of
9 section 210.001;

10 (3) "Contribution", the amount of donation to a qualified agency;

11 (4) "Crisis care center", entities contracted with this state which provide temporary
12 care for children whose age ranges from birth through seventeen years of age whose parents
13 or guardian are experiencing an unexpected and unstable or serious condition that requires
14 immediate action resulting in short-term care, usually three to five continuous, uninterrupted
15 days, for children who may be at risk for child abuse, neglect, or in an emergency situation;

- 16 (5) "Department", the department of ~~[revenue]~~ **social services**;
- 17 (6) "Director", the director of the department of ~~[revenue]~~ **social services**;
- 18 (7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;
- 19 (8) "Tax liability", the tax due under chapter 143 other than taxes withheld under
20 sections 143.191 to 143.265.

21 2. For all tax years beginning on or after January 1, 2013, a tax credit may be claimed
22 in an amount equal to up to fifty percent of a verified contribution to a qualified agency and
23 shall be named the champion for children tax credit. The minimum amount of any tax credit
24 issued shall not be less than fifty dollars and shall be applied to taxes due under chapter 143,
25 excluding sections 143.191 to 143.265. A contribution verification shall be issued to the
26 taxpayer by the agency receiving the contribution. Such contribution verification shall
27 include the taxpayer's name, Social Security number, amount of tax credit, amount of
28 contribution, the name and address of the agency receiving the credit, and the date the
29 contribution was made. The tax credit provided under this subsection shall be initially filed
30 for the year in which the verified contribution is made.

31 3. The cumulative amount of the tax credits redeemed shall not exceed one million
32 dollars for all fiscal years ending on or before June 30, 2019, and one million five hundred
33 thousand dollars for all fiscal years beginning on or after July 1, 2019. The amount available
34 shall be equally divided among the three qualified agencies: CASA, child advocacy centers,
35 or crisis care centers, to be used towards tax credits issued. In the event tax credits claimed
36 under one agency do not total the allocated amount for that agency, the unused portion for that
37 agency will be made available to the remaining agencies equally. In the event the total
38 amount of tax credits claimed for any one agency exceeds the amount available for that
39 agency, the amount redeemed shall and will be apportioned equally to all eligible taxpayers
40 claiming the credit under that agency.

41 4. Prior to December thirty-first of each year, each qualified agency shall apply to the
42 department of social services in order to verify their qualified agency status **and apply for**
43 **the champion for children tax credit**. Upon a determination that the agency is eligible to be
44 a qualified agency, the department of social services shall provide a letter of eligibility to such
45 agency. No later than February first of each year, the department of social services shall
46 provide a list of qualified agencies to the department of revenue. All tax credit applications to
47 claim the champion for children tax credit shall be filed between July first and April fifteenth
48 of each fiscal year. ~~[A taxpayer shall apply for the champion for children tax credit by~~
49 ~~attaching a copy of the contribution verification provided by a qualified agency to such~~
50 ~~taxpayer's income tax return.]~~

51 5. Any amount of tax credit which exceeds the tax due or which is applied for and
52 otherwise eligible for issuance but not issued shall not be refunded but may be carried over to
53 any subsequent tax year, not to exceed a total of five years.

54 6. Tax credits may not be assigned, transferred or sold.

55 7. (1) In the event a credit denial, due to lack of available funds, causes a balance-due
56 notice to be generated by the department of revenue, or any other redeeming agency, the
57 taxpayer will not be held liable for any penalty or interest, provided the balance is paid, or
58 approved payment arrangements have been made, within sixty days from the notice of denial.

59 (2) In the event the balance is not paid within sixty days from the notice of denial, the
60 remaining balance shall be due and payable under the provisions of chapter 143.

61 8. The department of **social services** may promulgate such rules or regulations as are
62 necessary to administer the provisions of this section. Any rule or portion of a rule, as that
63 term is defined in section 536.010, that is created under the authority delegated in this section
64 shall become effective only if it complies with and is subject to all of the provisions of
65 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
66 nonseverable and if any of the powers vested with the general assembly pursuant to chapter
67 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
68 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
69 adopted after August 28, 2013, shall be invalid and void.

70 9. Pursuant to section 23.253, of the Missouri sunset act:

71 (1) The program authorized under this section shall be reauthorized as of December
72 31, 2019, and shall expire on December 31, 2025, unless reauthorized by the general
73 assembly; and

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

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

79 10. Beginning on March 29, 2013, any verified contribution to a qualified agency
80 made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

81 **11. After the effective date of this section, the department of social services shall**
82 **administer the tax credit provided under this section.**

135.432. 1. The department of economic development shall promulgate such rules
2 and regulations as are necessary to implement the provisions of sections 135.400 to 135.430.

3 2. No rule or portion of a rule promulgated under the authority of this chapter shall
4 become effective until it has been approved by the joint committee on administrative rules in
5 accordance with the procedures provided in this section, and the delegation of the legislative

6 authority to enact law by the adoption of such rules is dependent upon the power of the joint
7 committee on administrative rules to review and suspend rules pending ratification by the
8 senate and the house of representatives as provided in this section.

9 3. Upon filing any proposed rule with the secretary of state, the department shall
10 concurrently submit such proposed rule to the committee, which may hold hearings upon any
11 proposed rule or portion thereof at any time.

12 4. A final order of rulemaking shall not be filed with the secretary of state until thirty
13 days after such final order of rulemaking has been received by the committee. The committee
14 may hold one or more hearings upon such final order of rulemaking during the thirty-day
15 period. If the committee does not disapprove such order of rulemaking within the thirty-day
16 period, the department may file such order of rulemaking with the secretary of state and the
17 order of rulemaking shall be deemed approved.

18 5. The committee may, by majority vote of the members, suspend the order of
19 rulemaking or portion thereof by action taken prior to the filing of the final order of
20 rulemaking only for one or more of the following grounds:

21 (1) An absence of statutory authority for the proposed rule;

22 (2) An emergency relating to public health, safety or welfare;

23 (3) The proposed rule is in conflict with state law;

24 (4) A substantial change in circumstance since enactment of the law upon which the
25 proposed rule is based.

26 6. If the committee disapproves any rule or portion thereof, the department shall not
27 file such disapproved portion of any rule with the secretary of state and the secretary of state
28 shall not publish in the Missouri Register any final order of rulemaking containing the
29 disapproved portion.

30 7. If the committee disapproves any rule or portion thereof, the committee shall report
31 its findings to the senate and the house of representatives. No rule or portion thereof
32 disapproved by the committee shall take effect so long as the senate and the house of
33 representatives ratify the act of the joint committee by resolution adopted in each house
34 within thirty legislative days after such rule or portion thereof has been disapproved by the
35 joint committee.

36 8. Upon adoption of a rule as provided in this section, any such rule or portion thereof
37 may be suspended or revoked by the general assembly either by bill or, pursuant to Section 8,
38 Article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of
39 the joint committee on administrative rules. The committee shall be authorized to hold
40 hearings and make recommendations pursuant to the provisions of section 536.037. The
41 secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the
42 suspension or revocation.

43 **9. Under section 23.253 of the Missouri sunset act:**

44 **(1) The provisions of the program authorized under sections 135.400 to 135.432**
45 **shall automatically sunset on December 31, 2030, unless reauthorized by an act of the**
46 **general assembly;**

47 **(2) If such program is reauthorized, the program authorized under sections**
48 **135.400 to 135.432 shall automatically sunset on December thirty-first, six years after**
49 **the effective date of the reauthorization of sections 135.400 to 135.432;**

50 **(3) Sections 135.400 to 135.432 shall terminate on September first of the**
51 **calendar year immediately following the calendar year in which the program authorized**
52 **under sections 135.400 to 135.432 is sunset; and**

53 **(4) The provisions of this subsection shall not be construed to limit or in any way**
54 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
55 **program authorized under this section expires.**

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

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

8 3. A taxpayer shall be allowed a tax credit against the tax otherwise due pursuant to
9 chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, chapter 147,
10 chapter 148, or chapter 153 in an amount equal to thirty percent for property contributions
11 and fifty percent for monetary contributions of the amount such taxpayer contributed to the
12 programs described in subsection 5 of this section, not to exceed two hundred thousand
13 dollars per ~~taxable~~ tax year, per taxpayer; except as otherwise provided in subdivision (5) of
14 subsection 5 of this section. The department of economic development shall prescribe the
15 method for claiming the tax credits allowed in this section. No rule or portion of a rule
16 promulgated under the authority of this section shall become effective unless it has been
17 promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated
18 prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section
19 shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27,
20 1997, if such rule complied with the provisions of chapter 536. The provisions of this section
21 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
22 pursuant to chapter 536, including the ability to review, to delay the effective date, or to
23 disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then

24 the purported grant of rulemaking authority and any rule so proposed and contained in the
25 order of rulemaking shall be invalid and void.

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

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

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

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

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

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

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

47 (6) Mentor and role model programs;

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

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

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

55 (10) Nonviolent conflict resolution and mediation programs;

56 (11) Youth outreach and counseling programs.

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

60 pursuant to such program, the duration of such program and recorded youth attendance where
61 applicable.

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

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

67 9. For the purposes of the credits described in this section, in the case of a corporation
68 described in section 143.471, partnership, limited liability company described in section
69 347.015, cooperative, marketing enterprise, or partnership, in computing Missouri's tax
70 liability, such credits shall be allowed to the following:

- 71 (1) The shareholders of the corporation described in section 143.471;
- 72 (2) The partners of the partnership;
- 73 (3) The members of the limited liability company; and
- 74 (4) Individual members of the cooperative or marketing enterprise.

75

76 Such credits shall be apportioned to the entities described in subdivisions (1) and (2) of this
77 subsection in proportion to their share of ownership on the last day of the taxpayer's tax
78 period.

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

80 **(1) The provisions of the program authorized under this section shall**
81 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
82 **general assembly;**

83 **(2) If such program is reauthorized, the program authorized under this section**
84 **shall automatically sunset on December thirty-first, six years after the effective date of**
85 **the reauthorization of this section;**

86 **(3) This section shall terminate on September first of the calendar year**
87 **immediately following the calendar year in which the program authorized under this**
88 **section is sunset; and**

89 **(4) The provisions of this subsection shall not be construed to limit or in any way**
90 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
91 **program authorized under this section expires.**

135.487. 1. To obtain any credit allowed pursuant to sections 135.475 to 135.487, a
2 taxpayer shall submit to the department, for preliminary approval, an application for tax
3 credit. The director shall, upon final approval of an application and presentation of
4 acceptable proof of substantial completion of construction, issue the taxpayer a certificate of
5 tax credit. The director shall issue all credits allowed pursuant to sections 135.475 to 135.487

6 in the order the applications are received. In the case of a taxpayer other than an owner-
7 occupant, the director shall not delay the issuance of a tax credit pursuant to sections 135.475
8 to 135.487 until the sale of a residence at market rate for owner-occupancy. A taxpayer,
9 [~~taxpayer~~] other than an owner-occupant who receives a certificate of tax credit pursuant to
10 sections 135.475 to 135.487, shall, within thirty days of the date of the sale of a residence,
11 furnish to the director satisfactory proof that such residence was sold at market rate for
12 owner-occupancy. If the director reasonably determines that a residence was not in good faith
13 intended for long-term owner occupancy, the director make revoke any tax credits issued and
14 seek recovery of any tax credits issued pursuant to section 620.017.

15 2. The department may cooperate with a municipality or a county in which a project
16 is located to help identify the location of the project, the type and eligibility of the project, the
17 estimated cost of the project and the completion date of the project.

18 3. The department may promulgate such rules or regulations or issue administrative
19 guidelines as are necessary to administer the provisions of sections 135.475 to 135.487. No
20 rule or portion of a rule promulgated pursuant to the authority of this section shall become
21 effective unless it has been promulgated pursuant to the provisions of chapter 536.

22 4. The department shall conduct annually a comprehensive program evaluation
23 illustrating where the tax credits allowed pursuant to sections 135.475 to 135.487 are being
24 utilized, explaining the economic impact of such program and making recommendations on
25 appropriate program modifications to ensure the program's success.

26 **5. Under section 23.253 of the Missouri sunset act:**

27 **(1) The provisions of the program authorized under sections 135.475 to 135.487**
28 **shall automatically sunset on December 31, 2030, unless reauthorized by an act of the**
29 **general assembly;**

30 **(2) If such program is reauthorized, the program authorized under sections**
31 **135.475 to 135.487 shall automatically sunset on December thirty-first, six years after**
32 **the effective date of the reauthorization of sections 135.475 to 135.487;**

33 **(3) Sections 135.475 to 135.487 shall terminate on September first of the**
34 **calendar year immediately following the calendar year in which the program authorized**
35 **under sections 135.475 to 135.487 is sunset; and**

36 **(4) The provisions of this subsection shall not be construed to limit or in any way**
37 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
38 **program authorized under this section expires.**

135.490. 1. In order to encourage and foster community improvement, an eligible
2 small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a
3 credit not to exceed five thousand dollars against the tax otherwise due pursuant to chapter
4 143, not including sections 143.191 to 143.265, in an amount equal to fifty percent of all

5 eligible access expenditures exceeding the monetary cap provided by Section 44 of the
6 Internal Revenue Code. For purposes of this section, "eligible access expenditures" means
7 amounts paid or incurred by the taxpayer in order to comply with applicable access
8 requirements provided by the Americans With Disabilities Act of 1990, as further defined in
9 Section 44 of the Internal Revenue Code and federal rulings interpreting Section 44 of the
10 Internal Revenue Code.

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

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

22 4. The provisions of this section shall become effective on January 1, 2000, and shall
23 apply to all ~~[taxable]~~ tax years beginning after December 31, 1999.

24 5. **(1) For all tax years beginning on or after January 1, 2025, the cumulative**
25 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
26 **total cap amount which shall be an amount equal to twenty percent greater than the**
27 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
28 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

29 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
30 **the total cap determined under subdivision (2) of this subsection, tax credits shall be**
31 **allowed based on the order in which they are claimed.**

32 6. Under section 23.253 of the Missouri sunset act:

33 **(1) The provisions of the program authorized under this section shall**
34 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
35 **general assembly;**

36 **(2) If such program is reauthorized, the program authorized under this section**
37 **shall automatically sunset on December thirty-first, six years after the effective date of**
38 **the reauthorization of this section;**

39 **(3) This section shall terminate on September first of the calendar year**
40 **immediately following the calendar year in which the program authorized under this**
41 **section is sunset; and**

42 **(4) The provisions of this subsection shall not be construed to limit or in any way**
43 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
44 **program authorized under this section expires.**

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

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

4 (2) "Rape crisis center", a community-based nonprofit rape crisis center, as defined in
5 section 455.003, located in this state and that provides the twenty-four-hour core services of
6 hospital advocacy and crisis hotline support to survivors of rape and sexual assault;

7 (3) "Shelter for victims of domestic violence", a facility located in this state which
8 meets the definition of a shelter for victims of domestic violence pursuant to section 455.200
9 and which meets the requirements of section 455.220, or a nonprofit organization established
10 and operating exclusively for the purpose of supporting a shelter for victims of domestic
11 violence operated by the state or one of its political subdivisions;

12 (4) "State tax liability", in the case of a business taxpayer, any liability incurred by
13 such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter
14 153, exclusive of the provisions relating to the withholding of tax as provided for in sections
15 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any
16 liability incurred by such taxpayer pursuant to the provisions of chapter 143;

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

28 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax
29 liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a
30 shelter for victims of domestic violence or rape crisis center for all fiscal years ending on or
31 before June 30, 2022, and seventy percent of the amount such taxpayer contributed to a
32 shelter for victims of domestic violence or rape crisis center for all fiscal years beginning on
33 or after July 1, 2022.

34 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's
35 state tax liability for the [taxable] tax year that the credit is claimed, and such taxpayer shall
36 not be allowed to claim a tax credit in excess of fifty thousand dollars per [taxable] tax year.
37 However, any tax credit that cannot be claimed in the [taxable] tax year the contribution was
38 made may be carried over only to the next succeeding tax year. Tax credits issued pursuant to
39 this section shall not be assigned, transferred, or sold.

40 4. Except for any excess credit which is carried over pursuant to subsection 3 of this
41 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such
42 taxpayer's contribution or contributions to a shelter or shelters for victims of domestic
43 violence or rape crisis center in such taxpayer's [taxable] tax year has a value of at least one
44 hundred dollars.

45 5. The director of the department of social services shall determine, at least annually,
46 which facilities in this state may be classified as shelters for victims of domestic violence and
47 rape crisis centers. The director of the department of social services may require of a facility
48 seeking to be classified as a shelter for victims of domestic violence or rape crisis center
49 whatever information is reasonably necessary to make such a determination. The director of
50 the department of social services shall classify a facility as a shelter for victims of domestic
51 violence or rape crisis center if such facility meets the definition set forth in subsection 1 of
52 this section.

53 6. The director of the department of social services shall establish a procedure by
54 which a taxpayer can determine if a facility has been classified as a shelter for victims of
55 domestic violence or rape crisis center, and by which such taxpayer can then contribute to
56 such shelter for victims of domestic violence or rape crisis center and claim a tax credit.
57 Shelters for victims of domestic violence and rape crisis centers shall be permitted to decline
58 a contribution from a taxpayer. The cumulative amount of tax credits which may be claimed
59 by all the taxpayers contributing to shelters for victims of domestic violence and rape crisis
60 centers in any one fiscal year shall not exceed two million dollars for all fiscal years ending
61 on or before June 30, 2022. For all fiscal years beginning on or after July 1, 2022, there shall
62 be no limit imposed on the cumulative amount of tax credits that may be claimed by all
63 taxpayers contributing to shelters for victims of domestic violence and rape crisis centers
64 under the provisions of this section.

65 7. For all fiscal years ending on or before June 30, 2022, the director of the
66 department of social services shall establish a procedure by which, from the beginning of the
67 fiscal year until some point in time later in the fiscal year to be determined by the director of
68 the department of social services, the cumulative amount of tax credits are equally
69 apportioned among all facilities classified as shelters for victims of domestic violence and
70 rape crisis centers. If a shelter for victims of domestic violence or rape crisis center fails to

71 use all, or some percentage to be determined by the director of the department of social
72 services, of its apportioned tax credits during this predetermined period of time, the director
73 of the department of social services may reapportion these unused tax credits to those shelters
74 for victims of domestic violence and rape crisis centers that have used all, or some percentage
75 to be determined by the director of the department of social services, of their apportioned tax
76 credits during this predetermined period of time. The director of the department of social
77 services may establish more than one period of time and reapportion more than once during
78 each fiscal year. To the maximum extent possible, the director of the department of social
79 services shall establish the procedure described in this subsection in such a manner as to
80 ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax
81 credits available for the fiscal year.

82 8. This section shall become effective January 1, 2000, and shall apply to all tax years
83 after December 31, 1999.

84 **9. Under section 23.253 of the Missouri sunset act:**

85 **(1) The provisions of the program authorized under this section shall**
86 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
87 **general assembly;**

88 **(2) If such program is reauthorized, the program authorized under this section**
89 **shall automatically sunset on December thirty-first, six years after the effective date of**
90 **the reauthorization of this section;**

91 **(3) This section shall terminate on September first of the calendar year**
92 **immediately following the calendar year in which the program authorized under this**
93 **section is sunset; and**

94 **(4) The provisions of this subsection shall not be construed to limit or in any way**
95 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
96 **program authorized under this section expires.**

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

7 2. Any taxpayer with a federal adjusted gross income greater than thirty thousand
8 dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or
9 any portion of such taxpayer's principal dwelling accessible to an individual with a disability
10 who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's
11 Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or

12 two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to
13 receive tax credits under this section in any tax year immediately following a tax year in
14 which such taxpayer received tax credits under the provisions of this section.

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

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

18 (1) Constructing entrance or exit ramps;

19 (2) Widening exterior or interior doorways;

20 (3) Widening hallways;

21 (4) Installing handrails or grab bars;

22 (5) Moving electrical outlets and switches;

23 (6) Installing stairway lifts;

24 (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;

25 (8) Modifying hardware of doors; or

26 (9) Modifying bathrooms.

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

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

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

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

46 9. The provisions of this section shall expire December 31, 2025, unless reauthorized
47 by the general assembly. This section shall terminate on September first of the calendar year
48 immediately following the calendar year in which the program authorized under this section

49 is sunset. The provisions of this subsection shall not be construed to limit or in any way
50 impair the department's ability to redeem tax credits authorized on or before the date the
51 program authorized under this section expires or a taxpayer's ability to redeem such tax
52 credits.

53 10. In no event shall the aggregate amount of all tax credits allowed under this section
54 exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant
55 to this section shall be on a first-come, first-served filing basis.

56 **11. After the effective date of this section, the department of economic**
57 **development shall administer the tax credit provided under this section.**

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

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

4 (2) "Maternity home", a residential facility located in this state:

5 (a) Established for the purpose of providing housing and assistance to pregnant
6 women who are carrying their pregnancies to term;

7 (b) That does not perform, induce, or refer for abortions and that does not hold itself
8 out as performing, inducing, or referring for abortions;

9 (c) That provides services at no cost to clients; and

10 (d) That is exempt from income taxation under the United States Internal Revenue
11 Code;

12 (3) "State tax liability", in the case of a business taxpayer, any liability incurred by
13 such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter
14 153, exclusive of the provisions relating to the withholding of tax as provided for in sections
15 143.191 to 143.265, and related provisions, and in the case of an individual taxpayer, any
16 liability incurred by such taxpayer pursuant to the provisions of chapter 143;

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

28 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax
29 liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a
30 maternity home for all fiscal years ending on or before June 30, 2022, and seventy percent of
31 the amount such taxpayer contributed to a maternity home for all fiscal years beginning on or
32 after July 1, 2022.

33 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's
34 state tax liability for the tax year that the credit is claimed, and such taxpayer shall not be
35 allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any
36 tax credit that cannot be claimed in the tax year the contribution was made may be carried
37 over only to the next succeeding tax year. No tax credit issued under this section shall be
38 assigned, transferred, or sold.

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

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

49 6. The director of the department of social services shall establish a procedure by
50 which a taxpayer can determine if a facility has been classified as a maternity home, and by
51 which such taxpayer can then contribute to such maternity home and claim a tax credit.
52 Maternity homes shall be permitted to decline a contribution from a taxpayer. The
53 cumulative amount of tax credits which may be claimed by all the taxpayers contributing to
54 maternity homes in any one fiscal year shall not exceed two million dollars for all fiscal years
55 ending on or before June 30, 2014, and two million five hundred thousand dollars for all
56 fiscal years beginning on or after July 1, 2014, and ending on or before June 30, 2019, and
57 three million five hundred thousand dollars for all fiscal years beginning on or after July 1,
58 2019, and ending on or before June 30, 2022. For all fiscal years beginning on or after July 1,
59 2022, there shall be no limit imposed on the cumulative amount of tax credits that may be
60 claimed by all taxpayers contributing to maternity homes under the provisions of this section.
61 Tax credits shall be issued in the order contributions are received. If the amount of tax credits
62 redeemed in a fiscal year is less than the cumulative amount authorized under this subsection,
63 the difference shall be carried over to a subsequent fiscal year or years and shall be added to
64 the cumulative amount of tax credits that may be authorized in that fiscal year or years.

65 7. For all fiscal years ending on or before June 30, 2022, the director of the
66 department of social services shall establish a procedure by which, from the beginning of the
67 fiscal year until some point in time later in the fiscal year to be determined by the director of
68 the department of social services, the cumulative amount of tax credits are equally
69 apportioned among all facilities classified as maternity homes. If a maternity home fails to
70 use all, or some percentage to be determined by the director of the department of social
71 services, of its apportioned tax credits during this predetermined period of time, the director
72 of the department of social services may reapportion these unused tax credits to those
73 maternity homes that have used all, or some percentage to be determined by the director of
74 the department of social services, of their apportioned tax credits during this predetermined
75 period of time. The director of the department of social services may establish more than one
76 period of time and reapportion more than once during each fiscal year. To the maximum
77 extent possible, the director of the department of social services shall establish the procedure
78 described in this subsection in such a manner as to ensure that taxpayers can claim all the tax
79 credits possible up to the cumulative amount of tax credits available for the fiscal year.

80 8. This section shall become effective January 1, 2000, and shall apply to all tax years
81 after December 31, 1999.

82 **9. Under section 23.253 of the Missouri sunset act:**

83 **(1) The provisions of the program authorized under this section shall**
84 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
85 **general assembly;**

86 **(2) If such program is reauthorized, the program authorized under this section**
87 **shall automatically sunset on December thirty-first, six years after the effective date of**
88 **the reauthorization of this section;**

89 **(3) This section shall terminate on September first of the calendar year**
90 **immediately following the calendar year in which the program authorized under this**
91 **section is sunset; and**

92 **(4) The provisions of this subsection shall not be construed to limit or in any way**
93 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
94 **program authorized under this section expires.**

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

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

4 (2) "Director", the director of the department of social services;

5 (3) "Pregnancy resource center", a nonresidential facility located in this state:

6 (a) Established and operating primarily to provide assistance to women and families
7 with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling,

8 emotional and material support, and other similar services or by offering services as described
9 under subsection 2 of section 188.325, to encourage and assist such women and families in
10 carrying their pregnancies to term; and

11 (b) Where childbirths are not performed; and

12 (c) Which does not perform, induce, or refer for abortions and which does not hold
13 itself out as performing, inducing, or referring for abortions; and

14 (d) Which provides direct client services at the facility, as opposed to merely
15 providing counseling or referral services by telephone; and

16 (e) Which provides its services at no cost to its clients; and

17 (f) When providing medical services, such medical services must be performed in
18 accordance with Missouri statute; and

19 (g) Which is exempt from income taxation pursuant to the Internal Revenue Code of
20 1986, as amended;

21 (4) "State tax liability", in the case of a business taxpayer, any liability incurred by
22 such taxpayer pursuant to the provisions of chapters 143, 147, 148, and 153, excluding
23 sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer,
24 any liability incurred by such taxpayer pursuant to the provisions of chapter 143, excluding
25 sections 143.191 to 143.265 and related provisions;

26 (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an
27 S corporation doing business in the state of Missouri and subject to the state income tax
28 imposed by the provisions of chapter 143, or a corporation subject to the annual corporation
29 franchise tax imposed by the provisions of chapter 147, or an insurance company paying an
30 annual tax on its gross premium receipts in this state, or other financial institution paying
31 taxes to the state of Missouri or any political subdivision of this state pursuant to the
32 provisions of chapter 148, or an express company which pays an annual tax on its gross
33 receipts in this state pursuant to chapter 153, or an individual subject to the state income tax
34 imposed by the provisions of chapter 143, or any charitable organization which is exempt
35 from federal income tax and whose Missouri unrelated business taxable income, if any, would
36 be subject to the state income tax imposed under chapter 143.

37 2. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center
38 made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

39 (2) For all tax years beginning on or after January 1, 2007, and ending on or before
40 December 31, 2020, a taxpayer shall be allowed to claim a tax credit against the taxpayer's
41 state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed
42 to a pregnancy resource center. For all tax years beginning on or after January 1, 2021, a
43 taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an

44 amount equal to seventy percent of the amount such taxpayer contributed to a pregnancy
45 resource center.

46 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's
47 state tax liability for the tax year for which the credit is claimed, and such taxpayer shall not
48 be allowed to claim a tax credit in excess of fifty thousand dollars per tax year. However, any
49 tax credit that cannot be claimed in the tax year the contribution was made may be carried
50 over only to the next succeeding tax year. No tax credit issued under this section shall be
51 assigned, transferred, or sold.

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

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

61 6. The director shall establish a procedure by which a taxpayer can determine if a
62 facility has been classified as a pregnancy resource center. Pregnancy resource centers shall
63 be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits
64 which may be claimed by all the taxpayers contributing to pregnancy resource centers in any
65 one fiscal year shall not exceed two million dollars for all fiscal years ending on or before
66 June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on
67 or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred
68 thousand dollars for all fiscal years beginning on or after July 1, 2019, and ending on or
69 before June 30, 2021. For all fiscal years beginning on or after July 1, 2021, there shall be no
70 limit imposed on the cumulative amount of tax credits that may be claimed by all taxpayers
71 contributing to pregnancy resource centers under the provisions of this section. Tax credits
72 shall be issued in the order contributions are received. If the amount of tax credits redeemed
73 in a fiscal year is less than the cumulative amount authorized under this subsection, the
74 difference shall be carried over to a subsequent fiscal year or years and shall be added to the
75 cumulative amount of tax credits that may be authorized in that fiscal year or years.

76 7. For all fiscal years ending on or before June 30, 2021, the director shall establish a
77 procedure by which, from the beginning of the fiscal year until some point in time later in the
78 fiscal year to be determined by the director, the cumulative amount of tax credits are equally
79 apportioned among all facilities classified as pregnancy resource centers. If a pregnancy
80 resource center fails to use all, or some percentage to be determined by the director, of its

81 apportioned tax credits during this predetermined period of time, the director may reapportion
 82 these unused tax credits to those pregnancy resource centers that have used all, or some
 83 percentage to be determined by the director, of their apportioned tax credits during this
 84 predetermined period of time. The director may establish more than one period of time and
 85 reapportion more than once during each fiscal year. To the maximum extent possible, the
 86 director shall establish the procedure described in this subsection in such a manner as to
 87 ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax
 88 credits available for the fiscal year.

89 8. Each pregnancy resource center shall provide information to the director
 90 concerning the identity of each taxpayer making a contribution to the pregnancy resource
 91 center who is claiming a tax credit pursuant to this section and the amount of the contribution.
 92 The director shall provide the information to the director of revenue. The director shall be
 93 subject to the confidentiality and penalty provisions of section 32.057 relating to the
 94 disclosure of tax information.

95 9. ~~[The provisions of]~~ **Under** section 23.253 ~~[shall not apply to this section]~~ **of the**
 96 **Missouri sunset act:**

97 (1) **The provisions of the program authorized under this section shall**
 98 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
 99 **general assembly;**

100 (2) **If such program is reauthorized, the program authorized under this section**
 101 **shall automatically sunset on December thirty-first, six years after the effective date of**
 102 **the reauthorization of this section;**

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

106 (4) **The provisions of this subsection shall not be construed to limit or in any way**
 107 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
 108 **program authorized under this section expires.**

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

2 (1) **"Department", the department of social services;**

3 (2) "Local food pantry", any food pantry that is:

4 (a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of
 5 1986, as amended; and

6 (b) Distributing emergency food supplies to Missouri low-income people who would
 7 otherwise not have access to food supplies in the area in which the taxpayer claiming the tax
 8 credit under this section resides;

9 ~~[(2)]~~ (3) "Local homeless shelter", any homeless shelter that is:

10 (a) Exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of
11 1986, as amended; and

12 (b) Providing temporary living arrangements, in the area in which the taxpayer
13 claiming the tax credit under this section resides, for individuals and families who otherwise
14 lack a fixed, regular, and adequate nighttime residence and lack the resources or support
15 networks to obtain other permanent housing;

16 ~~[(3)]~~ (4) "Local soup kitchen", any soup kitchen that is:

17 (a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of
18 1986, as amended; and

19 (b) Providing prepared meals through an established congregate feeding operation to
20 needy, low-income persons including, but not limited to, homeless persons in the area in
21 which the taxpayer claiming the tax credit under this section resides;

22 ~~[(4)]~~ (5) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or a
23 shareholder in an S corporation doing business in this state and subject to the state income tax
24 imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

25 2. (1) Beginning on March 29, 2013, any donation of cash or food made to a local
26 food pantry on or after January 1, 2013, unless such food is donated after the food's expiration
27 date, shall be eligible for tax credits as provided by this section.

28 (2) Beginning on August 28, 2018, any donation of cash or food made to a local soup
29 kitchen or local homeless shelter on or after January 1, 2018, unless such food is donated after
30 the food's expiration date, shall be eligible for a tax credit as provided under this section.

31 (3) Any taxpayer who makes a donation that is eligible for a tax credit under this
32 section shall be allowed a credit against the tax otherwise due under chapter 143, excluding
33 withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent
34 of the value of the donations made to the extent such amounts that have been subtracted from
35 federal adjusted gross income or federal taxable income are added back in the determination
36 of Missouri adjusted gross income or Missouri taxable income before the credit can be
37 claimed. Each taxpayer claiming a tax credit under this section shall file an affidavit with the
38 income tax return verifying the amount of their contributions. The amount of the tax credit
39 claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year that
40 the credit is claimed and shall not exceed two thousand five hundred dollars per taxpayer
41 claiming the credit. Any amount of credit that the taxpayer is prohibited by this section from
42 claiming in a tax year shall not be refundable, but may be carried forward to any of the
43 taxpayer's three subsequent tax years. No tax credit granted under this section shall be
44 transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit pursuant to this
45 section if such taxpayer employs persons who are not authorized to work in the United States

46 under federal law. No taxpayer shall be able to claim more than one credit under this section
47 for a single donation.

48 3. The cumulative amount of tax credits under this section which may be allocated to
49 all taxpayers contributing to a local food pantry, local soup kitchen, or local homeless shelter
50 in any one fiscal year shall not exceed one million seven hundred fifty thousand dollars. The
51 ~~director of revenue~~ **department** shall establish a procedure by which the cumulative
52 amount of tax credits is apportioned among all taxpayers claiming the credit by April fifteenth
53 of the fiscal year in which the tax credit is claimed. To the maximum extent possible, the
54 ~~director of revenue~~ **department** shall establish the procedure described in this subsection in
55 such a manner as to ensure that taxpayers can claim all the tax credits possible up to the
56 cumulative amount of tax credits available for the fiscal year.

57 4. Any local food pantry, local soup kitchen, or local homeless shelter may accept or
58 reject any donation of food made under this section for any reason. For purposes of this
59 section, any donations of food accepted by a local food pantry, local soup kitchen, or local
60 homeless shelter shall be valued at fair market value, or at wholesale value if the taxpayer
61 making the donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

62 5. The department of ~~revenue~~ **social services** shall promulgate rules to implement
63 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
64 536.010, that is created under the authority delegated in this section shall become effective
65 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
66 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
67 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
68 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
69 of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be
70 invalid and void.

71 6. Under section 23.253 of the Missouri sunset act:

72 (1) The program authorized under this section shall be reauthorized as of August 28,
73 2018, and shall expire on December 31, 2026, unless reauthorized by the general assembly;
74 and

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

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

80 **7. After the effective date of this section, the department of social services shall**
81 **administer the tax credit provided under this section.**

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

2 (1) "Community-based faculty preceptor", a physician or physician assistant who is
3 licensed in Missouri and provides preceptorships to Missouri medical students or physician
4 assistant students without direct compensation for the work of precepting;

5 (2) "Department", the Missouri department of health and senior services;

6 (3) "Division", the division of professional registration of the department of
7 commerce and insurance;

8 (4) "Federally Qualified Health Center (FQHC)", a reimbursement designation from
9 the Bureau of Primary Health Care and the Centers for Medicare and Medicaid Services of
10 the United States Department of Health and Human Services;

11 (5) "Medical student", an individual enrolled in a Missouri medical college approved
12 and accredited as reputable by the American Medical Association or the Liaison Committee
13 on Medical Education or enrolled in a Missouri osteopathic college approved and accredited
14 as reputable by the Commission on Osteopathic College Accreditation;

15 (6) "Medical student core preceptorship" or "physician assistant student core
16 preceptorship", a preceptorship for a medical student or physician assistant student that
17 provides a minimum of one hundred twenty hours of community-based instruction in family
18 medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology under the
19 guidance of a community-based faculty preceptor. A community-based faculty preceptor
20 may add together the amounts of preceptorship instruction time separately provided to
21 multiple students in determining whether he or she has reached the minimum hours required
22 under this subdivision, but the total preceptorship instruction time provided shall equal at
23 least one hundred twenty hours in order for such preceptor to be eligible for the tax credit
24 authorized under this section;

25 (7) "Physician assistant student", an individual participating in a Missouri physician
26 assistant program accredited by the Accreditation Review Commission on Education for the
27 Physician Assistant or its successor organization;

28 (8) "Taxpayer", any individual, firm, partner in a firm, corporation, or shareholder in
29 an S corporation doing business in this state and subject to the state income tax imposed
30 under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

31 2. (1) Beginning January 1, 2023, any community-based faculty preceptor who
32 serves as the community-based faculty preceptor for a medical student core preceptorship or a
33 physician assistant student core preceptorship shall be allowed a credit against the tax
34 otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191
35 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a
36 maximum of three thousand dollars per tax year, if he or she completes up to three
37 preceptorship rotations during the tax year and did not receive any direct compensation for
38 the preceptorships.

39 (2) To receive the credit allowed by this section, a community-based faculty preceptor
40 shall claim such credit on his or her return for the tax year in which he or she completes the
41 preceptorship rotations and shall submit supporting documentation as prescribed by the
42 division and the department.

43 (3) In no event shall the total amount of a tax credit authorized under this section
44 exceed a taxpayer's income tax liability for the tax year for which such credit is claimed. No
45 tax credit authorized under this section shall be allowed a taxpayer against his or her tax
46 liability for any prior or succeeding tax year.

47 (4) No more than two hundred preceptorship tax credits shall be authorized under this
48 section for any one calendar year. The tax credits shall be awarded on a first-come, first-
49 served basis. The division and the department shall jointly promulgate rules for determining
50 the manner in which taxpayers who have obtained certification under this section are able to
51 claim the tax credit. The cumulative amount of tax credits awarded under this section shall
52 not exceed two hundred thousand dollars per year.

53 (5) Notwithstanding the provisions of subdivision (4) of this subsection, the
54 department is authorized to exceed the two hundred thousand dollars per year tax credit
55 program cap in any amount not to exceed the amount of funds remaining in the medical
56 preceptor fund, as established under subsection 3 of this section, as of the end of the most
57 recent tax year, after any required transfers to the general revenue fund have taken place in
58 accordance with the provisions of subsection 3 of this section.

59 3. (1) Funding for the tax credit program authorized under this section shall be
60 generated by the division from a license fee increase of seven dollars per license for
61 physicians and surgeons and from a license fee increase of three dollars per license for
62 physician assistants. The license fee increases shall take effect beginning January 1, 2023,
63 based on the underlying license fee rates prevailing on that date. The underlying license fee
64 rates shall be determined under section 334.090 and all other applicable provisions of chapter
65 334.

66 (2) (a) There is hereby created in the state treasury the "Medical Preceptor Fund",
67 which shall consist of moneys collected under this subsection. The state treasurer shall be
68 custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may
69 approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys
70 in the fund shall be used solely by the department and the division for the administration of
71 the tax credit program authorized under this section. Notwithstanding the provisions of
72 section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium
73 shall not revert to the credit of the general revenue fund. The state treasurer shall invest
74 moneys in the medical preceptor fund in the same manner as other funds are invested. Any
75 interest and moneys earned on such investments shall be credited to the fund.

76 (b) Notwithstanding any provision of this chapter or any other provision of law to the
77 contrary, all revenue from the license fee increases described under subdivision (1) of this
78 subsection shall be deposited in the medical preceptor fund. After the end of every tax year,
79 an amount equal to the total dollar amount of all tax credits claimed under this section shall be
80 transferred from the medical preceptor fund to the state's general revenue fund established
81 under section 33.543. Any excess moneys in the medical preceptor fund shall remain in the
82 fund and shall not be transferred to the general revenue fund.

83 4. (1) The department shall administer the tax credit program authorized under this
84 section. Each taxpayer claiming a tax credit under this section shall file an application with
85 the department verifying the number of hours of instruction and the amount of the tax credit
86 claimed. The hours claimed on the application shall be verified by the college or university
87 department head or the program director on the application. The certification by the
88 department affirming the taxpayer's eligibility for the tax credit provided to the taxpayer shall
89 be filed with the taxpayer's income tax return.

90 (2) No amount of any tax credit allowed under this section shall be refundable. No
91 tax credit allowed under this section shall be transferred, sold, or assigned. No taxpayer shall
92 be eligible to receive the tax credit authorized under this section if such taxpayer employs
93 persons who are not authorized to work in the United States under federal law.

94 5. The department of commerce and insurance and the department of health and
95 senior services shall jointly promulgate rules to implement the provisions of this section. Any
96 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
97 authority delegated in this section shall become effective only if it complies with and is
98 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section
99 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
100 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a
101 rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
102 rule proposed or adopted after August 28, 2022, shall be invalid and void.

103 **6. Under section 23.253 of the Missouri sunset act:**

104 **(1) The provisions of the program authorized under this section shall**
105 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
106 **general assembly;**

107 **(2) If such program is reauthorized, the program authorized under this section**
108 **shall automatically sunset on December thirty-first, six years after the effective date of**
109 **the reauthorization of this section;**

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

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

135.700. 1. For all tax years beginning on or after January 1, 1999, a grape grower or
2 wine producer shall be allowed a tax credit against the state tax liability incurred pursuant to
3 chapter 143, exclusive of the provisions relating to the withholding of tax as provided in
4 sections 143.191 to 143.265, in an amount equal to twenty-five percent of the purchase price
5 of all new equipment and materials used directly in the growing of grapes or the production of
6 wine in the state. Each grower or producer shall apply to the department of economic
7 development and specify the total amount of such new equipment and materials purchased
8 during the calendar year. The department of economic development shall certify to the
9 department of revenue the amount of such tax credit to which a grape grower or wine
10 producer is entitled pursuant to this section. The provisions of this section notwithstanding, a
11 grower or producer may only apply for and receive the credit authorized by this section for
12 five tax periods.

13 **2. (1) For all tax years beginning on or after January 1, 2025, the cumulative**
14 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
15 **total cap amount which shall be an amount equal to twenty percent greater than the**
16 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
17 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

18 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
19 **the total cap determined under subdivision (2) of this subsection, tax credits shall be**
20 **allowed based on the order in which they are claimed.**

21 **3. Under section 23.253 of the Missouri sunset act:**

22 **(1) The provisions of the program authorized under this section shall**
23 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
24 **general assembly;**

25 **(2) If such program is reauthorized, the program authorized under this section**
26 **shall automatically sunset on December thirty-first, six years after the effective date of**
27 **the reauthorization of this section;**

28 **(3) This section shall terminate on September first of the calendar year**
29 **immediately following the calendar year in which the program authorized under this**
30 **section is sunset; and**

31 **(4) The provisions of this subsection shall not be construed to limit or in any way**
32 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
33 **program authorized under this section expires.**

135.719. 1. The state treasurer and the department of revenue may promulgate rules to implement the provisions of sections 135.712 to 135.719. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

2. ~~[The provisions of]~~ **Under** section 23.253 of the Missouri sunset act ~~[shall not apply to]:~~

(1) The provisions of the program authorized under sections 135.712 to 135.719 shall automatically sunset on December 31, 2030, unless reauthorized by an act of the general assembly;

(2) If such program is reauthorized, the program authorized under sections 135.712 to 135.719 shall automatically sunset on December thirty-first, six years after the effective date of the reauthorization of sections 135.712 to 135.719;

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 135.712 to 135.719 is sunset; and

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

135.772. 1. For the purposes of this section, the following terms shall mean:

(1) "Department", the Missouri department of ~~[revenue]~~ **agriculture;**

(2) "Distributor", a person, firm, or corporation doing business in this state that:

(a) Produces, refines, blends, compounds, or manufactures motor fuel;

(b) Imports motor fuel into the state; or

(c) Is engaged in distribution of motor fuel;

(3) "Higher ethanol blend", a fuel capable of being dispensed directly into motor vehicle fuel tanks for consumption that is comprised of at least fifteen percent but not more than eighty-five percent ethanol;

(4) "Retail dealer", a person, firm, or corporation doing business in this state that owns or operates a retail service station in this state;

(5) "Retail service station", a location in this state from which higher ethanol blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

15 2. For all tax years beginning on or after January 1, 2023, a retail dealer that sells
16 higher ethanol blend at such retail dealer's retail service station or a distributor that sells
17 higher ethanol blend directly to the final user located in this state shall be allowed a tax credit
18 to be taken against the retail dealer's or distributor's state income tax liability. The amount of
19 the credit shall equal five cents per gallon of higher ethanol blend sold by the retail dealer and
20 dispensed through metered pumps at the retail dealer's retail service station or by a distributor
21 directly to the final user located in this state during the tax year for which the tax credit is
22 claimed. For any retail dealer or distributor with a tax year beginning prior to January 1,
23 2023, but ending during the 2023 calendar year, such retail dealer or distributor shall be
24 allowed a tax credit for the amount of higher ethanol blend sold during the portion of such tax
25 year that occurs during the 2023 calendar year. Tax credits authorized pursuant to this section
26 shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the
27 taxpayer's state tax liability, the difference shall not be refundable but may be carried forward
28 to any of the five subsequent tax years. The total amount of tax credits issued pursuant to this
29 section for any given fiscal year shall not exceed five million dollars.

30 3. In the event the total amount of tax credits claimed under this section exceeds the
31 amount of available tax credits, the tax credits shall be apportioned among all eligible retail
32 dealers and distributors claiming a tax credit by April fifteenth, or as directed by section
33 143.851, of the fiscal year in which the tax credit is claimed.

34 4. **The department shall prescribe the method for submitting applications for**
35 **claiming** the tax credit allowed by this section [~~shall be claimed by such taxpayer at the time~~
36 ~~such taxpayer files a return~~] and **such tax credit** shall be applied against the income tax
37 liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191
38 to 143.265, after reduction for all other credits allowed thereon. The department may require
39 any documentation it deems necessary to implement the provisions of this section.

40 5. The department **of agriculture** shall promulgate rules to implement the provisions
41 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
42 created under the authority delegated in this section shall become effective only if it complies
43 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
44 This section and chapter 536 are nonseverable and if any of the powers vested with the
45 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
46 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
47 rulemaking authority and any rule proposed or adopted after January 2, 2023, shall be invalid
48 and void.

49 6. Under section 23.253 of the Missouri sunset act:

50 (1) The provisions of this section shall automatically sunset on December 31, 2028,
51 unless reauthorized by an act of the general assembly; and

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

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

57 **7. After the effective date of this section, the department of agriculture shall**
58 **administer the tax credit provided under this section.**

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

2 (1) "Biodiesel blend", a blend of diesel fuel and biodiesel fuel of at least five percent
3 and not more than twenty percent for on-road and off-road diesel-fueled vehicle use;

4 (2) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid
5 fuel that is derived from agricultural and other plant oils or animal fats and that meets the
6 most recent version of the ASTM International D6751 Standard Specification for Biodiesel
7 Fuel Blend Stock. A fuel shall be deemed to be biodiesel fuel if the fuel consists of a pure
8 B100 or B99 ratio. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of
9 this section unless the palm oil is contained within waste oil and grease collected within the
10 United States;

11 (3) "B99", a blend of ninety-nine percent biodiesel fuel that meets the most recent
12 version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend
13 Stock with a minimum of one-tenth of one percent and maximum of one percent diesel fuel
14 that meets the most recent version of the ASTM International D975 Standard Specification
15 for Diesel Fuel;

16 (4) "Department", the Missouri department of ~~revenue~~ **agriculture**;

17 (5) "Distributor", a person, firm, or corporation doing business in this state that:

18 (a) Produces, refines, blends, compounds, or manufactures motor fuel;

19 (b) Imports motor fuel into the state; or

20 (c) Is engaged in distribution of motor fuel;

21 (6) "Retail dealer", a person, firm, or corporation doing business in this state that
22 owns or operates a retail service station in this state;

23 (7) "Retail service station", a location in this state from which biodiesel blend is sold
24 to the general public and is dispensed directly into motor vehicle fuel tanks for consumption
25 at retail.

26 2. For all tax years beginning on or after January 1, 2023, a retail dealer that sells a
27 biodiesel blend at a retail service station or a distributor that sells a biodiesel blend directly to
28 the final user located in this state shall be allowed a tax credit to be taken against the retail
29 dealer or distributor's state income tax liability. For any retail dealer or distributor with a tax
30 year beginning prior to January 1, 2023, but ending during the 2023 calendar year, such retail

31 dealer or distributor shall be allowed a tax credit for the amount of biodiesel blend sold during
32 the portion of such tax year that occurs during the 2023 calendar year. The amount of the
33 credit shall be equal to:

34 (1) Two cents per gallon of biodiesel blend of at least five percent but not more than
35 ten percent sold by the retail dealer at a retail service station or by a distributor directly to the
36 final user located in this state during the tax year for which the tax credit is claimed; and

37 (2) Five cents per gallon of biodiesel blend in excess of ten percent but not more than
38 twenty percent sold by the retail dealer at a retail service station or by a distributor directly to
39 the final user located in this state during the tax year for which the tax credit is claimed.

40 3. Tax credits authorized under this section shall not be transferred, sold, or assigned.
41 If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall be
42 refundable. The total amount of tax credits issued under this section for any given fiscal year
43 shall not exceed sixteen million dollars.

44 4. In the event the total amount of tax credits claimed under this section exceeds the
45 amount of available tax credits, the tax credits shall be apportioned among all eligible retail
46 dealers and distributors claiming a tax credit by April fifteenth, or as directed by section
47 143.851, of the fiscal year in which the tax credit is claimed.

48 5. **The department shall prescribe the method for submitting applications for**
49 **claiming** the tax credit allowed by this section [~~shall be claimed by such taxpayer at the time~~
50 ~~such taxpayer files a return~~] and **such tax credit** shall be applied against the income tax
51 liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191
52 to 143.265, after reduction for all other credits allowed thereon. The department may require
53 any documentation it deems necessary to administer the provisions of this section.

54 6. Notwithstanding the provisions of section 32.057 to the contrary, the department
55 may work with the division of weights and measures within the department of agriculture to
56 validate that the biodiesel blend a retail dealer or distributor claims for the tax credit
57 authorized under this section contains a sufficient percentage of biodiesel fuel.

58 7. The department **of agriculture** shall promulgate rules to implement and administer
59 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
60 536.010, that is created pursuant to the authority delegated in this section shall become
61 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
62 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
63 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
64 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
65 the grant of rulemaking authority and any rule proposed or adopted after January 2, 2023,
66 shall be invalid and void.

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

68 (1) The provisions of the new program authorized under this section shall
69 automatically sunset on December 31, 2028, unless reauthorized by an act of the general
70 assembly;

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

74 (3) This section shall terminate on September first of the calendar year immediately
75 following the calendar year in which the program authorized under this section is sunset. The
76 termination of the program as described in this subsection shall not be construed to preclude
77 any qualified taxpayer who claims any benefit under any program that is sunset under this
78 subsection from claiming such benefit for all allowable activities related to such claim that
79 were completed before the program was sunset or to eliminate any responsibility of the
80 department to verify the continued eligibility of qualified individuals receiving tax credits and
81 to enforce other requirements of law that applied before the program was sunset.

82 **9. After the effective date of this section, the department of agriculture shall**
83 **administer the tax credit provided under this section.**

135.778. 1. For the purposes of this section, the following terms shall mean:

2 (1) "Biodiesel fuel", a renewable, biodegradable, mono alkyl ester combustible liquid
3 fuel that is derived from agricultural and other plant oils or animal fats and that meets the
4 most recent version of the ASTM International D6751 Standard Specification for Biodiesel
5 Fuel Blend Stock. A fuel shall be deemed to be biodiesel fuel if the fuel consists of a pure
6 B100 or B99 ratio. Biodiesel produced from palm oil is not biodiesel fuel for the purposes of
7 this section unless the palm oil is contained within waste oil and grease collected within the
8 United States;

9 (2) "B99", a blend of ninety-nine percent biodiesel fuel that meets the most recent
10 version of the ASTM International D6751 Standard Specification for Biodiesel Fuel Blend
11 Stock with a minimum of one-tenth of one percent and maximum of one percent diesel fuel
12 that meets the most recent version of the ASTM International D975 Standard Specification
13 for Diesel Fuel;

14 (3) "Department", the Missouri department of ~~revenue~~ **agriculture**;

15 (4) "Missouri biodiesel producer", a person, firm, or corporation doing business in
16 this state that produces biodiesel fuel in this state, is registered with the United States
17 Environmental Protection Agency according to the requirements of 40 CFR Part 79, and has
18 begun construction on such facility or has been selling biodiesel fuel produced at such facility
19 on or before January 2, 2023.

20 2. For all tax years beginning on or after January 1, 2023, a Missouri biodiesel
21 producer shall be allowed a tax credit to be taken against the producer's state income tax

22 liability. For any Missouri biodiesel producer with a tax year beginning prior to January 1,
23 2023, but ending during the 2023 calendar year, such Missouri biodiesel producer shall be
24 allowed a tax credit for the amount of biodiesel fuel produced during the portion of such tax
25 year that occurs during the 2023 calendar year. The amount of the tax credit shall be two
26 cents per gallon of biodiesel fuel produced by the Missouri biodiesel producer during the tax
27 year for which the tax credit is claimed.

28 3. Tax credits authorized under this section shall not be transferred, sold, or assigned.
29 If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall be
30 refundable. The total amount of tax credits issued under this section for any given fiscal year
31 shall not exceed five million five hundred thousand dollars, which shall be authorized on a
32 first-come, first-served basis.

33 4. **The department shall prescribe the method for submitting applications for**
34 **claiming** the tax credit authorized under this section [~~shall be claimed by such taxpayer at the~~
35 ~~time such taxpayer files a return~~] and **such tax credit** shall be applied against the income tax
36 liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191
37 to 143.265, after reduction for all other credits allowed thereon. The department may require
38 any documentation it deems necessary to administer the provisions of this section.

39 5. The department **of agriculture** shall promulgate rules to implement and administer
40 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
41 536.010, that is created pursuant to the authority delegated in this section shall become
42 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
43 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the
44 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
45 effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then
46 the grant of rulemaking authority and any rule proposed or adopted after January 2, 2023,
47 shall be invalid and void.

48 6. Under section 23.253 of the Missouri sunset act:

49 (1) The provisions of the new program authorized under this section shall
50 automatically sunset on December 31, 2028, unless reauthorized by an act of the general
51 assembly;

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

55 (3) This section shall terminate on September first of the calendar year immediately
56 following the calendar year in which the program authorized under this section is sunset. The
57 termination of the program as described in this subsection shall not be construed to preclude
58 any qualified taxpayer who claims any benefit under any program that is sunset under this

59 subsection from claiming such benefit for all allowable activities related to such claim that
60 were completed before the program was sunset, or to eliminate any responsibility of the
61 department to verify the continued eligibility of qualified individuals receiving tax credits and
62 to enforce other requirements of law that applied before the program was sunset.

63 **7. After the effective date of this section, the department of agriculture shall**
64 **administer the tax credit provided under this section.**

135.1125. 1. As used in this section, the following terms shall mean:

- 2 (1) "Certificate", a tax credit certificate issued under this section;
- 3 (2) "Department", the Missouri department of social services;
- 4 (3) "Eligible donation", a donation of cash, stock, bonds or other marketable
5 securities, or real property made to an eligible provider;
- 6 (4) "Eligible provider", an organization that provides funding for unmet health,
7 hunger, and hygiene needs of children in school;
- 8 (5) "Taxpayer", a person, firm, partner in a firm, corporation, or a shareholder in an S
9 corporation doing business in the state of Missouri and subject to the state income tax
10 imposed in chapter 143, an insurance company paying an annual tax on its gross premium
11 receipts in this state, any other financial institution paying taxes to the state of Missouri or any
12 political subdivision of this state under chapter 148, or any charitable organization which is
13 exempt from federal income tax and whose Missouri unrelated business taxable income, if
14 any, would be subject to the state income tax imposed under chapter 143.

15 2. For all ~~taxable~~ tax years beginning on or after January 1, 2019, any taxpayer shall
16 be allowed a credit against the taxes otherwise due under chapter 143 or 148, excluding
17 withholding tax under sections 143.191 to 143.265, in an amount equal to fifty percent of the
18 amount of an eligible donation. The amount of the tax credit claimed shall not exceed the
19 amount of the taxpayer's state income tax liability in the tax year for which the credit is
20 claimed. Any amount of credit that the taxpayer is prohibited by this section from claiming in
21 a tax year shall not be refundable, but may be carried forward to any of the taxpayer's four
22 subsequent ~~taxable~~ tax years.

23 3. To claim the credit authorized in this section, a provider may submit to the
24 department an application for the tax credit authorized by this section on behalf of taxpayers.
25 The department shall verify that the provider has submitted the following items accurately
26 and completely:

- 27 (1) A valid application in the form and format required by the department;
- 28 (2) A statement attesting to the eligible donation received, which shall include the
29 name and taxpayer identification number of the individual making the eligible donation, the
30 amount of the eligible donation, and the date the eligible donation was received by the
31 provider; and

32 (3) A payment from the eligible provider in an amount equal to fifty percent of the
33 eligible donation.

34

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

37 4. Tax credits issued under this section may be assigned, transferred, sold, or
38 otherwise conveyed, and the new owner of the tax credit shall have the same rights in the
39 credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise
40 conveyed, a notarized endorsement shall be filed with the department specifying the name
41 and address of the new owner of the tax credit or the value of the credit.

42 **5. (1) For all tax years beginning on or after January 1, 2025, the cumulative**
43 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
44 **total cap amount which shall be an amount equal to twenty percent greater than the**
45 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
46 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

47 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
48 **the total cap determined under subdivision (2) of this subsection, tax credits shall be**
49 **allowed based on the order in which they are claimed.**

50 ~~[5-]~~ 6. The department shall promulgate rules to implement the provisions of this
51 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
52 created under the authority delegated in this section shall become effective only if it complies
53 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
54 This section and chapter 536 are nonseverable and if any of the powers vested with the
55 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
56 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
57 rulemaking authority and any rule proposed or adopted after August 28, 2018, shall be invalid
58 and void.

59 ~~[6-]~~ 7. Pursuant to section 23.253 of the Missouri sunset act:

60 (1) The provisions of this section shall automatically sunset six years after August 28,
61 2018, unless reauthorized by an act of the general assembly; and

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

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

135.1150. 1. This section shall be known and may be cited as the "Residential
2 Treatment Agency Tax Credit Act".

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

4 (1) "Certificate", a tax credit certificate issued under this section;

5 (2) "Department", the Missouri department of social services;

6 (3) "Eligible donation", donations received from a taxpayer by an agency that are
7 used solely to provide direct care services to children who are residents of this state. Eligible
8 donations may include cash, publicly traded stocks and bonds, and real estate that will be
9 valued and documented according to rules promulgated by the department of social services.
10 For purposes of this section, "direct care services" include but are not limited to increasing the
11 quality of care and service for children through improved employee compensation and
12 training;

13 (4) "Qualified residential treatment agency" or "agency", a residential care facility
14 that is licensed under section 210.484, accredited by the Council on Accreditation (COA), the
15 Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or the
16 Commission on Accreditation of Rehabilitation Facilities (CARF), and is under contract
17 with the Missouri department of social services to provide treatment services for children who
18 are residents or wards of residents of this state, and that receives eligible donations. Any
19 agency that operates more than one facility or at more than one location shall be eligible for
20 the tax credit under this section only for any eligible donation made to facilities or locations
21 of the agency which are licensed and accredited;

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

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

27 (b) A corporation subject to the annual corporation franchise tax imposed in chapter
28 147;

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

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

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

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

37 3. For all ~~taxable~~ tax years beginning on or after January 1, 2007, any taxpayer shall
38 be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148, excluding
39 withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent

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

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

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

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

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

56

57 If the agency applying for the tax credit meets all criteria required by this subsection, the
58 department shall issue a certificate in the appropriate amount.

59 5. An agency may apply for tax credits in an aggregate amount that does not exceed
60 the payments made by the department to the agency in the preceding twelve months.

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

66 7. **(1) For all tax years beginning on or after January 1, 2025, the cumulative**
67 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
68 **total cap amount which shall be an amount equal to twenty percent greater than the**
69 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
70 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

71 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
72 **the total cap determined under subdivision (2) of this subsection, tax credits shall be**
73 **allowed based on the order in which they are claimed.**

74 ~~[7-]~~ 8. The department shall promulgate rules to implement the provisions of this
75 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
76 created under the authority delegated in this section shall become effective only if it complies

77 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
78 This section and chapter 536 are nonseverable and if any of the powers vested with the
79 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
80 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
81 rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid
82 and void.

83 **9. Under section 23.253 of the Missouri sunset act:**

84 **(1) The provisions of the program authorized under this section shall**
85 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
86 **general assembly;**

87 **(2) If such program is reauthorized, the program authorized under this section**
88 **shall automatically sunset on December thirty-first, six years after the effective date of**
89 **the reauthorization of this section;**

90 **(3) This section shall terminate on September first of the calendar year**
91 **immediately following the calendar year in which the program authorized under this**
92 **section is sunset; and**

93 **(4) The provisions of this subsection shall not be construed to limit or in any way**
94 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
95 **program authorized under this section expires.**

135.1180. 1. This section shall be known and may be cited as the "Developmental
2 Disability Care Provider Tax Credit Program".

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

4 (1) "Certificate", a tax credit certificate issued under this section;

5 (2) "Department", the Missouri department of social services;

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

13 (4) "Qualified developmental disability care provider" or "provider", a care provider
14 that provides assistance to persons with developmental disabilities, and is accredited by the
15 Council on Accreditation (COA), the Joint Commission on Accreditation of Healthcare
16 Organizations (JCAHO), or the Commission on Accreditation of Rehabilitation Facilities
17 (CARF), or is under contract with the Missouri department of social services or department of
18 mental health to provide treatment services for such persons, and that receives eligible

19 donations. Any provider that operates more than one facility or at more than one location
20 shall be eligible for the tax credit under this section only for any eligible donation made to
21 facilities or locations of the provider which are licensed or accredited;

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

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

27 (b) A corporation subject to the annual corporation franchise tax imposed in chapter
28 147;

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

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

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

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

37 3. For all ~~taxable~~ tax years beginning on or after January 1, 2012, any taxpayer shall
38 be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148 excluding
39 withholding tax imposed by sections 143.191 to 143.265 in an amount equal to fifty percent
40 of the amount of an eligible donation, subject to the restrictions in this section. The amount
41 of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax
42 liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer
43 is prohibited by this section from claiming in a tax year shall not be refundable, but may be
44 carried forward to any of the taxpayer's four subsequent ~~taxable~~ tax years.

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

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

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

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

56

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

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

64 6. (1) **For all tax years beginning on or after January 1, 2025, the cumulative**
65 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
66 **total cap amount which shall be an amount equal to twenty percent greater than the**
67 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
68 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

69 (2) **If the amount of tax credits claimed in a tax year under this section exceeds**
70 **the total cap determined under subdivision (2) of this subsection, tax credits shall be**
71 **allowed based on the order in which they are claimed.**

72 ~~6.~~ 7. The department shall promulgate rules to implement the provisions of this
73 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
74 created under the authority delegated in this section shall become effective only if it complies
75 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
76 This section and chapter 536 are nonseverable and if any of the powers vested with the
77 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
78 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
79 rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid
80 and void.

81 8. **Under section 23.253 of the Missouri sunset act:**

82 (1) **The provisions of the program authorized under this section shall**
83 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
84 **general assembly;**

85 (2) **If such program is reauthorized, the program authorized under this section**
86 **shall automatically sunset on December thirty-first, six years after the effective date of**
87 **the reauthorization of this section;**

88 (3) **This section shall terminate on September first of the calendar year**
89 **immediately following the calendar year in which the program authorized under this**
90 **section is sunset; and**

91 **(4) The provisions of this subsection shall not be construed to limit or in any way**
92 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
93 **program authorized under this section expires.**

137.1018. 1. The commission shall ascertain the statewide average rate of property
2 taxes levied the preceding year, based upon the total assessed valuation of the railroad and
3 street railway companies and the total property taxes levied upon the railroad and street
4 railway companies. It shall determine total property taxes levied from reports prescribed by
5 the commission from the railroad and street railway companies. Total taxes levied shall not
6 include revenues from the surtax on subclass three real property.

7 2. The commission shall report its determination of average property tax rate for the
8 preceding year, together with the taxable distributable assessed valuation of each freight line
9 company for the current year to the director no later than October first of each year.

10 3. Taxes on property of such freight line companies shall be collected at the state level
11 by the director on behalf of the counties and other local public taxing entities and shall be
12 distributed in accordance with sections 137.1021 and 137.1024. The director shall tax such
13 property based upon the distributable assessed valuation attributable to Missouri of each
14 freight line company, using the average tax rate for the preceding year of the railroad and
15 street railway companies certified by the commission. Such tax shall be due and payable on
16 or before December thirty-first of the year levied and, if it becomes delinquent, shall be
17 subject to a penalty equal to that specified in section 140.100.

18 4. (1) As used in this subsection, the following terms mean:

19 (a) "Eligible expenses", expenses incurred in this state to manufacture, maintain, or
20 improve a freight line company's qualified rolling stock;

21 (b) "Qualified rolling stock", any freight, stock, refrigerator, or other railcars subject
22 to the tax levied under this section.

23 (2) For all ~~taxable~~ tax years beginning on or after January 1, 2009, a freight line
24 company shall, subject to appropriation, be allowed a credit against the tax levied under this
25 section for the applicable tax year. The tax credit amount shall be equal to the amount of
26 eligible expenses incurred during the calendar year immediately preceding the tax year for
27 which the credit under this section is claimed. The amount of the tax credit issued shall not
28 exceed the freight line company's liability for the tax levied under this section for the tax year
29 for which the credit is claimed.

30 (3) A freight line company may apply for the credit by submitting to the commission
31 an application in the form prescribed by the state tax commission.

32 (4) Subject to appropriation, the state shall reimburse, on an annual basis, any
33 political subdivision of this state for any decrease in revenue due to the provisions of this
34 subsection.

35 **(5) For all tax years beginning on or after January 1, 2025, the cumulative**
36 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
37 **total cap amount which shall be an amount equal to twenty percent greater than the**
38 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
39 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

40 **(6) If the amount of tax credits claimed in a tax year under this section exceeds**
41 **the total cap determined under subdivision (5) of this subsection, tax credits shall be**
42 **allowed based on the order in which they are claimed.**

43 5. Pursuant to section 23.253 of the Missouri sunset act:

44 (1) The program authorized under subsection 4 of this section shall expire on August
45 28, 2028; and

46 (2) Subsection 4 of this section shall terminate on September 1, 2029.

143.119. 1. A self-employed taxpayer, as such term is used in the federal internal
2 revenue code, who is otherwise ineligible for the federal income tax health insurance
3 deduction under Section 162 of the federal internal revenue code shall be entitled to a credit
4 against the tax otherwise due under this chapter, excluding withholding tax imposed by
5 sections 143.191 to 143.265, in an amount equal to the portion of such taxpayer's federal tax
6 liability incurred due to such taxpayer's inclusion of such payments in federal adjusted gross
7 income. To be eligible for a credit under this section, the self-employed taxpayer shall have a
8 Missouri income tax liability, before any other tax credits, of less than three thousand dollars.
9 The tax credits authorized under this section shall be nontransferable, nonrefundable, and
10 shall not be carried back or forward to any other tax year. A self-employed taxpayer shall not
11 claim both a tax credit under this section and a subtraction under section 143.113 for the same
12 tax year.

13 **2. (1) For all tax years beginning on or after January 1, 2025, the cumulative**
14 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
15 **total cap amount which shall be an amount equal to twenty percent greater than the**
16 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
17 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

18 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
19 **the total cap determined under subdivision (2) of this subsection, tax credits shall be**
20 **allowed based on the order in which they are claimed.**

21 ~~[2-]~~ 3. The director of the department of revenue shall promulgate rules and
22 regulations to administer the provisions of this section. Any rule or portion of a rule, as that
23 term is defined in section 536.010, that is created under the authority delegated in this section
24 shall become effective only if it complies with and is subject to all of the provisions of
25 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are

26 nonseverable and if any of the powers vested with the general assembly pursuant to chapter
27 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
28 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
29 adopted after August 28, 2007, shall be invalid and void.

30 ~~[3-]~~ 4. Pursuant to section 23.253 of the Missouri sunset act:

31 (1) The provisions of this section shall sunset automatically on December 31, 2028,
32 unless reauthorized by an act of the general assembly; and

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

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

37 (4) The provisions of this subsection shall not be construed to limit or in any way
38 impair the department's ability to redeem tax credits authorized on or before the date the
39 program authorized pursuant to this section expires, or a taxpayer's ability to redeem such tax
40 credits.

143.177. 1. This section shall be known and may be cited as the "Missouri Working
2 Family Tax Credit Act".

3 2. For purposes of this section, the following terms shall mean:

4 (1) "Department", the department of revenue;

5 (2) "Eligible taxpayer", a resident individual with a filing status of single, head of
6 household, widowed, or married filing combined who is subject to the tax imposed under this
7 chapter, excluding withholding tax imposed under sections 143.191 to 143.265, and who is
8 allowed a federal earned income tax credit under 26 U.S.C. Section 32, as amended;

9 (3) "Tax credit", a credit against the tax otherwise due under this chapter, excluding
10 withholding tax imposed under sections 143.191 to 143.265.

11 3. (1) Beginning with the 2023 calendar year, an eligible taxpayer shall be allowed a
12 tax credit in an amount equal to a percentage of the amount such taxpayer would receive
13 under the federal earned income tax credit as such credit existed under 26 U.S.C. Section 32
14 as of January 1, 2021, as provided pursuant to subdivision (2) of this subsection. The tax
15 credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files
16 a return and shall be applied against the income tax liability imposed by this chapter after
17 reduction for all other credits allowed thereon. If the amount of the credit exceeds the tax
18 liability, the difference shall not be refunded to the taxpayer and shall not be carried forward
19 to any subsequent tax year.

20 (2) Subject to the provisions of subdivision (3) of this subsection, the percentage of
21 the federal earned income tax credit to be allowed as a tax credit pursuant to subdivision (1)
22 of this subsection shall be ten percent, which may be increased to twenty percent subject to

23 the provisions of subdivision (3) of this subsection. The maximum percentage that may be
24 claimed as a tax credit pursuant to this section shall be twenty percent of the federal earned
25 income tax credit that may be claimed by such taxpayer. Any increase in the percentage that
26 may be claimed as a tax credit shall take effect on January first of a calendar year and such
27 percentage shall continue in effect until the next percentage increase occurs. An increase
28 shall only apply to tax years that begin on or after the increase takes effect.

29 (3) The initial percentage to be claimed as a tax credit and any increase in the
30 percentage that may be claimed pursuant to subdivision (2) of this subsection shall only occur
31 if the amount of net general revenue collected in the previous fiscal year exceeds the highest
32 amount of net general revenue collected in any of the three fiscal years prior to such fiscal
33 year by at least one hundred fifty million dollars.

34 (4) **For all tax years beginning on or after January 1, 2025, the cumulative**
35 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
36 **total cap amount which shall be an amount equal to twenty percent greater than the**
37 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
38 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

39 (5) **If the amount of tax credits claimed in a tax year under this section exceeds**
40 **the total cap determined under subdivision (4) of this subsection, tax credits shall be**
41 **allowed based on the order in which they are claimed.**

42 4. Notwithstanding the provisions of section 32.057 to the contrary, the department
43 shall determine whether any taxpayer filing a report or return with the department who did not
44 apply for the credit authorized under this section may qualify for the credit and, if so,
45 determines a taxpayer may qualify for the credit, shall notify such taxpayer of his or her
46 potential eligibility. In making a determination of eligibility under this section, the
47 department shall use any appropriate and available data including, but not limited to, data
48 available from the Internal Revenue Service, the U.S. Department of Treasury, and state
49 income tax returns from previous tax years.

50 5. The department shall prepare an annual report containing statistical information
51 regarding the tax credits issued under this section for the previous tax year, including the total
52 amount of revenue expended, the number of credits claimed, and the average value of the
53 credits issued to taxpayers whose earned income falls within various income ranges
54 determined by the department.

55 6. The director of the department may promulgate rules and regulations to administer
56 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
57 536.010, that is created under the authority delegated in this section shall become effective
58 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
59 section 536.028. This section and chapter 536 are nonseverable and if any of the powers

60 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
61 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
62 of rulemaking authority and any rule proposed or adopted after January 1, 2023, shall be
63 invalid and void.

64 7. Tax credits authorized under this section shall not be subject to the requirements of
65 sections 135.800 to 135.830.

66 **8. Under section 23.253 of the Missouri sunset act:**

67 **(1) The provisions of the program authorized under this section shall**
68 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
69 **general assembly;**

70 **(2) If such program is reauthorized, the program authorized under this section**
71 **shall automatically sunset on December thirty-first, six years after the effective date of**
72 **the reauthorization of this section;**

73 **(3) This section shall terminate on September first of the calendar year**
74 **immediately following the calendar year in which the program authorized under this**
75 **section is sunset; and**

76 **(4) The provisions of this subsection shall not be construed to limit or in any way**
77 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
78 **program authorized under this section expires.**

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

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

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

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

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

35 4. Notwithstanding subsection 3 of this section to the contrary, for all tax years
36 beginning on or after January 1, 2020, the items referred to in that subsection shall be
37 determined to be from sources within this state pursuant to regulations of the director of
38 revenue in a manner consistent with the division of income provisions of section 143.455 and
39 section 143.461.

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

45 6. If an S corporation pays or credits amounts to any of its nonresident individual
46 shareholders as dividends or as their share of the S corporation's undistributed taxable income
47 for the ~~taxable~~ tax year, the S corporation shall either timely file with the department of
48 revenue an agreement as provided in subsection 7 of this section or withhold Missouri income
49 tax as provided in subsection 8 of this section. An S corporation that timely files an
50 agreement as provided in subsection 7 of this section with respect to a nonresident
51 shareholder for a ~~taxable~~ tax year shall be considered to have timely filed such an
52 agreement for each subsequent ~~taxable~~ tax year. An S corporation that does not timely file
53 such an agreement for a ~~taxable~~ tax year shall not be precluded from timely filing such an
54 agreement for subsequent ~~taxable~~ tax years. An S corporation is not required to deduct and
55 withhold Missouri income tax for a nonresident shareholder if:

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

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

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

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

63 (5) No cash or other property was distributed in the current and prior ~~taxable~~ tax
64 year.

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

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

70 (2) Be subject to personal jurisdiction in this state for purposes of the collection of
71 income taxes, together with related interest and penalties, imposed on the shareholder by this
72 state with respect to the income of the S corporation.

73

74 The agreement will be considered timely filed for a ~~taxable~~ tax year, and for all subsequent
75 ~~taxable~~ tax years, if it is filed at or before the time the annual return for such ~~taxable~~ tax
76 year is required to be filed pursuant to section 143.511.

77 8. The amount of Missouri income tax to be withheld is determined by multiplying
78 the amount of dividends or undistributed income allocable to Missouri that is paid or credited
79 to a nonresident shareholder during the ~~taxable~~ tax year by the highest rate used to
80 determine a Missouri income tax liability for an individual, except that the amount of the tax
81 withheld may be determined based on withholding tables provided by the director of revenue
82 if the shareholder submits a Missouri withholding allowance certificate.

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

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

89 (1) The credit allowed by this subsection shall be equal to the bank tax calculated
90 pursuant to chapter 148 based on bank income in 1999 and after, on a bank that makes an
91 election pursuant to 26 U.S.C. Section 1362, and such credit shall be allocated to the
92 qualifying shareholder according to stock ownership, determined by multiplying a fraction,

93 where the numerator is the shareholder's stock, and the denominator is the total stock issued
94 by such bank or bank holding company;

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

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

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

111 (1) The credit allowed by this subsection shall be equal to the savings and loan
112 association tax calculated under chapter 148 based on the computations provided in section
113 148.630 on an association that makes an election under 26 U.S.C. Section 1362, and such
114 credit shall be allocated to the qualifying shareholder according to stock ownership,
115 determined by multiplying a fraction, where the numerator is the shareholder's stock, and the
116 denominator is the total stock issued by the association;

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

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

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

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

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

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

152 **13. (1) For all tax years beginning on or after January 1, 2025, the cumulative**
153 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
154 **total cap amount which shall be an amount equal to twenty percent greater than the**
155 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
156 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

157 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
158 **the total cap determined under subdivision (1) of this subsection, tax credits shall be**
159 **allowed based on the order in which they are claimed.**

160 **14. Under section 23.253 of the Missouri sunset act:**

161 **(1) The provisions of the tax credit programs authorized under subsections 10,**
162 **11, and 12 of this section shall automatically sunset on December 31, 2030, unless**
163 **reauthorized by an act of the general assembly;**

164 **(2) If such programs are reauthorized, the tax credit programs authorized under**
165 **subsections 10, 11, and 12 of this section shall automatically sunset on December thirty-**
166 **first, six years after the effective date of the reauthorization of this section;**

167 **(3) The provisions of the tax credit programs authorized under subsections 10,**
168 **11, and 12 of this section shall terminate on September first of the calendar year**
169 **immediately following the calendar year in which the programs authorized under**
170 **subsections 10, 11, and 12 of this section are sunset; and**

171 **(4) The provisions of this subsection shall not be construed to limit or in any way**
172 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
173 **programs authorized under this section expire.**

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

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

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

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

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

24 **4. (1) For all tax years beginning on or after January 1, 2025, the cumulative**
25 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
26 **total cap amount which shall be an amount equal to twenty percent greater than the**
27 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
28 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

29 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
30 **the total cap determined under subdivision (1) of this subsection, tax credits shall be**
31 **allowed based on the order in which they are claimed.**

32 **5. Under section 23.253 of the Missouri sunset act:**

33 **(1) The provisions of the program authorized under this section shall**
34 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
35 **general assembly;**

36 **(2) If such program is reauthorized, the program authorized under this section**
37 **shall automatically sunset on December thirty-first, six years after the effective date of**
38 **the reauthorization of this section;**

39 **(3) This section shall terminate on September first of the calendar year**
40 **immediately following the calendar year in which the program authorized under this**
41 **section is sunset; and**

42 **(4) The provisions of this subsection shall not be construed to limit or in any way**
43 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
44 **program authorized under this section expires.**

192.2015. 1. Any registered caregiver who meets the requirements of this section
2 shall be eligible for a shared care tax credit in an amount not to exceed five hundred dollars to
3 defray the cost of caring for an elderly person. In order to be eligible for a shared care tax
4 credit, a registered caregiver shall:

5 (1) Care for an elderly person, age sixty or older, who:

6 (a) Is physically or mentally incapable of living alone, as determined and certified by
7 his or her physician licensed pursuant to chapter 334, or by the department staff when an
8 assessment has been completed for the purpose of qualification for other services; and

9 (b) Requires assistance with activities of daily living to the extent that without care
10 and oversight at home would require placement in a facility licensed pursuant to chapter 198;
11 and

12 (c) Under no circumstances, is able or allowed to operate a motor vehicle; and

13 (d) Does not receive funding or services through Medicaid or social services block
14 grant funding;

15 (2) Live in the same residence to give protective oversight for the elderly person
16 meeting the requirements described in subdivision (1) of this subsection for an aggregate of
17 more than six months per tax year;

18 (3) Not receive monetary compensation for providing care for the elderly person
19 meeting the requirements described in subdivision (1) of this subsection; and

20 (4) File the original completed and signed physician certification for shared care tax
21 credit form or the original completed and signed department certification for shared care tax

22 credit form provided for in subsection 2 of section 192.2010 along with such caregiver's
23 Missouri individual income tax return to the department of revenue.

24 2. The tax credit allowed by this section shall apply to any year beginning after
25 December 31, 1999.

26 **3. (1) For all tax years beginning on or after January 1, 2025, the cumulative**
27 **amount of tax credits allowed to all taxpayers under this section shall not exceed the**
28 **total cap amount which shall be an amount equal to twenty percent greater than the**
29 **highest annual amount of tax credits redeemed in any one previous fiscal year, from**
30 **fiscal year 2018 to fiscal year 2024, as determined and calculated by the department.**

31 **(2) If the amount of tax credits claimed in a tax year under this section exceeds**
32 **the total cap determined under subdivision (1) of this subsection, tax credits shall be**
33 **allowed based on the order in which they are claimed.**

34 ~~[3-]~~ 4. Any rule or portion of a rule, as that term is defined in section 536.010, that is
35 created under the authority delegated in sections 192.2000 to 192.2020 shall become effective
36 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
37 section 536.028. All rulemaking authority delegated prior to August 28, 1999, is of no force
38 and effect and repealed. Nothing in this section shall be interpreted to repeal or affect the
39 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied with all
40 applicable provisions of law. This section and chapter 536 are nonseverable and if any of the
41 powers vested with the general assembly pursuant to chapter 536 to review, to delay the
42 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then
43 the grant of rulemaking authority and any rule proposed or adopted after August 28, 1999,
44 shall be invalid and void.

45 ~~[4-]~~ 5. Any person who knowingly falsifies any document required for the shared care
46 tax credit shall be subject to the same penalties for falsifying other tax documents as provided
47 in chapter 143.

48 **6. Under section 23.253 of the Missouri sunset act:**

49 **(1) The provisions of the program authorized under this section shall**
50 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
51 **general assembly;**

52 **(2) If such program is reauthorized, the program authorized under this section**
53 **shall automatically sunset on December thirty-first, six years after the effective date of**
54 **the reauthorization of this section;**

55 **(3) This section shall terminate on September first of the calendar year**
56 **immediately following the calendar year in which the program authorized under this**
57 **section is sunset; and**

58 **(4) The provisions of this subsection shall not be construed to limit or in any way**
59 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
60 **program authorized under this section expires.**

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

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

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

11 4. A program contributor shall be allowed a credit against the tax imposed by chapter
12 143, excluding withholding tax imposed by sections 143.191 to 143.265, and chapter 147,
13 148 or 153, pursuant to sections 208.750 to 208.775. Contributions up to fifty thousand
14 dollars per program contributor are eligible for the tax credit which shall not exceed fifty
15 percent of the contribution amount.

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

24 6. For all fiscal years ending on or before June 30, 2010, the total tax credits
25 authorized pursuant to sections 208.750 to 208.775 shall not exceed four million dollars in
26 any fiscal year. For all fiscal years beginning on or after July 1, 2010, the total tax credits
27 authorized under sections 208.750 to 208.775 shall not exceed three hundred thousand dollars
28 in any fiscal year.

29 **7. Under section 23.253 of the Missouri sunset act:**

30 **(1) The provisions of the tax credit program authorized under this section shall**
31 **automatically sunset on December 31, 2030, unless reauthorized by an act of the general**
32 **assembly;**

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

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

39 **(4) The provisions of this subsection shall not be construed to limit or in any way**
40 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
41 **program authorized under this section expires.**

 348.505. 1. As used in this section, "state tax liability"^[5] means any state tax liability
2 incurred by a taxpayer under the provisions of chapters 143, 147, and 148, exclusive of the
3 provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265
4 and related provisions.

5 2. Any eligible lender under the family farm livestock loan program under section
6 348.500 shall be entitled to receive a tax credit equal to one hundred percent of the amount of
7 interest waived by the lender under section 348.500 on a qualifying loan for the first year of
8 the loan only. The tax credit shall be evidenced by a tax credit certificate issued by the
9 agricultural and small business development authority and may be used to satisfy the state tax
10 liability of the owner of such certificate that becomes due in the tax year in which the interest
11 on a qualified loan is waived by the lender under section 348.500. No lender may receive a
12 tax credit under this section unless such person presents a tax credit certificate to the
13 department of revenue for payment of such state tax liability. The amount of the tax credits
14 that may be issued to all eligible lenders claiming tax credits authorized in this section in a
15 fiscal year shall not exceed three hundred thousand dollars.

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

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

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

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

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

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

42 (4) Notwithstanding any other provision of this section to the contrary, any
43 commercial bank may use tax credits created under this section as provided in section
44 148.064 and receive a net tax credit against taxes actually paid in the amount of the first year's
45 interest on loans made under this section. If such first year tax credits reduce taxes due as
46 provided in section 148.064 to zero, the remaining tax credits may be carried over as
47 otherwise provided in this section and utilized as provided in section 148.064 in subsequent
48 years.

49 **6. Under section 23.253 of the Missouri sunset act:**

50 (1) **The provisions of the program authorized under this section shall**
51 **automatically sunset on December 31, 2030, unless reauthorized by an act of the**
52 **general assembly;**

53 (2) **If such program is reauthorized, the program authorized under this section**
54 **shall automatically sunset on December thirty-first, six years after the effective date of**
55 **the reauthorization of this section;**

56 (3) **This section shall terminate on September first of the calendar year**
57 **immediately following the calendar year in which the program authorized under this**
58 **section is sunset; and**

59 (4) **The provisions of this subsection shall not be construed to limit or in any way**
60 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
61 **program authorized under this section expires.**

447.708. 1. For eligible projects, the director of the department of economic
2 development, with notice to the directors of the departments of natural resources and revenue,
3 and subject to the other provisions of sections 447.700 to 447.718, may not create a new
4 enterprise zone but may decide that a prospective operator of a facility being remedied and

5 renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions
6 pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits
7 allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143,
8 excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise
9 imposed by chapter 147, or the tax otherwise imposed by chapter 148. For purposes of this
10 subsection:

11 (1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the
12 eligible project must create at least ten new jobs or retain businesses which supply at least
13 twenty-five existing jobs. The city, or county if the eligible project is not located in a city,
14 must provide ad valorem tax abatement of at least fifty percent for a period not less than ten
15 years and not more than twenty-five years;

16 (2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit
17 for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225,
18 the eligible project must create at least ten new jobs or retain businesses which supply at least
19 twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to
20 447.718, the tax credits described in section 135.225 are modified as follows: the tax credit
21 shall be four hundred dollars per employee per year, an additional four hundred dollars per
22 year for each employee exceeding the minimum employment thresholds of ten and twenty-
23 five jobs for new and existing businesses, respectively, an additional four hundred dollars per
24 year for each person who is a person difficult to employ as defined by section 135.240, and
25 investment tax credits at the same amounts and levels as provided in subdivision (4) of
26 subsection 1 of section 135.225;

27 (3) For eligibility to receive the income tax refund pursuant to section 135.245, the
28 eligible project must create at least ten new jobs or retain businesses which supply at least
29 twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions
30 of section 135.245 for application and use of the refund and the eligibility requirements of
31 this section;

32 (4) The eligible project operates in compliance with applicable environmental laws
33 and regulations, including permitting and registration requirements, of this state as well as the
34 federal and local requirements;

35 (5) The eligible project operator shall file such reports as may be required by the
36 director of economic development or the director's designee;

37 (6) The taxpayer may claim the state tax credits authorized by this subsection and the
38 state income exemption for a period not in excess of ten consecutive tax years. For the
39 purpose of this section, "taxpayer" means an individual proprietorship, partnership or
40 corporation described in section 143.441 or 143.471 who operates an eligible project. The
41 director shall determine the number of years the taxpayer may claim the state tax credits and

42 the state income exemption based on the projected net state economic benefits attributed to
43 the eligible project;

44 (7) For the purpose of meeting the new job requirement prescribed in subdivisions
45 (1), (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and
46 maintained during the taxpayer's tax period for which the credits are earned, in the case of an
47 eligible project that does not replace a similar facility in Missouri. "New job" means a person
48 who was not previously employed by the taxpayer or related taxpayer within the twelve-
49 month period immediately preceding the time the person was employed by that taxpayer to
50 work at, or in connection with, the eligible project on a full-time basis. "Full-time basis"
51 means the employee works an average of at least thirty-five hours per week during the
52 taxpayer's tax period for which the tax credits are earned. For the purposes of this section,
53 "related taxpayer" has the same meaning as defined in subdivision (10) of section 135.100;

54 (8) For the purpose of meeting the existing job retention requirement, if the eligible
55 project replaces a similar facility that closed elsewhere in Missouri prior to the end of the
56 taxpayer's tax period in which the tax credits are earned, it shall be required that at least
57 twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-
58 time basis during the taxpayer's tax period for which the credits are earned. "Retained job"
59 means a person who was previously employed by the taxpayer or related taxpayer, at a facility
60 similar to the eligible project that closed elsewhere in Missouri prior to the end of the
61 taxpayer's tax period in which the tax credits are earned, within the tax period immediately
62 preceding the time the person was employed by the taxpayer to work at, or in connection
63 with, the eligible project on a full-time basis. "Full-time basis" means the employee works an
64 average of at least thirty-five hours per week during the taxpayer's tax period for which the
65 tax credits are earned;

66 (9) In the case where an eligible project replaces a similar facility that closed
67 elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are
68 earned, the owner and operator of the eligible project shall provide the director with a written
69 statement explaining the reason for discontinuing operations at the closed facility. The
70 statement shall include a comparison of the activities performed at the closed facility prior to
71 the date the facility ceased operating, to the activities performed at the eligible project, and a
72 detailed account describing the need and rationale for relocating to the eligible project. If the
73 director finds the relocation to the eligible project significantly impaired the economic
74 stability of the area in which the closed facility was located, and that such move was
75 detrimental to the overall economic development efforts of the state, the director may deny
76 the taxpayer's request to claim tax benefits;

77 (10) Notwithstanding any provision of law to the contrary, for the purpose of this
78 section, the number of new jobs created and maintained, the number of existing jobs retained,

79 and the value of new qualified investment used at the eligible project during any tax year shall
80 be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals
81 employed at the eligible project, or in the case of new qualified investment, the value of new
82 qualified investment used at the eligible project, on the last business day of each full calendar
83 month of the tax year. If the eligible project is in operation for less than the entire tax year,
84 the number of new jobs created and maintained, the number of existing jobs retained, and the
85 value of new qualified investment created at the eligible project during any tax year shall be
86 determined by dividing the sum of the number of individuals employed at the eligible project,
87 or in the case of new qualified investment, the value of new qualified investment used at the
88 eligible project, on the last business day of each full calendar month during the portion of the
89 tax year during which the eligible project was in operation, by the number of full calendar
90 months during such period;

91 (11) For the purpose of this section, "new qualified investment" means new business
92 facility investment as defined and as determined in subdivision (8) of section 135.100 which
93 is used at and in connection with the eligible project. New qualified investment shall not
94 include small tools, supplies and inventory. "Small tools" means tools that are portable and
95 can be hand held.

96 2. The determination of the director of economic development pursuant to subsection
97 1 of this section shall not affect requirements for the prospective purchaser to obtain the
98 approval of the granting of real property tax abatement by the municipal or county
99 government where the eligible project is located.

100 3. (1) The director of the department of economic development, with the approval of
101 the director of the department of natural resources, may, in addition to the tax credits allowed
102 in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one
103 hundred percent of the costs of materials, supplies, equipment, labor, professional
104 engineering, consulting and architectural fees, permitting fees and expenses, demolition,
105 asbestos abatement, and direct utility charges for performing the voluntary remediation
106 activities for the preexisting hazardous substance contamination and releases, including, but
107 not limited to, the costs of performing operation and maintenance of the remediation
108 equipment at the property beyond the year in which the systems and equipment are built and
109 installed at the eligible project and the costs of performing the voluntary remediation
110 activities over a period not in excess of four tax years following the taxpayer's tax year in
111 which the system and equipment were first put into use at the eligible project, provided the
112 remediation activities are the subject of a plan submitted to, and approved by, the director of
113 natural resources pursuant to sections 260.565 to 260.575. The tax credit may also include up
114 to one hundred percent of the costs of demolition that are not directly part of the remediation
115 activities, provided that the demolition is on the property where the voluntary remediation

116 activities are occurring, the demolition is necessary to accomplish the planned use of the
117 facility where the remediation activities are occurring, and the demolition is part of a
118 redevelopment plan approved by the municipal or county government and the department of
119 economic development. The demolition may occur on an adjacent property if the project is
120 located in a municipality which has a population less than twenty thousand and the above
121 conditions are otherwise met. The adjacent property shall independently qualify as
122 abandoned or underutilized. The amount of the credit available for demolition not associated
123 with remediation cannot exceed the total amount of credits approved for remediation
124 including demolition required for remediation.

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

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

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

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

150 4. In the exercise of the sound discretion of the director of the department of
151 economic development or the director's designee, the tax credits and exemptions described in
152 this section may be terminated, suspended or revoked if the eligible project fails to continue

153 to meet the conditions set forth in this section. In making such a determination, the director
154 shall consider the severity of the condition violation, actions taken to correct the violation, the
155 frequency of any condition violations and whether the actions exhibit a pattern of conduct by
156 the eligible facility owner and operator. The director shall also consider changes in general
157 economic conditions and the recommendation of the director of the department of natural
158 resources, or his or her designee, concerning the severity, scope, nature, frequency and extent
159 of any violations of the environmental compliance conditions. The taxpayer or person
160 claiming the tax credits or exemptions may appeal the decision regarding termination,
161 suspension or revocation of any tax credit or exemption in accordance with the procedures
162 outlined in subsections 4 and 5 of section 135.250. The director of the department of
163 economic development shall notify the directors of the departments of natural resources and
164 revenue of the termination, suspension or revocation of any tax credits as determined in this
165 section or pursuant to the provisions of section 447.716.

166 5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax
167 credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection
168 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits,
169 exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245,
170 respectively, for the same facility for the same tax period.

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

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

174 (2) One hundred percent of the total business' income tax if the eligible facility does
175 not replace a similar facility that closed elsewhere in Missouri prior to the end of the
176 taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer
177 does not operate any other facilities besides the eligible project in Missouri; fifty percent of
178 the total business' income tax if the eligible facility replaces a similar facility that closed
179 elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are
180 earned, and further provided the taxpayer does not operate any other facilities besides the
181 eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer
182 operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a
183 taxpayer operating more than one eligible project in Missouri be allowed to offset more than
184 twenty-five percent of the taxpayer's business income in any tax period. That portion of the
185 taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this
186 subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of
187 this section may apply, shall be determined in the same manner as prescribed in subdivision
188 (5) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible

189 project for which the remediation tax credit may offset, shall be determined in the same
190 manner as prescribed in paragraph (a) of subdivision (5) of section 135.100.

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

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

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

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

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

- 227 (1) The shareholders of the corporation described in section 143.471;
228 (2) The partners of the partnership.

229

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

233 12. Notwithstanding any provision of law to the contrary, in any county [~~of the first~~
234 ~~classification~~] that has a charter form of government and that has a population of over nine
235 hundred thousand inhabitants, all demolition costs incurred during the redevelopment of any
236 former automobile manufacturing plant shall be allowable costs eligible for tax credits under
237 sections 447.700 to 447.718 so long as the redevelopment of such former automobile
238 manufacturing plant shall be projected to create at least two hundred fifty new jobs or at least
239 three hundred retained jobs, or a combination thereof, as determined by the department of
240 economic development. The amount of allowable costs eligible for tax credits shall be
241 limited to the least amount necessary to cause the project to occur, as determined by the
242 director of the department of economic development, provided that no tax credit shall be
243 issued under this subsection until July 1, 2017. For purposes of this subsection, "former
244 automobile manufacturing plant" means a redevelopment area that qualifies as an eligible
245 project under section 447.700, that consists of at least one hundred acres, and that was used
246 primarily for the manufacture of automobiles but, after 2007, ceased such manufacturing.

247 **13. Under section 23.253 of the Missouri sunset act:**

248 **(1) The provisions of the tax credit programs authorized under this section shall**
249 **automatically sunset on December 31, 2030, unless reauthorized by an act of the general**
250 **assembly;**

251 **(2) If such tax credit programs are reauthorized, the programs authorized under**
252 **this section shall automatically sunset on December thirty-first, six years after the**
253 **effective date of the reauthorization of this section;**

254 **(3) This section shall terminate on September first of the calendar year**
255 **immediately following the calendar year in which the programs authorized under this**
256 **section is sunset; and**

257 **(4) The provisions of this subsection shall not be construed to limit or in any way**
258 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**
259 **program authorized under this section expires.**

✓