

SECOND REGULAR SESSION  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 2319**  
**102ND GENERAL ASSEMBLY**

4638H.02C

DANA RADEMAN MILLER, Chief Clerk

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**AN ACT**

To repeal sections 32.125, 99.1205, 100.260, 100.286, 100.297, 100.850, 135.090, 135.110, 135.313, 135.326, 135.339, 135.341, 135.403, 135.432, 135.460, 135.487, 135.490, 135.500, 135.503, 135.505, 135.508, 135.516, 135.523, 135.526, 135.529, 135.530, 135.545, 135.546, 135.562, 135.647, 135.680, 135.682, 135.690, 135.700, 135.710, 135.719, 135.766, 135.772, 135.775, 135.778, 135.800, 135.1150, 135.1180, 143.119, 143.177, 143.471, 148.064, 148.330, 148.350, 173.196, 192.2015, 208.770, 320.092, 320.093, 348.302, 348.304, 348.306, 348.308, 348.310, 348.312, 348.316, 348.318, 348.505, 447.708, 620.635, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, and 620.2600, RSMo, and section 348.300 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and section 348.300 as enacted by house bill no. 1, ninety-fourth general assembly, first extraordinary session, and to enact in lieu thereof thirty-six new sections relating to tax credits.

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

Section A. Sections 32.125, 99.1205, 100.260, 100.286, 100.297, 100.850, 135.090,  
2 135.110, 135.313, 135.326, 135.339, 135.341, 135.403, 135.432, 135.460, 135.487, 135.490,  
3 135.500, 135.503, 135.505, 135.508, 135.516, 135.523, 135.526, 135.529, 135.530, 135.545,  
4 135.546, 135.562, 135.647, 135.680, 135.682, 135.690, 135.700, 135.710, 135.719, 135.766,  
5 135.772, 135.775, 135.778, 135.800, 135.1150, 135.1180, 143.119, 143.177, 143.471,  
6 148.064, 148.330, 148.350, 173.196, 192.2015, 208.770, 320.092, 320.093, 348.302,  
7 348.304, 348.306, 348.308, 348.310, 348.312, 348.316, 348.318, 348.505, 447.708,  
8 620.635, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, and 620.2600, RSMo,  
9 and section 348.300 as enacted by senate bill no. 7, ninety-sixth general assembly, first  
10 extraordinary session, and section 348.300 as enacted by house bill no. 1, ninety-fourth

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

11 general assembly, first extraordinary session, are repealed and thirty-six new sections enacted  
12 in lieu thereof, to be known as sections 32.125, 100.260, 100.286, 100.297, 100.850, 135.090,  
13 135.110, 135.326, 135.339, 135.341, 135.432, 135.460, 135.487, 135.490, 135.530, 135.562,  
14 135.647, 135.690, 135.719, 135.772, 135.775, 135.778, 135.800, 135.1150, 135.1180,  
15 143.119, 143.177, 143.471, 148.064, 148.330, 148.350, 192.2015, 208.770, 320.092,  
16 348.505, 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:**

5 **(1) The provisions of the program authorized under sections 32.105 to 32.125**  
6 **shall automatically sunset on August 28, 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 six years after the effective date of the**  
10 **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.**

100.260. 1. There are hereby created four special funds, to be known as the  
2 "Industrial Development and Reserve Fund", the "Industrial Development Guarantee Fund",  
3 the "Export Finance Fund", and the "Jobs Now Fund", into which the following may be  
4 deposited as and when received and designated for deposit in one of such funds:

5 (1) Any moneys appropriated by the general assembly for use by the board in  
6 carrying out the powers set forth in sections 100.250 to 100.297;

7 (2) Any moneys made available through the issuance of revenue bonds under the  
8 provisions of sections 100.250 to 100.295;

9 (3) Any moneys received from grants or which are given, donated, or contributed to  
10 the fund from any source;

11 (4) Any moneys received in repayment of loans or from application fees, reserve  
12 participation fees, guarantee fees and premium payments as provided for under sections  
13 100.250 to 100.297;

14 (5) Any moneys received as interest on deposits or as income on approved  
15 investments of the fund;

16 (6) Any moneys obtained from the issuance of revenue bonds or notes by the board;

17 (7) Any moneys that were in the industrial development fund authorized by this  
18 section, the economic development reserve authorized by section 620.215, or the industrial  
19 revenue bond guarantee fund authorized by section 620.240, respectively, as of September 28,  
20 1985; and

21 (8) Any moneys obtained from any other available source.

22 2. The development and reserve fund, the guarantee fund, the jobs now fund, and the  
23 export finance fund shall be administered by the board as provided in sections 100.250 to  
24 100.297. Separate accounts may be created within the development and reserve fund and the  
25 guarantee fund for moneys specifically appropriated, donated or otherwise received for  
26 industrial development purposes. The board may also create such other separate accounts  
27 within any of such funds as deemed necessary or appropriate by the board to carry out the  
28 duties and purposes of sections 100.250 to 100.297. All such separate accounts may be  
29 administered by a corporate trustee on behalf of the board upon the terms and conditions  
30 established by the board.

31 3. Moneys in the jobs now fund, the development and reserve fund, the guarantee  
32 fund, and the export finance fund shall be invested by the board in the manner prescribed by  
33 the board and any interest earned on invested moneys shall accrue to the benefit of the  
34 respective fund.

35 4. None of the funds and accounts of the board shall be considered a state fund, and  
36 money deposited therein may not be appropriated therefrom, nor shall any money deposited  
37 therein be subject to the provisions of section 33.080.

38 5. The commissioner of administration shall annually calculate the increased amount  
39 of revenue to the state treasury due to the provisions of sections 135.155, 135.286, [~~135.546;~~]  
40 and subsection 7 of section 620.1039, as enacted or modified by this act and shall allocate up  
41 to twelve million dollars of such revenue to the jobs now fund.

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 August 28, 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 six years after the effective date**  
101 **of the reauthorization of this section;**

102 **(3) The tax credit provisions of the program authorized under this section shall**  
103 **terminate on September first of the calendar year immediately following the calendar**  
104 **year in which the program authorized under this 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 August 28, 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 six years after the effective date of the reauthorization of this**  
46 **section;**

47       **(3) The provisions of the tax credit program authorized under this section shall**  
48 **terminate on September first of the calendar year immediately following the calendar**  
49 **year in which the program authorized under this 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 August 28, 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 six years after the effective date of the**  
34 **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. **The department shall prescribe the method for submitting applications for claiming**  
24 **the tax credit authorized under this section. After issuance of a tax credit certificate by**  
25 **the department of public safety, such tax credit shall be redeemed by filing a copy of the**  
26 **tax credit certificate with the taxpayer's income tax return for the tax year for which**  
27 **such credit was issued.**

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

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

37           **4. On and after August 28, 2024, the department of public safety shall**  
38 **administer the tax credit provided under this section.**

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

41           ~~[4.]~~ **6.** 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 August 28, 2007, shall be invalid  
48 and void.

49           ~~[5.]~~ **7.** Pursuant to section 23.253 of the Missouri sunset act:

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

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

54           (3) The provisions of this subsection shall not be construed to limit or in any way  
55 impair the department's ability to redeem tax credits authorized on or before the date the  
56 program authorized under this section expires or a taxpayer's ability to redeem such tax  
57 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 fiscal years beginning on or after July 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 fiscal year under this section exceeds**  
260 **the total cap determined under subdivision (1) 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. On and after August 28, 2024, the department of social services shall  
2 administer the tax credit provided under sections 135.325 to 135.339. The department  
3 shall prescribe the method for submitting applications for claiming the tax credit  
4 authorized under sections 135.325 to 135.339. After issuance of a tax credit certificate  
5 by the department of social services, such tax credit shall be redeemed by filing a copy of  
6 the tax credit certificate with the taxpayer's income tax return for the tax year for which  
7 such credit was issued.**

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

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

14 **(1) The provisions of the program authorized under sections 135.325 to 135.339  
15 shall automatically sunset on August 28, 2030, unless reauthorized by an act of the  
16 general assembly;**

17           **(2) If such program is reauthorized, the program authorized under sections**  
18 **135.325 to 135.339 shall automatically sunset six years after the effective date of the**  
19 **reauthorization of sections 135.325 to 135.339;**

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

23           **(4) The provisions of this subsection shall not be construed to limit or in any way**  
24 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**  
25 **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~~] **issued** shall not exceed one  
32 million dollars for all fiscal years ending on or before June 30, 2019, and one million five  
33 hundred thousand dollars for all fiscal years beginning on or after July 1, 2019. The amount  
34 available shall be equally divided among the three qualified agencies: CASA, child advocacy  
35 centers, or crisis care centers, to be used towards tax credits issued. In the event tax credits  
36 claimed under one agency do not total the allocated amount for that agency, the unused  
37 portion for that agency will be made available to the remaining agencies equally. In the event  
38 the total amount of tax credits claimed for any one agency exceeds the amount available for  
39 that agency, the amount [~~redeemed~~] **issued** shall and will be apportioned equally to all eligible  
40 taxpayers 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 **and**  
45 **the tax credit certificate** to such agency. No later than February first of each year, the  
46 department of social services shall provide a list of qualified agencies to the department of  
47 revenue. All tax credit applications to claim the champion for children tax credit shall be  
48 filed between July first and April fifteenth of each fiscal year. A taxpayer shall [~~apply for~~]  
49 **redeem** the champion for children tax credit by attaching a copy of the contribution  
50 verification provided by a qualified agency **and the tax credit certificate** to such taxpayer's  
51 income tax return.

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

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

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

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

62 8. The department of social services may promulgate such rules or regulations as are  
63 necessary to administer the provisions of this section. Any rule or portion of a rule, as that  
64 term is defined in section 536.010, that is created under the authority delegated in this section  
65 shall become effective only if it complies with and is subject to all of the provisions of

66 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
67 nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
68 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
69 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
70 adopted after August 28, 2013, shall be invalid and void.

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

72 (1) The program authorized under this section shall be reauthorized as of December  
73 31, 2019, and shall expire on December 31, 2025, unless reauthorized by the general  
74 assembly; 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 the department's ability to redeem tax credits authorized on or before the date the  
79 program authorized under this section expires or a taxpayer's ability to redeem such credits.

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

82 **11. On and after August 28, 2024, the department of social services shall**  
83 **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 August 28, 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 six years after the effective date of the**  
49 **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 August 28, 2030, unless reauthorized by an act of the general**  
82 **assembly;**

83 **(2) If such program is reauthorized, the program authorized under this section**  
84 **shall automatically sunset six years after the effective date of the reauthorization of this**  
85 **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 August 28, 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 six years after the effective date of the**  
32 **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 department shall prescribe the method for submitting applications for**  
12 **claiming the tax credit allowed by this section. After issuance of a tax credit certificate by**  
13 **the department of economic development, such tax credit shall be [elaimed] redeemed by**  
14 **[the taxpayer at the time such taxpayer files a] filing a copy of the tax credit certificate with**  
15 **the taxpayer's income tax return for the tax year for which such credit was issued. Any**

16 amount of tax credit which exceeds the tax due shall be carried over to any subsequent  
17 ~~[taxable]~~ tax year, but shall not be refunded and shall not be transferable.

18 3. **On and after August 28, 2024**, the director of the department of economic  
19 development ~~[and the director of the department of revenue]~~ shall ~~[jointly]~~ administer the tax  
20 credit authorized by this section. ~~[Both]~~ The director of the department of economic  
21 development ~~[and the director of the department of revenue are]~~ is authorized to promulgate  
22 rules and regulations necessary to administer the provisions of this section. No rule or portion  
23 of a rule promulgated pursuant to the authority of this section shall become effective unless it  
24 has been promulgated pursuant to the provisions of chapter 536.

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

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

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

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

36 **(1) The provisions of the program authorized under this section shall**  
37 **automatically sunset on August 28, 2030, unless reauthorized by an act of the general**  
38 **assembly;**

39 **(2) If such program is reauthorized, the program authorized under this section**  
40 **shall automatically sunset six years after the effective date of the reauthorization of this**  
41 **section;**

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

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

135.530. For the purposes of sections ~~[400.010,]~~ 100.710, 100.850, 135.110,  
2 ~~[135.200, 135.258, 135.313, 135.403,]~~ 135.405, ~~[135.503,]~~ 135.530, ~~[135.545,]~~ and 215.030,  
3 ~~[348.300, 348.302, and 620.1400 to 620.1460,]~~ "distressed community" means either a  
4 Missouri municipality within a metropolitan statistical area which has a median household  
5 income of under seventy percent of the median household income for the metropolitan

6 statistical area, according to the United States Census Bureau's American Community Survey,  
7 based on the most recent of five-year period estimate data in which the final year of the  
8 estimate ends in either zero or five, or a United States census block group or contiguous group  
9 of block groups within a metropolitan statistical area which has a population of at least two  
10 thousand five hundred, and each block group having a median household income of under  
11 seventy percent of the median household income for the metropolitan area in Missouri,  
12 according to the United States Census Bureau's American Community Survey, based on the  
13 most recent of five-year period estimate data in which the final year of the estimate ends in  
14 either zero or five. In addition the definition shall include municipalities not in a metropolitan  
15 statistical area, with a median household income of under seventy percent of the median  
16 household income for the nonmetropolitan areas in Missouri according to the United States  
17 Census Bureau's American Community Survey, based on the most recent of five-year period  
18 estimate data in which the final year of the estimate ends in either zero or five or a census  
19 block group or contiguous group of block groups which has a population of at least two  
20 thousand five hundred with each block group having a median household income of under  
21 seventy percent of the median household income for the nonmetropolitan areas of Missouri,  
22 according to the United States Census Bureau's American Community Survey, based on the  
23 most recent of five-year period estimate data in which the final year of the estimate ends in  
24 either zero or five. In metropolitan statistical areas, the definition shall include areas that  
25 were designated as either a federal empowerment zone; or a federal enhanced enterprise  
26 community; or a state enterprise zone that was originally designated before January 1, 1986,  
27 but shall not include expansions of such state enterprise zones done after March 16, 1988.

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]~~ **The tax** credit allowed by this section ~~[in the same tax~~  
32 ~~year as the credit is issued, and at the time such],~~ **after issuance of a tax credit certificate by**  
33 **the department of economic development, shall be redeemed by filing a copy of the tax**  
34 **credit certificate when the taxpayer files his or her Missouri income tax return[;] for the tax**  
35 **year for which such credit was issued,** provided that such return is timely filed.

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

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

48           9. The provisions of this section shall expire December 31, 2025, unless reauthorized  
49 by the general assembly. This section shall terminate on September first of the calendar year  
50 immediately following the calendar year in which the program authorized under this section  
51 is sunset. The provisions of this subsection shall not be construed to limit or in any way

52 impair the ~~[department's]~~ **department of revenue's** ability to redeem tax credits authorized  
53 on or before the date the program authorized under this section expires or a taxpayer's ability  
54 to redeem such tax credits.

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

58 **11. On and after August 28, 2024, the department of economic development shall**  
59 **administer the tax credit provided under this section.**

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~~ **redeemed**. Each taxpayer claiming a tax credit under this section shall file an  
38 affidavit with the ~~income tax return~~ **application to the department of social services**  
39 verifying the amount of their contributions. **The department shall prescribe the method**  
40 **for submitting applications for claiming the tax credit allowed by this section. After**  
41 **issuance of a tax credit certificate by the department, such tax credit shall be redeemed**  
42 **by filing a copy of the tax credit certificate with the taxpayer's income tax return for the**  
43 **tax year for which such credit was issued.** The amount of the tax credit claimed shall not  
44 exceed the amount of the taxpayer's state tax liability for the tax year that the credit is claimed  
45 and shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. Any  
46 amount of credit that the taxpayer is prohibited by this section from claiming in a tax year  
47 shall not be refundable, but may be carried forward to any of the taxpayer's three subsequent  
48 tax years. No tax credit granted under this section shall be transferred, sold, or assigned. No  
49 taxpayer shall be eligible to receive a credit pursuant to this section if such taxpayer employs  
50 persons who are not authorized to work in the United States under federal law. No taxpayer  
51 shall be able to claim more than one credit under this section for a single donation.

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

61 4. Any local food pantry, local soup kitchen, or local homeless shelter may accept or  
62 reject any donation of food made under this section for any reason. For purposes of this  
63 section, any donations of food accepted by a local food pantry, local soup kitchen, or local

64 homeless shelter shall be valued at fair market value, or at wholesale value if the taxpayer  
65 making the donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

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

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

76 (1) The program authorized under this section shall be reauthorized as of August 28,  
77 2018, and shall expire on December 31, 2026, unless reauthorized by the general assembly;  
78 and

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

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

84 **7. On and after August 28, 2024, the department of social services shall**  
85 **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 August 28, 2030, unless reauthorized by an act of the general**  
106 **assembly;**

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

135.719. 1. The state treasurer and the department of revenue may promulgate rules  
2 to implement the provisions of sections 135.712 to 135.719. Any rule or portion of a rule, as  
3 that term is defined in section 536.010, that is created under the authority delegated in this  
4 section shall become effective only if it complies with and is subject to all of the provisions of  
5 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
6 nonseverable and if any of the powers vested with the general assembly pursuant to chapter  
7 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or  
9 adopted after August 28, 2021, shall be invalid and void.

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

12           **(1) The provisions of the program authorized under sections 135.712 to 135.719**  
13 **shall automatically sunset on August 28, 2030, unless reauthorized by an act of the**  
14 **general assembly;**

15           **(2) If such program is reauthorized, the program authorized under sections**  
16 **135.712 to 135.719 shall automatically sunset six years after the effective date of the**  
17 **reauthorization of sections 135.712 to 135.719;**

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

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

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

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

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

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

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

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

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

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

12           (5) "Retail service station", a location in this state from which higher ethanol blend is  
13 sold to the general public and is dispensed directly into motor vehicle fuel tanks for  
14 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~~]. **After issuance of a tax credit certificate by the**  
37 **department, such tax credit shall be redeemed by filing a copy of the tax credit**  
38 **certificate with the taxpayer's income tax return for the tax year for which such credit**  
39 **was issued. Such tax credit** shall be applied against the income tax liability imposed by  
40 chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after  
41 reduction for all other credits allowed thereon. The department may require any  
42 documentation it deems necessary to implement the provisions of this section.

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

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

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

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

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

60           **7. On and after August 28, 2024, the department of agriculture shall administer**  
61 **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. **The tax**  
54 **credit allowed by this section, after issuance by the department, shall be redeemed on**  
55 **the taxpayer's income tax return for the tax year for which such credit was issued.**

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

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

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

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

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

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

84 **9. On and after August 28, 2024, the department of agriculture shall administer**  
85 **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. **The tax**  
39 **credit allowed by this section, after issuance by the department, shall be redeemed on**  
40 **the taxpayer's income tax return for the tax year for which such credit was issued.**

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

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

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

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

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

59 termination of the program as described in this subsection shall not be construed to preclude  
60 any qualified taxpayer who claims any benefit under any program that is sunset under this  
61 subsection from claiming such benefit for all allowable activities related to such claim that  
62 were completed before the program was sunset, or to eliminate any responsibility of the  
63 department to verify the continued eligibility of qualified individuals receiving tax credits and  
64 to enforce other requirements of law that applied before the program was sunset.

65 **7. On and after August 28, 2024, the department of agriculture shall administer**  
66 **the tax credit provided under this section.**

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may  
2 be cited as the "Tax Credit Accountability Act of 2004".

3 2. As used in sections 135.800 to 135.830, the following terms mean:

4 (1) "Administering agency", the state agency or department charged with  
5 administering a particular tax credit program, as set forth by the program's enacting  
6 statute; where no department or agency is set forth, the department of revenue;

7 (2) "Agricultural tax credits", the agricultural product utilization contributor tax credit  
8 created pursuant to section 348.430, the new generation cooperative incentive tax credit  
9 created pursuant to section 348.432, the family farm breeding livestock loan tax credit created  
10 under section 348.505, **and** the qualified beef tax credit created under section 135.679~~], and~~  
11 ~~the wine and grape production tax credit created pursuant to section 135.700];~~

12 (3) "Business recruitment tax credits", the business facility tax credit created pursuant  
13 to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created  
14 pursuant to sections 135.200 to 135.270, the business use incentives for large-scale  
15 development programs created pursuant to sections 100.700 to 100.850, the development tax  
16 credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit  
17 created pursuant to section 135.535, the film production tax credit created pursuant to section  
18 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and  
19 the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

20 (4) "Community development tax credits", the neighborhood assistance tax credit  
21 created pursuant to sections 32.100 to 32.125, **and** the family development account tax credit  
22 created pursuant to sections 208.750 to 208.775~~], the dry fire hydrant tax credit created~~  
23 ~~pursuant to section 320.093, and the transportation development tax credit created pursuant to~~  
24 ~~section 135.545];~~

25 (5) "Domestic and social tax credits", the youth opportunities tax credit created  
26 pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of  
27 domestic violence **or rape crisis center** created pursuant to section 135.550, the senior  
28 citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035,  
29 the adoption tax credit created pursuant to sections 135.325 to 135.339, the champion for

30 children tax credit created pursuant to section 135.341, the maternity home tax credit created  
31 pursuant to section 135.600, the surviving spouse tax credit created pursuant to section  
32 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the  
33 pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax  
34 credit created pursuant to section 135.647, the residential dwelling access tax credit created  
35 pursuant to section 135.562, the developmental disability care provider tax credit created  
36 under section 135.1180, the shared care tax credit created pursuant to section 192.2015, the  
37 health, hunger, and hygiene tax credit created pursuant to section 135.1125, and the diaper  
38 bank tax credit created pursuant to section 135.621;

39 (6) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections  
40 135.400 to 135.429, ~~[the certified capital company tax credit created pursuant to sections~~  
41 ~~135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to~~  
42 ~~348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to~~  
43 ~~620.653,]~~ the research tax credit created pursuant to section 620.1039, the small business  
44 incubator tax credit created pursuant to section 620.495, ~~[the guarantee fee tax credit created~~  
45 ~~pursuant to section 135.766,]~~ and the new generation cooperative tax credit created pursuant  
46 to sections 32.105 to 32.125;

47 (7) "Environmental tax credits", ~~[the charcoal producer tax credit created pursuant to~~  
48 ~~section 135.313,]~~ the wood energy tax credit created pursuant to sections 135.300 to 135.311  
49 ~~[, and the alternative fuel stations tax credit created pursuant to section 135.710];~~

50 (8) "Financial and insurance tax credits", the bank franchise tax credit created  
51 pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section  
52 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance  
53 pool tax credit created pursuant to section 376.975, the life and health insurance guaranty  
54 **association** tax credit created pursuant to section 376.745, the property and casualty guaranty  
55 **association** tax credit created pursuant to section 375.774, and the self-employed health  
56 insurance tax credit created pursuant to section 143.119;

57 (9) "Housing tax credits", the neighborhood preservation tax credit created pursuant  
58 to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to  
59 sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to  
60 sections 32.105 to 32.125;

61 (10) "Recipient", the individual or entity who both:

62 (a) Is the original applicant for a tax credit; and

63 (b) Who directly receives a tax credit or the right to transfer a tax credit under a tax  
64 credit program, regardless as to whether the tax credit has been used or redeemed; a recipient  
65 shall not include the transferee of a transferable tax credit;

66 (11) "Redevelopment tax credits", the historic preservation tax credit created pursuant  
67 to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created  
68 pursuant to sections 447.700 to 447.718, the community development corporations tax credit  
69 created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant  
70 to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section  
71 100.297, **and** the disabled access tax credit created pursuant to section 135.490~~], the new~~  
72 ~~markets tax credit created pursuant to section 135.680, and the distressed areas land~~  
73 ~~assemblage tax credit created pursuant to section 99.1205];~~

74 (12) "Tax credit program", any of the tax credit programs included in the definitions  
75 of agricultural tax credits, business recruitment tax credits, community development tax  
76 credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits,  
77 housing tax credits, redevelopment tax credits, and training and educational tax credits;

78 (13) "Training and educational tax credits", the Missouri works new jobs tax credit  
79 and Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

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 fiscal years beginning on or after July 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 fiscal year under this section exceeds**  
72 **the total cap determined under subdivision (1) 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 August 28, 2030, unless reauthorized by an act of the general**  
86 **assembly;**

87           **(2) If such program is reauthorized, the program authorized under this section**  
88 **shall automatically sunset six years after the effective date of the reauthorization of this**  
89 **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 fiscal years beginning on or after July 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 fiscal year under this section exceeds**  
70 **the total cap determined under subdivision (1) 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 August 28, 2030, unless reauthorized by an act of the general**  
84 **assembly;**

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

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 fiscal years beginning on or after July 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 fiscal year under this section exceeds**  
19 **the total cap determined under subdivision (1) 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 calendar years beginning on or after January 1, 2026, 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 2019 to fiscal year 2025, as determined and calculated by the department.**

39 (5) **If the amount of tax credits claimed in a calendar year under this section**  
40 **exceeds the total cap determined under subdivision (4) of this subsection, tax credits**  
41 **shall be 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, 2028, 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 six years after the effective date of the reauthorization of this**  
72 **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 fiscal years beginning on or after July 1, 2025, the cumulative**  
153 **amount of tax credits allowed to all taxpayers under subsections 10, 11, and 12 of this**  
154 **section shall not exceed the total cap amount which shall be an amount equal to twenty**  
155 **percent greater than the highest annual amount of tax credits redeemed in any one**  
156 **previous fiscal year, from fiscal year 2018 to fiscal year 2024, as determined and**  
157 **calculated by the department.**

158 **(2) If the amount of tax credits claimed in a fiscal year under subsections 10, 11,**  
159 **and 12 of this section exceeds the total cap determined under subdivision (1) of this**  
160 **subsection, tax credits shall be allowed based on the order in which they are claimed.**



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

162 **(1) The provisions of the tax credit programs authorized under subsections 10,**  
163 **11, and 12 of this section shall automatically sunset on August 28, 2030, unless**  
164 **reauthorized by an act of the general assembly;**

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

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

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

148.064. 1. Notwithstanding any law to the contrary, this section shall determine the  
2 ordering and limit reductions for certain taxes and tax credits which may be used as credits  
3 against various taxes paid or payable by banking institutions. Except as adjusted in  
4 subsections 2, 3 and 6 of this section, such credits shall be applied in the following order until  
5 used against:

6 (1) The tax on banks determined under subdivision (2) of subsection 2 of section  
7 148.030;

8 (2) The tax on banks determined under subdivision (1) of subsection 2 of section  
9 148.030;

10 (3) The state income tax in section 143.071.

11 2. The tax credits permitted against taxes payable pursuant to subdivision (2) of  
12 subsection 2 of section 148.030 shall be utilized first and include taxes referenced in  
13 subdivisions (2) and (3) of subsection 1 of this section, which shall be determined without  
14 reduction for any tax credits identified in subsection 5 of this section which are used to reduce  
15 such taxes. Where a banking institution subject to this section joins in the filing of a  
16 consolidated state income tax return under chapter 143, the credit allowed under this section  
17 for state income taxes payable under chapter 143 shall be determined based upon the  
18 consolidated state income tax liability of the group and allocated to a banking institution,  
19 without reduction for any tax credits identified in subsection 5 of this section which are used  
20 to reduce such consolidated taxes as provided in chapter 143.

21 3. The taxes referenced in subdivisions (2) and (3) of subsection 1 of this section may  
22 be reduced by the tax credits in subsection 5 of this section without regard to any adjustments  
23 in subsection 2 of this section.

24           4. To the extent that certain tax credits which the taxpayer is entitled to claim are  
25 transferable, such transferability may include transfers among such taxpayers who are  
26 members of a single consolidated income tax return, and this subsection shall not impact  
27 other tax credit transferability.

28           5. For the purpose of this section, the tax credits referred to in subsections 2 and 3  
29 shall include tax credits available for economic development, low-income housing and  
30 neighborhood assistance which the taxpayer is entitled to claim for the year, including by way  
31 of example and not of limitation, tax credits pursuant to the following sections: section  
32 32.115, section 100.286, and sections 135.110, 135.225, **and** 135.352 [~~and 135.403~~].

33           6. For tax returns filed on or after January 1, 2001, including returns based on income  
34 in the year 2000, and after, a banking institution shall be entitled to an annual tax credit equal  
35 to one-sixtieth of one percent of its outstanding shares and surplus employed in this state if  
36 the outstanding shares and surplus exceed one million dollars, determined in the same manner  
37 as in section 147.010. This tax credit shall be taken as a dollar-for-dollar credit against the  
38 bank tax provided for in subdivision (2) of subsection 2 of section 148.030; if such bank tax  
39 was already reduced to zero by other credits, then against the corporate income tax provided  
40 for in chapter 143. For all tax years beginning on or after January 1, 2020, no tax credit shall  
41 be authorized under this subsection.

42           7. In the event the corporation franchise tax in chapter 147 is repealed by the general  
43 assembly, there shall also be a reduction in the taxation of banks as follows: in lieu of the loss  
44 of the corporation franchise tax credit reduction in subdivision (1) of subsection 2 of section  
45 148.030, the bank shall receive a tax credit equal to one and one-half percent of net income as  
46 determined in this chapter. This subsection shall take effect at the same time the corporation  
47 franchise tax in chapter 147 is repealed.

48           8. An S corporation bank or bank holding company that otherwise qualifies to  
49 distribute tax credits to its shareholders shall pass through any tax credits referred to in  
50 subsection 5 of this section to its shareholders as otherwise provided for in subsection 10 of  
51 section 143.471 with no reductions or limitations resulting from the transfer through such S  
52 corporation, and on the same terms originally made available to the original taxpayer, subject  
53 to any original dollar or percentage limitations on such credits, and when such S corporation  
54 is the original taxpayer, treating such S corporation as having not elected Subchapter S status.

55           9. Notwithstanding any law to the contrary, in the event the corporation franchise tax  
56 in chapter 147 is repealed by the general assembly, after such repeal all Missouri taxes of any  
57 nature and type imposed directly or used as a tax credit against the bank's taxes shall be  
58 passed through to the S corporation bank or bank holding company shareholder in the form  
59 otherwise permitted by law, except for the following:

60 (1) Credits for taxes on real estate and tangible personal property owned by the bank  
61 and held for lease or rental to others;

62 (2) Contributions paid pursuant to the unemployment compensation tax law of  
63 Missouri; or

64 (3) State and local sales and use taxes collected by the bank on its sales of tangible  
65 personal property and the services enumerated in chapter 144.

148.330. 1. Every such company shall, on or before the first day of March in each  
2 year, make a return, verified by the affidavit of its president and secretary, or other authorized  
3 officers, to the director of the department of commerce and insurance stating the amount of all  
4 premiums received on account of policies issued in this state by the company, whether in cash  
5 or in notes, during the year ending on the thirty-first day of December, next preceding. Upon  
6 receipt of such returns the director of the department of commerce and insurance shall verify  
7 the same and certify the amount of tax due from the various companies on the basis and at the  
8 rates provided in section 148.320, and shall certify the same to the director of revenue  
9 together with the amount of the quarterly installments to be made as provided in subsection 2  
10 of this section, on or before the thirtieth day of April of each year.

11 2. Beginning January 1, 1983, the amount of the tax due for that calendar year and  
12 each succeeding calendar year thereafter shall be paid in four approximately equal estimated  
13 quarterly installments, and a fifth reconciling installment. The first four installments shall be  
14 based upon the tax for the immediately preceding taxable year ending on the thirty-first day of  
15 December, next preceding. The quarterly installments shall be made on the first day of  
16 March, the first day of June, the first day of September and the first day of December.  
17 Immediately after receiving certification from the director of the department of commerce  
18 and insurance of the amount of tax due from the various companies the director of revenue  
19 shall notify and assess each company the amount of taxes on its premiums for the calendar  
20 year ending on the thirty-first day of December, next preceding. The director of revenue shall  
21 also notify and assess each company the amount of the estimated quarterly installments to be  
22 made for the calendar year. If the amount of the actual tax due for any year exceeds the total  
23 of the installments made for such year, the balance of the tax due shall be paid on the first day  
24 of June of the year following, together with the regular quarterly payment due at that time. If  
25 the total amount of the tax actually due is less than the total amount of the installments  
26 actually paid, the amount by which the amount paid exceeds the amount due shall be credited  
27 against the tax for the following year and deducted from the quarterly installment otherwise  
28 due on the first day of June. If the March first quarterly installment made by a company is  
29 less than the amount assessed by the director of revenue, the difference will be due on June  
30 first, but no interest will accrue to the state on the difference unless the amount paid by the  
31 company is less than eighty percent of one-fourth of the total amount of tax assessed by the

32 director of revenue for the immediately preceding taxable year. The state treasurer, upon  
33 receiving the moneys paid as a tax upon such premiums to the director of revenue, shall place  
34 the moneys to the credit of a fund to be known as "The County Stock Insurance Fund", which  
35 is hereby created and established. The county stock insurance fund shall be included in the  
36 calculation of total state revenue pursuant to Article X, Section 18, of the Missouri  
37 Constitution.

38         3. If the estimated quarterly tax installments are not so paid, the director of revenue  
39 shall certify such fact to the director of the department of commerce and insurance who shall  
40 thereafter suspend such delinquent company or companies from the further transaction of  
41 business in this state until such taxes shall be paid and such companies shall be subject to the  
42 provisions of sections 148.410 to 148.461.

43         4. On or before the first day of September of each year the commissioner of  
44 administration shall apportion all moneys in the county stock insurance fund to the general  
45 revenue fund of the state, to the county treasurer and to the treasurer of the school district in  
46 which the principal office of the company paying the same is located. All premium tax  
47 credits described in [~~sections 135.500 to 135.529 and~~] sections 348.430 and 348.432 shall  
48 only reduce the amounts apportioned to the general revenue fund of the state and shall not  
49 reduce any moneys apportioned to any county treasurer or to the treasurer of the school  
50 district in which the principal office of the company paying the same is located.  
51 Apportionments shall be made in the same ratio which the rates of levy for the same year  
52 for state purposes, for county purposes, and for all school district purposes, bear to each other;  
53 provided that any proceeds from such tax for prior years remaining on hand in the hands of  
54 the county collector or county treasurer undistributed on the effective date of sections 148.310  
55 to 148.460 and any proceeds of such tax for prior years collected thereafter shall be  
56 distributed and paid in accordance with the provisions of such sections. Whenever the word  
57 "county" occurs herein it shall be construed to include the city of St. Louis.

148.350. 1. Every such company or association shall, on or before the first day of  
2 March in each year, make a return, verified by the affidavit of its president and secretary or  
3 other authorized officers, to the director of the department of commerce and insurance stating  
4 the amount of all premiums received on account of policies issued in this state by such  
5 company, whether in cash or in notes, during the year ending on the thirty-first day of  
6 December, next preceding. Upon receipt of such returns, the director of the department of  
7 commerce and insurance shall verify the same and certify the amount of tax due from the  
8 various companies on the basis and at the rate provided in section 148.340, and shall certify  
9 the same to the director of revenue together with the amount of the quarterly installments to  
10 be made as provided in subsection 2 of this section, on or before the thirtieth day of April of  
11 each year.

12           2. Beginning January 1, 1983, the amount of the tax due for that calendar year and  
13 each succeeding calendar year thereafter shall be paid in four approximately equal estimated  
14 quarterly installments and a fifth reconciling installment. The first four installments shall be  
15 based upon the tax assessed for the immediately preceding taxable year ending on the thirty-  
16 first day of December, next preceding. The quarterly installment shall be made on the first  
17 day of March, the first day of June, the first day of September, and the first day of December.  
18 Immediately after receiving from the director of the department of commerce and insurance,  
19 certification of the amount of tax due from the various companies, the director of revenue  
20 shall notify and assess each company the amount of taxes on its premiums for the calendar  
21 year ending on the thirty-first day of December, next preceding. The director of revenue shall  
22 also notify and assess each company the amount of the estimated quarterly installments to be  
23 made for the calendar year. If the amount of the actual tax due for any year exceeds the total  
24 of the installments made for such year, the balance of the tax due shall be paid on the first day  
25 of June of the following year, together with the regular quarterly installment due at that time.  
26 If the total amount of the tax actually due is less than the total amount of the installments  
27 actually paid, the amount by which the amount paid exceeds the amount due shall be credited  
28 against the tax for the following year and deducted from the quarterly installment otherwise  
29 due on the first day of June. If the March first quarterly installment made by a company is  
30 less than the amount assessed by the director of revenue, the difference will be due on June  
31 first, but no interest will accrue to the state on the difference unless the amount paid by the  
32 company is less than eighty percent of one-fourth of the total amount of tax assessed by the  
33 director of revenue for the immediately preceding taxable year. If the estimated quarterly tax  
34 installments are not so paid, the director of revenue shall certify such fact to the director of the  
35 department of commerce and insurance who shall thereafter suspend such delinquent  
36 company or companies from the further transaction of business in this state until such taxes  
37 shall be paid, and such companies shall be subject to the provisions of sections 148.410 to  
38 148.461.

39           3. Upon receiving such money from the director of revenue, the state treasurer shall  
40 receipt one-half thereof into the general revenue fund of the state, and he shall place the  
41 remainder of such tax to the credit of a fund to be known as "The County Foreign Insurance  
42 Tax Fund", which is hereby created and established. ~~[All premium tax credits described in  
43 sections 135.500 to 135.529 shall only reduce the amount of moneys received by the general  
44 revenue fund of this state and shall not reduce any moneys received by the county foreign  
45 insurance tax fund.]~~

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 fiscal years beginning on or after July 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 fiscal 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 August 28, 2030, unless reauthorized by an act of the general**  
51 **assembly;**

52 **(2) If such program is reauthorized, the program authorized under this section**  
53 **shall automatically sunset six years after the effective date of the reauthorization of this**  
54 **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 August 28, 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 six years after the effective date of the**  
35 **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.**

320.092. 1. Tax credits issued pursuant to sections 135.400[;] **to 135.432 and section**  
2 135.750 [~~and 320.093~~] shall be subject to oversight provisions. Effective January 1, 2000,  
3 notwithstanding the provisions of section 32.057, the board, department or authority issuing  
4 tax credits shall annually report to the office of administration, president pro tem of the  
5 senate, and the speaker of the house of representatives regarding the tax credits issued  
6 pursuant to sections 135.400[;] **to 135.432 and section 135.750 [~~and 320.093~~]** which were  
7 issued in the previous fiscal year. The report shall contain, but not be limited to, the aggregate  
8 number and dollar amount of tax credits issued by the board, department or authority, the  
9 number and dollar amount of tax credits claimed by taxpayers, and the number and dollar  
10 amount of tax credits unclaimed by taxpayers as well as the number of years allowed for  
11 claims to be made. This report shall be delivered no later than November of each year.



12           2. The reporting requirements established pursuant to subsection 1 of this section  
13 shall also apply to the department of economic development and the Missouri development  
14 finance board established pursuant to section 100.265. The department and the Missouri  
15 development finance board shall report on the tax credit programs which they respectively  
16 administer that are authorized under the provisions of chapters 32, 100, 135, 178, 253, 348,  
17 447 and 620.

          348.505. 1. As used in this section, "state tax liability"~~;~~ **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.

          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.

          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.

          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.

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

          (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 August 28, 2030, unless reauthorized by an act of the general**  
52 **assembly;**

53 (2) **If such program is reauthorized, the program authorized under this section**  
54 **shall automatically sunset six years after the effective date of the reauthorization of this**  
55 **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 August 28, 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 six years after the effective date of the**  
253 **reauthorization of this section;**

254 **(3) The provisions of the tax credit programs authorized under this section shall**  
255 **terminate on September first of the calendar year immediately following the calendar**  
256 **year in which the programs authorized under this 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.**

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

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

5 ~~(1) "Acquisition costs", the purchase price for the eligible parcel, costs~~  
6 ~~of environmental assessments, closing costs, real estate brokerage fees,~~  
~~reasonable demolition costs of vacant structures, and reasonable maintenance~~

7 costs incurred to maintain an acquired eligible parcel for a period of five years  
8 after the acquisition of such eligible parcel. Acquisition costs shall not include  
9 costs for title insurance and survey, attorney's fees, relocation costs, fines, or  
10 bills from a municipality;

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

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

16 (b) Been appointed or selected, pursuant to a redevelopment  
17 agreement by a municipal authority, as a redeveloper or similar designation,  
18 under an economic incentive law, to redevelop an urban renewal area or a  
19 redevelopment area that includes all of an eligible project area or whose  
20 redevelopment plan or redevelopment area, which encompasses all of an  
21 eligible project area, has been approved or adopted under an economic  
22 incentive law. In addition to being designated the redeveloper, the applicant  
23 shall have been designated to receive economic incentives only after the  
24 municipal authority has considered the amount of the tax credits in adopting  
25 such economic incentives as provided in subsection 8 of this section. The  
26 redevelopment agreement shall provide that:

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

29 b. No more than seventy five percent of the urban renewal area  
30 identified in the urban renewal plan or the redevelopment area identified in the  
31 redevelopment plan may be redeveloped by the applicant; and

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

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

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

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

45 (6) "Economic incentive laws", any provision of Missouri law  
46 pursuant to which economic incentives are provided to redevelopers of a  
47 parcel or parcels to redevelop the land, such as tax abatement or payments in  
48 lieu of taxes, or redevelopment plans or redevelopment projects approved or  
49 adopted which include the use of economic incentives to redevelop the land.  
50 Economic incentive laws include, but are not limited to, the land clearance for  
51 redevelopment authority law under sections 99.300 to 99.660, the real property  
52 tax increment allocation redevelopment act under sections 99.800 to 99.865,  
53 the Missouri downtown and rural economic stimulus act under sections 99.915

54 to ~~99.1060~~, and the downtown revitalization preservation program under  
55 sections ~~99.1080 to 99.1092~~;

56 (7) ~~"Eligible parcel", a parcel:~~  
57 (a) ~~Which is located within an eligible project area;~~  
58 (b) ~~Which is to be redeveloped;~~  
59 (c) ~~On which the applicant has not commenced construction prior to~~  
60 ~~November 28, 2007;~~  
61 (d) ~~Which has been acquired without the commencement of any~~  
62 ~~condemnation proceedings with respect to such parcel brought by or on behalf~~  
63 ~~of the applicant. Any parcel acquired by the applicant from a municipal~~  
64 ~~authority shall not constitute an eligible parcel; and~~  
65 (e) ~~On which all outstanding taxes, fines, and bills levied by municipal~~  
66 ~~governments that were levied by the municipality during the time period that~~  
67 ~~the applicant held title to the eligible parcel have been paid in full;~~  
68 (8) ~~"Eligible project area", an area which shall have satisfied the~~  
69 ~~following requirements:~~  
70 (a) ~~The eligible project area shall consist of at least seventy-five acres~~  
71 ~~and may include parcels within its boundaries that do not constitute an eligible~~  
72 ~~parcel;~~  
73 (b) ~~At least eighty percent of the eligible project area shall be located~~  
74 ~~within a Missouri qualified census tract area, as designated by the United~~  
75 ~~States Department of Housing and Urban Development under 26 U.S.C.~~  
76 ~~Section 42, or within a distressed community as that term is defined in section~~  
77 ~~135.530;~~  
78 (c) ~~The eligible parcels acquired by the applicant within the eligible~~  
79 ~~project area shall total at least fifty acres, which may consist of contiguous and~~  
80 ~~noncontiguous parcels;~~  
81 (d) ~~The average number of parcels per acre in an eligible project area~~  
82 ~~shall be four or more;~~  
83 (e) ~~Less than five percent of the acreage within the boundaries of the~~  
84 ~~eligible project area shall consist of owner-occupied residences which the~~  
85 ~~applicant has identified for acquisition under the urban renewal plan or the~~  
86 ~~redevelopment plan pursuant to which the applicant was appointed or selected~~  
87 ~~as the redeveloper or by which the person or entity was qualified as an~~  
88 ~~applicant under this section on the date of the approval or adoption of such~~  
89 ~~plan;~~  
90 (9) ~~"Interest costs", interest, loan fees, and closing costs. Interest costs~~  
91 ~~shall not include attorney's fees;~~  
92 (10) ~~"Maintenance costs", costs of boarding up and securing vacant~~  
93 ~~structures, costs of removing trash, and costs of cutting grass and weeds;~~  
94 (11) ~~"Municipal authority", any city, town, village, county, public~~  
95 ~~body corporate and politic, political subdivision, or land trust of this state~~  
96 ~~established and authorized to own land within the state;~~  
97 (12) ~~"Municipality", any city, town, village, or county;~~  
98 (13) ~~"Parcel", a single lot or tract of land, and the improvements~~  
99 ~~thereon, owned by, or recorded as the property of, one or more persons or~~  
100 ~~entities;~~

101           ~~(14) "Redeveloped", the process of undertaking and carrying out a~~  
102 ~~redevelopment plan or urban renewal plan pursuant to which the conditions~~  
103 ~~which provided the basis for an eligible project area to be included in a~~  
104 ~~redevelopment plan or urban renewal plan are to be reduced or eliminated by~~  
105 ~~redevelopment or rehabilitation; and~~

106           ~~(15) "Redevelopment agreement", the redevelopment agreement or~~  
107 ~~similar agreement into which the applicant entered with a municipal authority~~  
108 ~~and which is the agreement for the implementation of the urban renewal plan~~  
109 ~~or redevelopment plan pursuant to which the applicant was appointed or~~  
110 ~~selected as the redeveloper or by which the person or entity was qualified as an~~  
111 ~~applicant under this section; and such appointment or selection shall have been~~  
112 ~~approved by an ordinance of the governing body of the municipality, or~~  
113 ~~municipalities, or in the case of any city not within a county, the board of~~  
114 ~~aldermen, in which the eligible project area is located. The redevelopment~~  
115 ~~agreement shall include a time line for redevelopment of the eligible project~~  
116 ~~area. The redevelopment agreement shall state that the named developer shall~~  
117 ~~be subject to the provisions of chapter 290.~~

118           ~~3. Any applicant shall be entitled to a tax credit against the taxes~~  
119 ~~imposed under chapters 143, 147, and 148, except for sections 143.191 to~~  
120 ~~143.265, in an amount equal to fifty percent of the acquisition costs, and one~~  
121 ~~hundred percent of the interest costs incurred for a period of five years after~~  
122 ~~the acquisition of an eligible parcel. No tax credits shall be issued under this~~  
123 ~~section until after January 1, 2008.~~

124           ~~4. If the amount of such tax credit exceeds the total tax liability for the~~  
125 ~~year in which the applicant is entitled to receive a tax credit, the amount that~~  
126 ~~exceeds the state tax liability may be carried forward for credit against the~~  
127 ~~taxes imposed under chapters 143, 147, and 148 for the succeeding six years,~~  
128 ~~or until the full credit is used, whichever occurs first. The applicant shall not~~  
129 ~~be entitled to a tax credit for taxes imposed under sections 143.191 to 143.265.~~  
130 ~~Applicants entitled to receive such tax credits may transfer, sell, or assign the~~  
131 ~~tax credits. Tax credits granted to a partnership, a limited liability company~~  
132 ~~taxed as a partnership, or multiple owners of property shall be passed through~~  
133 ~~to the partners, members, or owners respectively pro rata or pursuant to an~~  
134 ~~executed agreement among the partners, members, or owners documenting an~~  
135 ~~alternate distribution method.~~

136           ~~5. A purchaser, transferee, or assignee of the tax credits authorized~~  
137 ~~under this section may use acquired tax credits to offset up to one hundred~~  
138 ~~percent of the tax liabilities otherwise imposed under chapters 143, 147, and~~  
139 ~~148, except for sections 143.191 to 143.265. A seller, transferor, or assignor~~  
140 ~~shall perfect such transfer by notifying the department in writing within thirty~~  
141 ~~calendar days following the effective date of the transfer and shall provide any~~  
142 ~~information as may be required by the department to administer and carry out~~  
143 ~~the provisions of this section.~~

144           ~~6. To claim tax credits authorized under this section, an applicant shall~~  
145 ~~submit to the department an application for a certificate. An applicant shall~~  
146 ~~identify the boundaries of the eligible project area in the application. The~~  
147 ~~department shall verify that the applicant has submitted a valid application in~~  
148 ~~the form and format required by the department. The department shall verify~~

149 that the municipal authority held the requisite hearings and gave the requisite  
150 notices for such hearings in accordance with the applicable economic incentive  
151 act, and municipal ordinances. On an annual basis, an applicant may file for  
152 the tax credit for the acquisition costs, and for the tax credit for the interest  
153 costs, subject to the limitations of this section. If an applicant applying for the  
154 tax credit meets the criteria required under this section, the department shall  
155 issue a certificate in the appropriate amount. If an applicant receives a tax  
156 credit for maintenance costs as a part of the applicant's acquisition costs, the  
157 department shall post on its internet website the amount and type of  
158 maintenance costs and a description of the redevelopment project for which  
159 the applicant received a tax credit within thirty days after the department  
160 issues the certificate to the applicant.

161 7. ~~The total aggregate amount of tax credits authorized under this~~  
162 ~~section shall not exceed ninety-five million dollars. At no time shall the~~  
163 ~~annual amount of the tax credits issued under this section exceed twenty~~  
164 ~~million dollars. If the tax credits that are to be issued under this section~~  
165 ~~exceed, in any year, the twenty million dollar limitation, the department shall~~  
166 ~~either:~~

167 (1) ~~Issue tax credits to the applicant in the amount of twenty million~~  
168 ~~dollars, if there is only one applicant entitled to receive tax credits in that year;~~  
169 ~~or~~

170 (2) ~~Issue the tax credits on a pro rata basis to all applicants entitled to~~  
171 ~~receive tax credits in that year. Any amount of tax credits, which an applicant~~  
172 ~~is, or applicants are, entitled to receive on an annual basis and are not issued~~  
173 ~~due to the twenty million dollar limitation, shall be carried forward for the~~  
174 ~~benefit of the applicant or applicants to subsequent years.—~~

175  
176 ~~No tax credits provided under this section shall be authorized after August 28,~~  
177 ~~2013. Any tax credits which have been authorized on or before August 28,~~  
178 ~~2013, but not issued, may be issued, subject to the limitations provided under~~  
179 ~~this subsection, until all such authorized tax credits have been issued.~~

180 8. ~~Upon issuance of any tax credits pursuant to this section, the~~  
181 ~~department shall report to the municipal authority the applicant's name and~~  
182 ~~address, the parcel numbers of the eligible parcels for which the tax credits~~  
183 ~~were issued, the itemized acquisition costs and interest costs for which tax~~  
184 ~~credits were issued, and the total value of the tax credits issued. The municipal~~  
185 ~~authority and the state shall not consider the amount of the tax credits as an~~  
186 ~~applicant's cost, but shall include the tax credits in any sources and uses and~~  
187 ~~cost benefit analysis reviewed or created for the purpose of awarding other~~  
188 ~~economic incentives. The amount of the tax credits shall not be considered an~~  
189 ~~applicant's cost in the evaluation of the amount of any award of any other~~  
190 ~~economic incentives, but shall be considered in measuring the reasonableness~~  
191 ~~of the rate of return to the applicant with respect to such award of other~~  
192 ~~economic incentives. The municipal authority shall provide the report to any~~  
193 ~~relevant commission, board, or entity responsible for the evaluation and~~  
194 ~~recommendation or approval of other economic incentives to assist in the~~  
195 ~~redevelopment of the eligible project area. Tax credits authorized under this~~  
196 ~~section shall constitute redevelopment tax credits, as such term is defined~~

197 under section 135.800, and shall be subject to all provisions applicable to  
198 redevelopment tax credits provided under sections 135.800 to 135.830.

199 9. The department may promulgate rules to implement the provisions  
200 of this section. Any rule or portion of a rule, as that term is defined in section  
201 536.010, that is created under the authority delegated in this section shall  
202 become effective only if it complies with and is subject to all of the provisions  
203 of chapter 536 and, if applicable, section 536.028. This section and chapter  
204 536 are nonseverable and if any of the powers vested with the general  
205 assembly pursuant to chapter 536 to review, to delay the effective date, or to  
206 disapprove and annul a rule are subsequently held unconstitutional, then the  
207 grant of rulemaking authority and any rule proposed or adopted after August  
208 28, 2007, shall be invalid and void.]

2 [135.313. 1. Any person, firm or corporation who engages in the  
3 business of producing charcoal or charcoal products in the state of Missouri  
4 shall be eligible for a tax credit on income taxes otherwise due pursuant to  
5 chapter 143, except sections 143.191 to 143.261, as an incentive to implement  
6 safe and efficient environmental controls. The tax credit shall be equal to fifty  
7 percent of the purchase price of the best available control technology  
8 equipment connected with the production of charcoal in the state of Missouri  
9 or, if the taxpayer manufactures such equipment, fifty percent of the  
10 manufacturing cost of the equipment, to and including the year the  
11 equipment is put into service. The credit may be claimed for a period of  
12 eight years beginning with the 1998 calendar year and is to be a tax credit  
13 against the tax otherwise due.

14 2. Any amount of credit which exceeds the tax due shall not be  
15 refunded but may be carried over to any subsequent taxable year, not to exceed  
16 seven years.

17 3. The charcoal producer may elect to assign to a third party the  
18 approved tax credit. Certification of assignment and other appropriate forms  
19 must be filed with the Missouri department of revenue and the department of  
20 economic development.

21 4. When applying for a tax credit, the charcoal producer specified in  
22 subsection 1 of this section shall make application for the credit to the division  
23 of environmental quality of the department of natural resources. The  
24 application shall identify the specific best available control technology  
25 equipment and the purchase price, or manufacturing cost of such equipment.  
26 The director of the department of natural resources is authorized to require  
27 permits to construct prior to the installation of best available control  
28 technology equipment and other information which he or she deems  
29 appropriate.

30 5. The director of the department of natural resources in conjunction  
31 with the department of economic development shall certify to the department  
32 of revenue that the best available control technology equipment meets the  
requirements to obtain a tax credit as specified in this section.]

2 [135.403. 1. Any investor who makes a qualified investment in a  
Missouri small business shall be entitled to receive a tax credit equal to forty

3 percent of the amount of the investment or, in the case of a qualified  
4 investment in a Missouri small business in a distressed community as defined  
5 by section 135.530, a credit equal to sixty percent of the amount of the  
6 investment, and any investor who makes a qualified investment in a  
7 community bank or a community development corporation shall be entitled  
8 to receive a tax credit equal to fifty percent of the amount of the investment if  
9 the investment is made in a community bank or community development  
10 corporation for direct investment. The total amount of tax credits available for  
11 qualified investments in Missouri small businesses shall not exceed thirteen  
12 million dollars and at least four million dollars of the amount authorized by  
13 this section and certified by the department of economic development shall be  
14 for investment in Missouri small businesses in distressed communities.  
15 Authorization for all or any part of this four million dollar amount shall in no  
16 way restrict the eligibility of Missouri small businesses in distressed  
17 communities, as defined in section 135.530, for the remaining amounts  
18 authorized within this section. No more than twenty percent of the tax credits  
19 available each year for investments in community banks or community  
20 development corporations for direct investment shall be certified for any one  
21 project, as defined in section 135.400. The tax credit shall be evidenced by a  
22 tax credit certificate in accordance with the provisions of sections 135.400 to  
23 135.430 and may be used to satisfy the state tax liability of the owner of the  
24 certificate that becomes due in the tax year in which the qualified investment is  
25 made, or in any of the ten tax years thereafter. When the qualified small  
26 business is in a distressed community, as defined in section 135.530, the tax  
27 credit may also be used to satisfy the state tax liability of the owner of the  
28 certificate that was due during each of the previous three years in addition to  
29 the year in which the investment is made and any of the ten years thereafter.  
30 No investor may receive a tax credit pursuant to sections 135.400 to 135.430  
31 unless that person presents a tax credit certificate to the department of revenue  
32 for payment of such state tax liability. The department of revenue shall grant  
33 tax credits in the same order as established by subsection 1 of section 32.115.  
34 Subject to the provisions of sections 135.400 to 135.430, certificates of tax  
35 credit issued in accordance with these sections may be transferred, sold or  
36 assigned by notarized endorsement thereof which names the transferee.

37 2. Five hundred thousand dollars in tax credits shall be available  
38 annually from the total amount of tax credits authorized by section 32.110 and  
39 subdivision (4) of subsection 2 of section 32.115 as a result of investments in  
40 community banks or community development corporations. Aggregate  
41 investments eligible for tax credits in any one Missouri small business shall  
42 not be more than one million dollars. Aggregate investments eligible for tax  
43 credits in any one Missouri small business shall not be less than five thousand  
44 dollars as of the date of issuance of the first tax credit certificate for investment  
45 in that business.

46 3. This section and section 620.1039 shall become effective January 1,  
47 2001.]

2 [135.500. 1. Sections 135.500 to 135.529 shall be known and may be  
cited as the "Missouri Certified Capital Company Law".

- 3                   2. ~~As used in sections 135.500 to 135.529, the following terms mean:~~  
4                   ~~(1) "Affiliate of a certified company":~~  
5                   ~~(a) Any person, directly or indirectly owning, controlling or holding~~  
6 ~~power to vote ten percent or more of the outstanding voting securities or other~~  
7 ~~ownership interests of the Missouri certified capital company;~~  
8                   ~~(b) Any person ten percent or more of whose outstanding voting~~  
9 ~~securities or other ownership interest are directly or indirectly owned,~~  
10 ~~controlled or held with power to vote by the Missouri certified capital~~  
11 ~~company;~~  
12                   ~~(c) Any person directly or indirectly controlling, controlled by, or~~  
13 ~~under common control with the Missouri certified capital company;~~  
14                   ~~(d) A partnership in which the Missouri certified capital company is a~~  
15 ~~general partner;~~  
16                   ~~(e) Any person who is an officer, director or agent of the Missouri~~  
17 ~~certified capital company or an immediate family member of such officer,~~  
18 ~~director or agent;~~  
19                   ~~(2) "Applicable percentage", one hundred percent;~~  
20                   ~~(3) "Capital in a qualified Missouri business", any debt, equity or~~  
21 ~~hybrid security, of any nature and description whatsoever, including a debt~~  
22 ~~instrument or security which has the characteristics of debt but which provides~~  
23 ~~for conversion into equity or equity participation instruments such as options~~  
24 ~~or warrants which are acquired by a Missouri certified capital company or a~~  
25 ~~qualified investing entity as a result of a transfer of cash to a business;~~  
26                   ~~(4) "Certified capital", an investment of cash by an investor in a~~  
27 ~~Missouri certified capital company;~~  
28                   ~~(5) "Certified capital company", any partnership, corporation, trust or~~  
29 ~~limited liability company, whether organized on a profit or not-for-profit basis,~~  
30 ~~that is located, headquartered and registered to conduct business in Missouri~~  
31 ~~that has as its primary business activity, the investment of cash in qualified~~  
32 ~~Missouri businesses, and which is certified by the department as meeting the~~  
33 ~~criteria of sections 135.500 to 135.529;~~  
34                   ~~(6) "Department", the Missouri department of economic development;~~  
35                   ~~(7) "Director", the director of the department of economic~~  
36 ~~development or a person acting under the supervision of the director;~~  
37                   ~~(8) "Investor", any insurance company that contributes cash;~~  
38                   ~~(9) "Liquidating distribution", payments to investors or to the certified~~  
39 ~~capital company from earnings;~~  
40                   ~~(10) "Person", any natural person or entity, including a corporation,~~  
41 ~~general or limited partnership, trust, limited liability company, or any~~  
42 ~~charitable organization which is exempt from federal income tax and whose~~  
43 ~~Missouri unrelated business taxable income, if any, would be subject to the~~  
44 ~~state income tax imposed under chapter 143;~~  
45                   ~~(11) "Qualified distribution", any distribution or payment to equity~~  
46 ~~holders of a certified capital company in connection with the following:~~  
47                   ~~(a) Reasonable costs and expenses of forming, syndicating, managing~~  
48 ~~and operating the certified capital company;~~  
49                   ~~(b) Management fees for managing and operating the certified capital~~  
50 ~~company; and~~



51 ~~(c) Any increase in federal or state taxes, penalties and interest,~~  
52 ~~including those related to state and federal income taxes, of equity owners of a~~  
53 ~~certified capital company which related to the ownership, management or~~  
54 ~~operation of a certified capital company;~~

55 ~~(12) "Qualified investing entity", any partnership, corporation, trust, or~~  
56 ~~limited liability company, whether organized on a for profit or not for profit~~  
57 ~~basis, that:~~

58 ~~(a) Is registered to do business in this state;~~

59 ~~(b) Is a wholly owned subsidiary of a certified capital company or~~  
60 ~~otherwise affiliated with and under common control with a certified capital~~  
61 ~~company; and~~

62 ~~(c) Has been designated as a qualified investing entity by such~~  
63 ~~certified capital company. Such designation shall be effective upon delivery~~  
64 ~~by the certified capital company of written notice of the designation to the~~  
65 ~~department. A qualified investing entity may raise debt or equity capital for~~  
66 ~~investment, but such capital shall not be considered certified capital. Any~~  
67 ~~qualified investment made by a qualified investing entity after the effective~~  
68 ~~date of this act shall be deemed to have been made by a certified capital~~  
69 ~~company that designated the qualified investing entity as such; provided that~~  
70 ~~no qualified investment may be deemed to have been made by more than one~~  
71 ~~certified capital company;~~

72 ~~(13) "Qualified investment", the investment of cash by a Missouri~~  
73 ~~certified capital company or a qualified investing entity in such a manner as to~~  
74 ~~acquire capital in a qualified Missouri business;~~

75 ~~(14) "Qualified Missouri business", an independently owned and~~  
76 ~~operated business, which is headquartered and located in Missouri and which~~  
77 ~~is in need of venture capital and cannot obtain conventional financing. Such~~  
78 ~~business shall have no more than two hundred employees, eighty percent of~~  
79 ~~which are employed in Missouri. Such business shall be involved in~~  
80 ~~commerce for the purpose of manufacturing, processing or assembling~~  
81 ~~products, conducting research and development, or providing services in~~  
82 ~~interstate commerce, but excluding retail, real estate, real estate development,~~  
83 ~~insurance and professional services provided by accountants, lawyers or~~  
84 ~~physicians. At the time a certified capital company or qualified investing~~  
85 ~~entity makes an initial investment in a business, such business shall be a small~~  
86 ~~business concern that meets the requirements of the United States Small~~  
87 ~~Business Administration's qualification size standards for its venture capital~~  
88 ~~program, as defined in Section 13 CFR 121.301(e) of the Small Business~~  
89 ~~Investment Act of 1958, as amended. Any business which is classified as a~~  
90 ~~qualified Missouri business at the time of the first investment in such business~~  
91 ~~by a Missouri certified capital company or qualified investing entity shall, for~~  
92 ~~a period of seven years from the date of such first investment, remain~~  
93 ~~classified as a qualified Missouri business and may receive follow on~~  
94 ~~investments from any Missouri certified capital company or qualified~~  
95 ~~investing entity and such follow on investments shall be qualified~~  
96 ~~investments even though such business may not meet the other~~  
97 ~~qualifications of this subsection at the time of such follow on investments;~~

98                   ~~(15) "State premium tax liability", any liability incurred by an~~  
99                   ~~insurance company pursuant to the provisions of section 148.320, 148.340,~~  
100                   ~~148.370 or 148.376, and any other related provisions, which may impose a tax~~  
101                   ~~upon the premium income of insurance companies after January 1, 1997.]~~

2                   ~~[135.503. 1. Any investor that makes an investment of certified~~  
3                   ~~capital shall, in the year of investment, earn a vested credit against state~~  
4                   ~~premium tax liability equal to the applicable percentage of the investor's~~  
5                   ~~investment of certified capital. An investor shall be entitled to take up to ten~~  
6                   ~~percent of the vested credit in any taxable year of the investor. Any time after~~  
7                   ~~three years after August 28, 1996, the director, with the approval of the~~  
8                   ~~commissioner of administration, may reduce the applicable percentage on a~~  
9                   ~~prospective basis. Any such reduction in the applicable percentage by the~~  
10                   ~~director shall not have any effect on credits against state premium tax liability~~  
11                   ~~which have been claimed or will be claimed by any investor with respect to~~  
12                   ~~credits which have been earned and vested pursuant to an investment of~~  
13                   ~~certified capital prior to the effective date of any such change.~~

14                   ~~2. An insurance company claiming a state premium tax credit earned~~  
15                   ~~through an investment in a certified capital company shall not be required to~~  
16                   ~~pay any additional retaliatory tax levied pursuant to section 375.916 as a result~~  
17                   ~~of claiming such credit.~~

18                   ~~3. The credit against state premium tax liability which is described in~~  
19                   ~~subsection 1 of this section may not exceed the state premium tax liability of~~  
20                   ~~the investor for any taxable year. All such credits against state premium tax~~  
21                   ~~liability may be carried forward indefinitely until the credits are utilized. The~~  
22                   ~~maximum amount of certified capital in one or more certified capital~~  
23                   ~~companies for which earned and vested tax credits will be allowed in any year~~  
24                   ~~to any one investor or its affiliates shall be limited to ten million dollars.~~

25                   ~~4. Except as provided in subsection 5 of this section, the aggregate~~  
26                   ~~amount of certified capital for which earned and vested credits against state~~  
27                   ~~premium tax liability are allowed for all persons pursuant to sections 135.500~~  
28                   ~~to 135.529 shall not exceed the following amounts: for calendar year 1996,~~  
29                   ~~\$0.00; for calendar year 1997, an amount which would entitle all Missouri~~  
30                   ~~certified capital company investors to take aggregate credits of five million~~  
31                   ~~dollars; and for any year thereafter, an additional amount to be determined by~~  
32                   ~~the director but not to exceed aggregate credits of ten million dollars for any~~  
33                   ~~year with the approval of the commissioner of administration and reported to~~  
34                   ~~the general assembly as provided in subsection 2 of section 33.282, provided~~  
35                   ~~that the amount so determined shall not impair the ability of an investor with~~  
36                   ~~earned and vested credits which have been allowed in previous years to take~~  
37                   ~~them, pursuant to subsection 1 of this section. During any calendar year in~~  
38                   ~~which the limitation described in this subsection will limit the amount of~~  
39                   ~~certified capital for which earned and vested credits against state premium tax~~  
40                   ~~liability are allowed, certified capital for which credits are allowed will be~~  
41                   ~~allocated in order of priority based upon the date of filing of information~~  
42                   ~~described in subdivision (1) of subsection 5 of section 135.516. Certified~~  
43                   ~~capital limited in any calendar year by the application of the provisions of this~~  
                      ~~subsection shall be allowed and allocated in the immediately succeeding~~

44 ~~calendar year in the order of priority set forth in this subsection. The~~  
45 ~~department shall make separate allocations of certified capital for which~~  
46 ~~credits are allowed under the limitations described in this subsection and under~~  
47 ~~the limitations described in subsection 5 of this section.~~

48 ~~5. In addition to the maximum amount pursuant to subsection 4 of this~~  
49 ~~section, the aggregate amount of certified capital for which earned and vested~~  
50 ~~credits against state premium tax liability are allowed for persons pursuant to~~  
51 ~~sections 135.500 to 135.529 shall be the following: for calendar year 1999 and~~  
52 ~~for any year thereafter, an amount to be determined by the director which~~  
53 ~~would entitle all Missouri certified capital company investors to take aggregate~~  
54 ~~credits not to exceed four million dollars for any year with the approval of the~~  
55 ~~commissioner of administration and reported to the general assembly as~~  
56 ~~provided in subsection 2 of section 33.282, provided that the amount so~~  
57 ~~determined shall not impair the ability of an investor with earned and vested~~  
58 ~~credits which have been allowed in previous years or pursuant to the~~  
59 ~~provisions of subsection 4 of this section to take them, pursuant to subsection~~  
60 ~~1 of this section. For purposes of any requirement regarding the schedule of~~  
61 ~~qualified investments for certified capital for which earned and vested credits~~  
62 ~~against state premium tax liability are allowed pursuant to this subsection only,~~  
63 ~~the definition of a "qualified Missouri business" as set forth in subdivision (14)~~  
64 ~~of subsection 2 of section 135.500 means a Missouri business that is located in~~  
65 ~~a distressed community as defined in section 135.530, and meets all of the~~  
66 ~~requirements of subdivision (14) of subsection 2 of section 135.500. During~~  
67 ~~any calendar year in which the limitation described in this subsection limits the~~  
68 ~~amount of additional certified capital for which earned and vested credits~~  
69 ~~against state premium tax liability are allowed, additional certified capital for~~  
70 ~~which credits are allowed shall be allocated in order of priority based upon the~~  
71 ~~date of filing of information described in subdivision (1) of subsection 5 of~~  
72 ~~section 135.516 with respect to such additional certified capital. The~~  
73 ~~department shall make separate allocations of certified capital for which~~  
74 ~~credits are allowed under the limitations described in this subsection and under~~  
75 ~~the limitations described in subsection 4 of this section. No limitation~~  
76 ~~applicable to any certified capital company with respect to certified capital for~~  
77 ~~which credits are allowed pursuant to subsection 4 of this section shall limit~~  
78 ~~the amount of certified capital for which credits are allowed pursuant to this~~  
79 ~~subsection. No limitation applicable to any certified capital company with~~  
80 ~~respect to certified capital for which credits are allowed pursuant to this~~  
81 ~~subsection shall limit the amount of certified capital for which credits are~~  
82 ~~allowed pursuant to subsection 4 of this section.~~

83 ~~6. The department shall advise any Missouri certified capital company,~~  
84 ~~in writing, within fifteen days after receiving the filing described in~~  
85 ~~subdivision (1) of subsection 5 of section 135.516 whether the limitations of~~  
86 ~~subsection 3 of this section then in effect will be applicable with respect to the~~  
87 ~~investments and credits described in such filing with the department.]~~

2 ~~[135.505. A Missouri certified capital company shall have a funding~~  
~~period of one year from the date of receiving certification from the director.~~

3 All investments in the Missouri certified capital company shall be made within  
4 ~~such three hundred sixty five day funding period.]~~

2 ~~[135.508. The department may certify profit or not for profit entities~~  
3 ~~which submit an application to be designated as a Missouri certified capital~~  
4 ~~company. The department shall review the organizational documents for each~~  
5 ~~applicant for certification and the business history of the applicant, determine~~  
6 ~~that the Missouri certified capital company's cash, marketable securities and~~  
7 ~~other liquid assets are at least five hundred thousand dollars, determine that the~~  
8 ~~liquid asset base for certified companies is at least five hundred thousand~~  
9 ~~dollars at all times during the company's participation in the program~~  
10 ~~authorized by sections 135.500 to 135.529, and determine that the officers and~~  
11 ~~the board of directors, partners, trustees or managers are thoroughly~~  
12 ~~acquainted with the requirements of sections 135.500 to 135.529. No~~  
13 ~~insurance company which receives tax credits permitted under sections~~  
14 ~~135.500 to 135.529 for an investment in a Missouri certified capital company~~  
15 ~~shall, individually or with or through one or more affiliates, be a managing~~  
16 ~~general partner of or control the direction of investments of that Missouri~~  
17 ~~certified capital company. Within seventy five days of application, the~~  
18 ~~department shall either issue the certification and notify the department of~~  
19 ~~revenue and the director of the department of commerce and insurance of such~~  
20 ~~certification or shall refuse the certification and communicate in detail to the~~  
21 ~~applicant the grounds for the refusal, including the suggestions for the removal~~  
22 ~~of those grounds. The department shall be responsible for the administration~~  
23 ~~of the tax credits authorized by sections 135.500 to 135.529. No rule or~~  
24 ~~portion of a rule promulgated under the authority of sections 135.500 to~~  
25 ~~135.529 shall become effective unless it has been promulgated pursuant to the~~  
26 ~~provisions of chapter 536. All rulemaking authority delegated prior to June~~  
27 ~~27, 1997, is of no force and effect and repealed; however, nothing in this~~  
28 ~~section shall be interpreted to repeal or affect the validity of any rule filed or~~  
29 ~~adopted prior to June 27, 1997, if such rule complied with the provisions of~~  
30 ~~chapter 536. The provisions of this section and chapter 536 are nonseverable~~  
31 ~~and if any of the powers vested with the general assembly pursuant to chapter~~  
32 ~~536, including the ability to review, to delay the effective date, or to~~  
33 ~~disapprove and annul a rule or portion of a rule, are subsequently held~~  
34 ~~unconstitutional, then the purported grant of rulemaking authority and any rule~~  
35 ~~so proposed and contained in the order of rulemaking shall be invalid and~~  
~~void.]~~

2 ~~[135.516. 1. To continue to be certified, a Missouri certified capital~~  
3 ~~company shall make qualified investments according to the following~~  
4 ~~schedule:~~

5 ~~(1) Within two years after the date on which a Missouri certified~~  
6 ~~capital company is designated as a Missouri certified capital company at least~~  
7 ~~twenty five percent of its certified capital shall be, or have been, placed in~~  
8 ~~qualified investments;~~

9 ~~(2) Within three years after the date on which a Missouri certified~~  
~~capital company is designated as a Missouri certified capital company at least~~

10        ~~forty percent of its certified capital shall be, or have been, placed in qualified~~  
11        ~~investments;~~

12        ~~(3) Within four years after the date on which a Missouri certified~~  
13        ~~capital company is designated as a Missouri certified capital company, at least~~  
14        ~~fifty percent of its total certified capital shall be, or have been, placed in~~  
15        ~~qualified investments. A Missouri certified capital company may not make an~~  
16        ~~investment in an affiliate of the certified capital company. For the purposes of~~  
17        ~~this subsection, if a legal entity is not an affiliate before a certified capital~~  
18        ~~company initially invests in the entity, it will not be an affiliate if a certified~~  
19        ~~capital company provides additional investment in such entity subsequent to~~  
20        ~~its initial investment;~~

21        ~~(4) A certified capital company, at least fifteen working days prior to~~  
22        ~~making what it determines to be an initial qualified investment in a specific~~  
23        ~~qualified Missouri business, shall certify to the department that the company in~~  
24        ~~which it or a qualified investing entity proposes to invest is a qualified~~  
25        ~~Missouri business. The certified capital company shall state the amount of~~  
26        ~~capital it or a qualified investing entity intends to invest and the name of the~~  
27        ~~business in which it or a qualified investing entity intends to invest. The~~  
28        ~~certified capital company shall also provide to the department an explanation~~  
29        ~~of its determination that the business meets the definition of a qualified~~  
30        ~~Missouri business. If the department determines that the business does not~~  
31        ~~meet the definition of a qualified Missouri business, it shall, within the fifteen-~~  
32        ~~working-day period prior to the making of the proposed investment, notify the~~  
33        ~~certified capital company of its determination and an explanation thereof. If~~  
34        ~~the department fails to notify the certified capital company with respect to the~~  
35        ~~proposed investment within the fifteen-working-day period prior to the making~~  
36        ~~of the proposed investment, the company in which the certified capital~~  
37        ~~company or a qualified investing entity proposes to invest shall be deemed to~~  
38        ~~be a qualified Missouri business. If a certified capital company fails to notify~~  
39        ~~the department prior to making an initial investment in a business, the~~  
40        ~~department may subsequently determine that the business in which the~~  
41        ~~certified capital company or a qualified investing entity invested was not a~~  
42        ~~qualified Missouri business even though the business, at the time of the~~  
43        ~~investment, met the requirements of subdivision (15) of subsection 2 of section~~  
44        ~~135.500;~~

45        ~~(5) All certified capital which is not required to be placed in qualified~~  
46        ~~investments or which has been placed in qualified investments and can be~~  
47        ~~received by the company, may be held or invested in such manner as the~~  
48        ~~Missouri certified capital company, in its discretion, deems appropriate. The~~  
49        ~~proceeds of all certified capital which is received by a certified capital~~  
50        ~~company after it was originally placed in qualified investments may be placed~~  
51        ~~again in qualified investments and shall count toward any requirement in~~  
52        ~~sections 135.500 to 135.529 with respect to placing certified capital in~~  
53        ~~qualified investments.~~

54        ~~2. A certified capital company may make qualified distributions at any~~  
55        ~~time. In order to make distributions, other than qualified distributions, a~~  
56        ~~certified capital company must have made cumulative qualified investments,~~  
57        ~~including those made through a qualified investing entity, in an amount~~

58 ~~cumulatively equal to at least one hundred percent of its certified capital.~~  
59 ~~Cumulative distributions to equity holders, other than qualified distributions,~~  
60 ~~in excess of the certified capital company's original certified capital and any~~  
61 ~~additional capital contributions to the certified capital company shall be~~  
62 ~~subject to audit by a nationally recognized certified public accounting firm~~  
63 ~~acceptable to the department, at the expense of the certified capital company.~~  
64 ~~The audit shall determine whether aggregate cumulative distributions to all~~  
65 ~~investors and equity holders, other than qualified distributions, when~~  
66 ~~combined with all tax credits utilized by investors pursuant to sections~~  
67 ~~135.500 to 135.529, have resulted in an annual internal rate of return of fifteen~~  
68 ~~percent computed on the sum of total original certified capital of the certified~~  
69 ~~capital company and any additional capital contributions to the certified capital~~  
70 ~~company. Twenty five percent of distributions made, other than qualified~~  
71 ~~distributions, in excess of the amount required to produce a fifteen percent~~  
72 ~~annual internal rate of return, as determined by the audit, shall be payable by~~  
73 ~~the certified capital company to the Missouri development finance board.~~  
74 ~~Distributions or payments to debt holders of a certified capital company,~~  
75 ~~however, may be made without restriction with respect to debt owed to them~~  
76 ~~by a certified capital company. A debt holder that is also an investor or equity~~  
77 ~~holder of a certified capital company may receive distributions or payments~~  
78 ~~with respect to such debt without restriction.~~

79 ~~3. No qualified investment may be made at a cost to a Missouri~~  
80 ~~certified capital company greater than fifteen percent of the total certified~~  
81 ~~capital under management of the Missouri certified capital company at the~~  
82 ~~time of investment.~~

83 ~~4. Documents and other materials submitted by Missouri certified~~  
84 ~~capital companies or by businesses for purposes of the continuance of~~  
85 ~~certification may be deemed "closed records" pursuant to the provisions of~~  
86 ~~section 620.014.~~

87 ~~5. Each Missouri certified capital company shall report the following~~  
88 ~~to the department:~~

89 ~~(1) As soon as practicable after the receipt of certified capital, the~~  
90 ~~name of each investor from which the certified capital was received, the~~  
91 ~~amount of each investor's investment of certified capital and tax credits~~  
92 ~~computed without regard to any limitations under subsection 3 of section~~  
93 ~~135.503, and the date on which the certified capital was received;~~

94 ~~(2) On a quarterly basis, the amount of the Missouri certified capital~~  
95 ~~company's certified capital at the end of the quarter, whether or not the~~  
96 ~~Missouri certified capital company has invested, together with any~~  
97 ~~investments made by a qualified investing entity that are deemed to have~~  
98 ~~been made by the certified capital company, more than fifteen percent of the~~  
99 ~~total certified capital under management in any one company, and all qualified~~  
100 ~~investments that the Missouri certified capital company has made or has been~~  
101 ~~deemed to have been made through a qualified investing entity;~~

102 ~~(3) Each Missouri certified capital company shall provide annual~~  
103 ~~audited financial statements to the department which include an opinion of an~~  
104 ~~independent certified public accountant to the department within ninety days~~  
105 ~~of the close of the fiscal year. At the same time, the certified capital company~~

106 shall also provide audited financial statements for any qualified investing  
107 entity that has made qualified investments on its behalf, unless the financial  
108 results of such qualified investing entity are included in the consolidated  
109 financial statements of the certified capital company. The audit shall address  
110 the methods of operation and conduct of the business of the Missouri certified  
111 capital company to determine if the Missouri certified capital company is  
112 complying with the statutes and program rules and that the funds received by  
113 the Missouri certified capital company have been invested as required within  
114 the time limits provided by sections 135.500 to 135.529.]

2 [135.523. The department may revoke the certification of a Missouri  
3 certified capital company if any material representation to the department in  
4 connection with the application process proves to have been falsely made or if  
5 the application materially violates any requirement established by the  
department pursuant to sections 135.500 to 135.529.]

2 [135.526. All investments for which tax credits are claimed under the  
3 provisions of sections 135.500 to 135.529 shall satisfy the conditions of being  
4 registered or specifically exempt from registration by provisions or regulations  
under chapter 409.]

2 [135.529. 1. The tax credit established pursuant to sections 135.500 to  
3 135.529 may be sold or transferred in accordance with regulations adopted by  
4 the department. Any such sale or transfer shall not affect the time schedule for  
5 taking the tax credit, as provided in sections 135.500 to 135.529. Any  
6 premium tax credits recaptured pursuant to section 135.520 shall be the  
7 liability of the taxpayer which actually claimed the credit. In approving the  
8 sale or transfer of the credit pursuant to this section, the department may  
9 require the transferor or the transferee or both the transferor and the transferee  
10 to execute guarantees or post bonds with respect to any potential credit  
recapture.

11 2. No rule or portion of a rule promulgated under the authority of  
12 sections 135.500 to 135.529 shall become effective unless it has been  
13 promulgated pursuant to the provisions of chapter 536. The department shall  
14 make and promulgate emergency rules and regulations consistent with the  
15 provisions of sections 135.500 to 135.529 as are necessary or useful to carry  
16 out the provisions of sections 135.500 to 135.529, pursuant to section 536.025.

17 3. Every final order, decision, license or other official act of the  
18 director pursuant to sections 135.500 to 135.529 is subject to administrative  
19 review in accordance with chapter 621.]

2 [135.545. A taxpayer shall be allowed a credit for taxes paid pursuant  
3 to chapter 143, 147 or 148 in an amount equal to fifty percent of a qualified  
4 investment in transportation development for aviation, mass transportation,  
5 including parking facilities for users of mass transportation, railroads, ports,  
6 including parking facilities and limited access roads within ports, waterborne  
7 transportation, bicycle and pedestrian paths, or rolling stock located in a  
distressed community as defined in section 135.530, and which are part of a

8 development plan approved by the appropriate local agency. If the department  
9 of economic development determines the investment has been so approved,  
10 the department shall grant the tax credit in order of date received. A taxpayer  
11 may carry forward any unused tax credit for up to ten years and may carry it  
12 back for the previous three years until such credit has been fully claimed.  
13 Certificates of tax credit issued in accordance with this section may be  
14 transferred, sold or assigned by notarized endorsement which names the  
15 transferee. The tax credits allowed pursuant to this section shall be for an  
16 amount of no more than ten million dollars for each year. This credit shall  
17 apply to returns filed for all taxable years beginning on or after January 1,  
18 1999. Any unused portion of the tax credit authorized pursuant to this section  
19 shall be available for use in the future by those entities until fully claimed. For  
20 purposes of this section, a "taxpayer" shall include any charitable organization  
21 that is exempt from federal income tax and whose Missouri unrelated business  
22 taxable income, if any, would be subject to the state income tax imposed under  
23 chapter 143.]

2 [~~135.546. For all tax years beginning on or after January 1, 2005, no~~  
3 ~~tax credits shall be approved, awarded, or issued to any person or entity~~  
4 ~~claiming any tax credit under section 135.545; if an organization has been~~  
5 ~~allocated credits for contribution based credits prior to January 1, 2005, the~~  
6 ~~organization may issue such credits prior to January 1, 2007, for qualified~~  
~~contributions.]~~

2 [~~135.680. 1. As used in this section, the following terms shall mean:~~  
3 ~~(1) "Adjusted purchase price", the product of:~~  
4 ~~(a) The amount paid to the issuer of a qualified equity investment for~~  
5 ~~such qualified equity investment; and~~  
6 ~~(b) The following fraction:~~  
7 ~~a. The numerator shall be the dollar amount of qualified low income~~  
8 ~~community investments held by the issuer in this state as of the credit~~  
9 ~~allowance date during the applicable tax year; and~~  
10 ~~b. The denominator shall be the total dollar amount of qualified low-~~  
11 ~~income community investments held by the issuer in all states as of the credit~~  
12 ~~allowance date during the applicable tax year;~~  
13 ~~c. For purposes of calculating the amount of qualified low income~~  
14 ~~community investments held by an issuer, an investment shall be considered~~  
15 ~~held by an issuer even if the investment has been sold or repaid; provided that~~  
16 ~~the issuer reinvests an amount equal to the capital returned to or recovered by~~  
17 ~~the issuer from the original investment, exclusive of any profits realized, in~~  
18 ~~another qualified low income community investment within twelve months of~~  
19 ~~the receipt of such capital. An issuer shall not be required to reinvest capital~~  
20 ~~returned from qualified low income community investments after the sixth~~  
21 ~~anniversary of the issuance of the qualified equity investment, the proceeds of~~  
22 ~~which were used to make the qualified low income community investment,~~  
23 ~~and the qualified low income community investment shall be considered held~~  
24 ~~by the issuer through the seventh anniversary of the qualified equity~~  
~~investment's issuance;~~



25           (2) ~~"Applicable percentage", zero percent for each of the first two~~  
26 ~~credit allowance dates, seven percent for the third credit allowance date, and~~  
27 ~~eight percent for the next four credit allowance dates;~~

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

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

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

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

43           (5) ~~"Qualified active low income community business", the meaning~~  
44 ~~given such term in Section 45D of the Internal Revenue Code of 1986, as~~  
45 ~~amended; provided that any business that derives or projects to derive fifteen~~  
46 ~~percent or more of its annual revenue from the rental or sale of real estate shall~~  
47 ~~not be considered to be a qualified active low income community business;~~

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

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

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

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

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

67           (8) ~~"Qualified low income community investment", any capital or~~  
68 ~~equity investment in, or loan to, any qualified active low income community~~  
69 ~~business. With respect to any one qualified active low income community~~  
70 ~~business, the maximum amount of qualified low income community~~  
71 ~~investments made in such business, on a collective basis with all of its~~  
72 ~~affiliates, that may be used from the calculation of any numerator described in~~

73 ~~subparagraph a. of paragraph (b) of subdivision (1) of this subsection shall be~~  
74 ~~ten million dollars whether issued to one or several qualified community~~  
75 ~~development entities;~~

76 ~~(9) "Tax credit", a credit against the tax otherwise due under chapter~~  
77 ~~143, excluding withholding tax imposed in sections 143.191 to 143.265, or~~  
78 ~~otherwise due under section 375.916 or chapter 147, 148, or 153;~~

79 ~~(10) "Taxpayer", any individual or entity subject to the tax imposed in~~  
80 ~~chapter 143, excluding withholding tax imposed in sections 143.191 to~~  
81 ~~143.265, or the tax imposed in section 375.916 or chapter 147, 148, or 153.~~

82 ~~2. A taxpayer that makes a qualified equity investment earns a vested~~  
83 ~~right to tax credits under this section. On each credit allowance date of such~~  
84 ~~qualified equity investment the taxpayer, or subsequent holder of the qualified~~  
85 ~~equity investment, shall be entitled to a tax credit during the taxable year~~  
86 ~~including such credit allowance date. The tax credit amount shall be equal to~~  
87 ~~the applicable percentage of the adjusted purchase price paid to the issuer of~~  
88 ~~such qualified equity investment. The amount of the tax credit claimed shall~~  
89 ~~not exceed the amount of the taxpayer's state tax liability for the tax year for~~  
90 ~~which the tax credit is claimed. No tax credit claimed under this section shall~~  
91 ~~be refundable or transferable. Tax credits earned by a partnership, limited~~  
92 ~~liability company, S corporation, or other pass-through entity may be allocated~~  
93 ~~to the partners, members, or shareholders of such entity for their direct use in~~  
94 ~~accordance with the provisions of any agreement among such partners,~~  
95 ~~members, or shareholders. Any amount of tax credit that the taxpayer is~~  
96 ~~prohibited by this section from claiming in a taxable year may be carried~~  
97 ~~forward to any of the taxpayer's five subsequent taxable years. The~~  
98 ~~department of economic development shall limit the monetary amount of~~  
99 ~~qualified equity investments permitted under this section to a level necessary~~  
100 ~~to limit tax credit utilization at no more than twenty five million dollars of tax~~  
101 ~~credits in any fiscal year. Such limitation on qualified equity investments shall~~  
102 ~~be based on the anticipated utilization of credits without regard to the potential~~  
103 ~~for taxpayers to carry forward tax credits to later tax years.~~

104 ~~3. The issuer of the qualified equity investment shall certify to the~~  
105 ~~department of economic development the anticipated dollar amount of such~~  
106 ~~investments to be made in this state during the first twelve month period~~  
107 ~~following the initial credit allowance date. If on the second credit allowance~~  
108 ~~date, the actual dollar amount of such investments is different than the amount~~  
109 ~~estimated, the department of economic development shall adjust the credits~~  
110 ~~arising on the second allowance date to account for such difference.~~

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

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

118 ~~(2) The issuer redeems or makes principal repayment with respect to a~~  
119 ~~qualified equity investment prior to the seventh anniversary of the issuance of~~

120 such qualified equity investment. Any tax credit that is subject to recapture  
121 shall be recaptured from the taxpayer that claimed the tax credit on a return.

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

135 6. For fiscal years following fiscal year 2010, qualified equity  
136 investments shall not be made under this section unless reauthorization is  
137 made pursuant to this subsection. For all fiscal years following fiscal year  
138 2010, unless the general assembly adopts a concurrent resolution granting  
139 authority to the department of economic development to approve qualified  
140 equity investments for the Missouri new markets development program and  
141 clearly describing the amount of tax credits available for the next fiscal year,  
142 or otherwise complies with the provisions of this subsection, no qualified  
143 equity investments may be permitted to be made under this section. The  
144 amount of available tax credits contained in such a resolution shall not exceed  
145 the limitation provided under subsection 2 of this section. In any year in  
146 which the provisions of this section shall sunset pursuant to subsection 7 of  
147 this section, reauthorization shall be made by general law and not by  
148 concurrent resolution. Nothing in this subsection shall preclude a taxpayer  
149 who makes a qualified equity investment prior to the expiration of authority to  
150 make qualified equity investments from claiming tax credits relating to such  
151 qualified equity investment for each applicable credit allowance date.

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

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

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

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

[135.682. 1. The director of the department of economic development  
or the director's designee shall issue letter rulings regarding the tax credit

3 program authorized under section 135.680, subject to the terms and conditions  
 4 set forth in this section. The director of the department of economic  
 5 development may impose additional terms and conditions consistent with this  
 6 section to requests for letter rulings by regulation promulgated under chapter  
 7 536. For the purposes of this section, the term "letter ruling" means a written  
 8 interpretation of law to a specific set of facts provided by the applicant  
 9 requesting a letter ruling.

10 ~~2. The director or director's designee shall respond to a request for a~~  
 11 ~~letter ruling within sixty days of receipt of such request. The applicant may~~  
 12 ~~provide a draft letter ruling for the department's consideration. The applicant~~  
 13 ~~may withdraw the request for a letter ruling, in writing, prior to the issuance of~~  
 14 ~~the letter ruling. The director or the director's designee may refuse to issue a~~  
 15 ~~letter ruling for good cause, but must list the specific reasons for refusing to~~  
 16 ~~issue the letter ruling. Good cause includes, but is not limited to:~~

17 ~~(1) The applicant requests the director to determine whether a statute~~  
 18 ~~is constitutional or a regulation is lawful;~~

19 ~~(2) The request involves a hypothetical situation or alternative plans;~~

20 ~~(3) The facts or issues presented in the request are unclear, overbroad,~~  
 21 ~~insufficient, or otherwise inappropriate as a basis upon which to issue a letter~~  
 22 ~~ruling; and~~

23 ~~(4) The issue is currently being considered in a rulemaking procedure,~~  
 24 ~~contested case, or other agency or judicial proceeding that may definitely~~  
 25 ~~resolve the issue.~~

26 ~~3. Letter rulings shall bind the director and the director's agents and~~  
 27 ~~their successors until such time as the taxpayer or its shareholders, members,~~  
 28 ~~or partners, as applicable, claim all of such tax credits on a Missouri tax return,~~  
 29 ~~subject to the terms and conditions set forth in properly published regulations.~~  
 30 ~~The letter ruling shall apply only to the applicant.~~

31 ~~4. Letter rulings issued under the authority of this section shall not be a~~  
 32 ~~rule as defined in section 536.010 in that it is an interpretation issued by the~~  
 33 ~~department with respect to a specific set of facts and intended to apply only to~~  
 34 ~~that specific set of facts, and therefore shall not be subject to the rulemaking~~  
 35 ~~requirements of chapter 536.~~

36 ~~5. Information in letter ruling requests as described in section 620.014~~  
 37 ~~shall be closed to the public. Copies of letter rulings shall be available to the~~  
 38 ~~public provided that the applicant identifying information and otherwise~~  
 39 ~~protected information is redacted from the letter ruling as provided in~~  
 40 ~~subsection 1 of section 610.024.]~~

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

10 ~~department of economic development shall certify to the department of~~  
 11 ~~revenue the amount of such tax credit to which a grape grower or wine~~  
 12 ~~producer is entitled pursuant to this section. The provisions of this section~~  
 13 ~~notwithstanding, a grower or producer may only apply for and receive the~~  
 14 ~~credit authorized by this section for five tax periods.]~~

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

- 2 ~~(1) "Alternative fuel vehicle refueling property", property in this state~~  
 3 ~~owned by an eligible applicant and used for storing alternative fuels and for~~  
 4 ~~dispensing such alternative fuels into fuel tanks of motor vehicles owned by~~  
 5 ~~such eligible applicant or private citizens;~~  
 6 ~~(2) "Alternative fuels", any motor fuel at least seventy percent of the~~  
 7 ~~volume of which consists of one or more of the following:~~  
 8 ~~(a) Ethanol;~~  
 9 ~~(b) Natural gas;~~  
 10 ~~(c) Compressed natural gas, or CNG;~~  
 11 ~~(d) Liquefied natural gas, or LNG;~~  
 12 ~~(e) Liquefied petroleum gas, or LP gas, propane, or autogas;~~  
 13 ~~(f) Any mixture of biodiesel and diesel fuel, without regard to any use~~  
 14 ~~of kerosene;~~  
 15 ~~(g) Hydrogen;~~  
 16 ~~(3) "Department", the department of economic development;~~  
 17 ~~(4) "Electric vehicle recharging property", property in this state owned~~  
 18 ~~by an eligible applicant and used for recharging electric motor vehicles owned~~  
 19 ~~by such eligible applicant or private citizens;~~  
 20 ~~(5) "Eligible applicant", a business entity or private citizen that is the~~  
 21 ~~owner of an electric vehicle recharging property or an alternative fuel vehicle~~  
 22 ~~refueling property;~~  
 23 ~~(6) "Qualified Missouri contractor", a contractor whose principal place~~  
 24 ~~of business is located in Missouri and has been located in Missouri for a period~~  
 25 ~~of not less than five years;~~  
 26 ~~(7) "Qualified property", an electric vehicle recharging property or an~~  
 27 ~~alternative fuel vehicle refueling property which, if constructed after August~~  
 28 ~~28, 2014, was constructed with at least fifty one percent of the costs being paid~~  
 29 ~~to qualified Missouri contractors for the:~~  
 30 ~~(a) Fabrication of premanufactured equipment or process piping used~~  
 31 ~~in the construction of such facility;~~  
 32 ~~(b) Construction of such facility; and~~  
 33 ~~(c) General maintenance of such facility during the time period in~~  
 34 ~~which such facility receives any tax credit under this section.~~

35  
 36 ~~If no qualified Missouri contractor is located within seventy five miles of the~~  
 37 ~~property, the requirement that fifty one percent of the costs shall be paid to~~  
 38 ~~qualified Missouri contractors shall not apply.~~

39 ~~2. For all tax years beginning on or after January 1, 2015, but before~~  
 40 ~~January 1, 2018, any eligible applicant who installs and operates a qualified~~  
 41 ~~property shall be allowed a credit against the tax otherwise due under chapter~~  
 42 ~~143, excluding withholding tax imposed by sections 143.191 to 143.265, or~~

43 due under chapter 147 or chapter 148 for any tax year in which the applicant is  
44 ~~constructing the qualified property. The credit allowed in this section per~~  
45 ~~eligible applicant who is a private citizen shall not exceed fifteen hundred~~  
46 ~~dollars or per eligible applicant that is a business entity shall not exceed the~~  
47 ~~lesser of twenty thousand dollars or twenty percent of the total costs directly~~  
48 ~~associated with the purchase and installation of any alternative fuel storage and~~  
49 ~~dispensing equipment or any recharging equipment on any qualified property,~~  
50 ~~which shall not include the following:~~

51 (1) ~~Costs associated with the purchase of land upon which to place a~~  
52 ~~qualified property;~~

53 (2) ~~Costs associated with the purchase of an existing qualified~~  
54 ~~property; or~~

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

56 3. ~~Tax credits allowed by this section shall be claimed by the eligible~~  
57 ~~applicant at the time such applicant files a return for the tax year in which the~~  
58 ~~storage and dispensing or recharging facilities were placed in service at a~~  
59 ~~qualified property, and shall be applied against the income tax liability~~  
60 ~~imposed by chapter 143, chapter 147, or chapter 148 after all other credits~~  
61 ~~provided by law have been applied. The cumulative amount of tax credits~~  
62 ~~which may be claimed by eligible applicants claiming all credits authorized in~~  
63 ~~this section shall not exceed one million dollars in any calendar year, subject to~~  
64 ~~appropriations.~~

65 4. ~~If the amount of the tax credit exceeds the eligible applicant's tax~~  
66 ~~liability, the difference shall not be refundable. Any amount of credit that an~~  
67 ~~eligible applicant is prohibited by this section from claiming in a taxable year~~  
68 ~~may be carried forward to any of such applicant's two subsequent taxable~~  
69 ~~years. Tax credits allowed under this section may be assigned, transferred,~~  
70 ~~sold, or otherwise conveyed.~~

71 5. ~~Any qualified property, for which an eligible applicant receives tax~~  
72 ~~credits under this section, which ceases to sell alternative fuel or recharge~~  
73 ~~electric vehicles shall cause the forfeiture of such eligible applicant's tax~~  
74 ~~credits provided under this section for the taxable year in which the qualified~~  
75 ~~property ceased to sell alternative fuel or recharge electric vehicles and for~~  
76 ~~future taxable years with no recapture of tax credits obtained by an eligible~~  
77 ~~applicant with respect to such applicant's tax years which ended before the sale~~  
78 ~~of alternative fuel or recharging of electric vehicles ceased.~~

79 6. ~~The director of revenue shall establish the procedure by which the~~  
80 ~~tax credits in this section may be claimed, and shall establish a procedure by~~  
81 ~~which the cumulative amount of tax credits is apportioned equally among all~~  
82 ~~eligible applicants claiming the credit. To the maximum extent possible, the~~  
83 ~~director of revenue shall establish the procedure described in this subsection in~~  
84 ~~such a manner as to ensure that eligible applicants can claim all the tax credits~~  
85 ~~possible up to the cumulative amount of tax credits available for the taxable~~  
86 ~~year. No eligible applicant claiming a tax credit under this section shall be~~  
87 ~~liable for any interest or penalty for filing a tax return after the date fixed for~~  
88 ~~filing such return as a result of the apportionment procedure under this~~  
89 ~~subsection.~~

90 ~~7. Any eligible applicant desiring to claim a tax credit under this~~  
 91 ~~section shall submit the appropriate application for such credit with the~~  
 92 ~~department. The application for a tax credit under this section shall include~~  
 93 ~~any information required by the department. The department shall review the~~  
 94 ~~applications and certify to the department of revenue each eligible applicant~~  
 95 ~~that qualifies for the tax credit.~~

96 ~~8. The department and the department of revenue may promulgate~~  
 97 ~~rules to implement the provisions of this section. Any rule or portion of a rule,~~  
 98 ~~as that term is defined in section 536.010, that is created under the authority~~  
 99 ~~delegated in this section shall become effective only if it complies with and is~~  
 100 ~~subject to all of the provisions of chapter 536 and, if applicable, section~~  
 101 ~~536.028. This section and chapter 536 are nonseverable and if any of the~~  
 102 ~~powers vested with the general assembly pursuant to chapter 536 to review, to~~  
 103 ~~delay the effective date, or to disapprove and annul a rule are subsequently~~  
 104 ~~held unconstitutional, then the grant of rulemaking authority and any rule~~  
 105 ~~proposed or adopted after August 28, 2008, shall be invalid and void.~~

106 ~~9. The provisions of section 23.253 of the Missouri sunset act~~  
 107 ~~notwithstanding:~~

108 ~~(1) The provisions of the new program authorized under this section~~  
 109 ~~shall automatically sunset three years after December 31, 2014, unless~~  
 110 ~~reauthorized by an act of the general assembly; and~~

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

114 ~~(3) This section shall terminate on December thirty first of the~~  
 115 ~~calendar year immediately following the calendar year in which the program~~  
 116 ~~authorized under this section is sunset; and~~

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

2 ~~[135.766. An eligible small business, as defined in Section 44 of the~~  
 3 ~~Internal Revenue Code, shall be allowed a credit against the tax otherwise due~~  
 4 ~~pursuant to chapter 143, not including sections 143.191 to 143.265, in an~~  
 5 ~~amount equal to any amount paid by the eligible small business to the United~~  
 6 ~~States Small Business Administration as a guaranty fee pursuant to obtaining~~  
 7 ~~Small Business Administration guaranteed financing and to programs~~  
 8 ~~administered by the United States Department of Agriculture for rural~~  
 9 ~~development or farm service agencies. No tax credits provided under this~~  
 10 ~~section shall be authorized on or after the thirtieth day following the effective~~  
 11 ~~date of this act. The provisions of this subsection shall not be construed to~~  
 12 ~~limit or in any way impair the department's ability to issue tax credits~~  
 13 ~~authorized prior to the thirtieth day following the effective date of this act, or a~~  
~~taxpayer's ability to redeem such tax credits.]~~

2 ~~[173.196. 1. Any business firm, as defined in section 32.105, may~~  
~~make a donation to the "Missouri Higher Education Scholarship Donation~~

3 Fund", which is hereby created in the state treasury. A donating business firm  
 4 shall receive a tax credit as provided in this section equal to fifty percent of the  
 5 amount of the donation, except that tax credits shall be awarded each fiscal  
 6 year in the order donations are received and the amount of tax credits  
 7 authorized shall total no more than two hundred and fifty thousand dollars for  
 8 each fiscal year.

9 ~~2. The department of revenue shall grant tax credits approved under  
 10 this section which shall be applied in the order specified in subsection 1 of  
 11 section 32.115 until used. The tax credits provided under this section shall be  
 12 refundable, and any tax credit not used in the fiscal year in which approved  
 13 may be carried over the next five succeeding calendar or fiscal years until the  
 14 full credit has been claimed. Notwithstanding any other law to the contrary,  
 15 any tax credits granted under this section may be assigned, transferred, sold, or  
 16 otherwise conveyed without consent or approval. Such taxpayer, hereinafter  
 17 the assignor for purposes of this section, may sell, assign, exchange, or  
 18 otherwise transfer earned tax credits:~~

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

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

23 ~~3. No tax credit authorized under this section may be applied against  
 24 any tax applied in a tax year beginning prior to January 1, 1995.~~

25 ~~4. All revenues credited to the fund shall be used, subject to  
 26 appropriations, to provide scholarships authorized under sections 173.197 to  
 27 173.199, and for no other purpose.~~

28 ~~5. For all tax years beginning on or after January 1, 2005, no tax  
 29 credits shall be authorized, awarded, or issued to any person or entity claiming  
 30 any tax credit under this section.]~~

2 [320.093. 1. Any person, firm or corporation who purchases a dry fire  
 3 hydrant, as defined in section 320.273, or provides an acceptable means of  
 4 water storage for such dry fire hydrant including a pond, tank or other storage  
 5 facility with the primary purpose of fire protection within the state of Missouri,  
 6 shall be eligible for a credit on income taxes otherwise due pursuant to chapter  
 7 143, except sections 143.191 to 143.261, as an incentive to implement safe and  
 8 efficient fire protection controls. The tax credit, not to exceed five thousand  
 9 dollars, shall be equal to fifty percent of the cost in actual expenditure for any  
 10 new water storage construction, equipment, development and installation of  
 11 the dry hydrant, including pipes, valves, hydrants and labor for each such  
 12 installation of a dry hydrant or new water storage facility. The amount of the  
 13 tax credit claimed for in kind contributions shall not exceed twenty five  
 14 percent of the total amount of the contribution for which the tax credit is  
 15 claimed.

16 ~~2. Any amount of credit which exceeds the tax due shall not be  
 17 refunded but may be carried over to any subsequent taxable year, not to exceed  
 18 seven years. The person, firm or corporation may elect to assign to a third  
 party the approved tax credit. The certificate of assignment and other~~



19 appropriate forms shall be filed with the Missouri department of revenue and  
 20 the department of economic development.

21 3. The person, firm or corporation shall make application for the credit  
 22 to the department of economic development after receiving approval of the  
 23 state fire marshal. The fire marshal shall establish by rule promulgated  
 24 pursuant to chapter 536 the requirements to be met based on the National  
 25 Resources Conservation Service's Dry Hydrant Standard. The state fire  
 26 marshal or designated local representative shall review and authorize the  
 27 construction and installation of any dry fire hydrant site. Only approved dry  
 28 fire hydrant sites shall be eligible for tax credits as indicated in this section.  
 29 Under no circumstance shall such authority deny any entity the ability to  
 30 provide a dry fire hydrant site when tax credits are not requested.

31 4. The department of public safety shall certify to the department of  
 32 revenue that the dry hydrant system meets the requirements to obtain a tax  
 33 credit as specified in subsection 5 of this section.

34 5. In order to qualify for a tax credit under this section, a dry hydrant  
 35 or new water storage facility shall meet the following minimum requirements:

36 (1) Each body of water or water storage structure shall be able to  
 37 provide two hundred fifty gallons per minute for a continuous two-hour period  
 38 during a fifty-year drought or freeze at a vertical lift of eighteen feet;

39 (2) Each dry hydrant shall be located within twenty-five feet of an all-  
 40 weather roadway and shall be accessible to fire protection equipment;

41 (3) Dry hydrants shall be located a reasonable distance from other dry  
 42 or pressurized hydrants; and

43 (4) The site shall provide a measurable economic improvement  
 44 potential for rural development.

45 6. New credits shall not be awarded under this section after August 28,  
 46 2010. The total amount of all tax credits allowed pursuant to this section is  
 47 five hundred thousand dollars in any one fiscal year as approved by the  
 48 director of the department of economic development.

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

2 [348.300. As used in sections 348.300 to 348.318, the following terms  
 mean:

3 (1) "Commercial activity located in Missouri", any research,  
 4 development, prototype fabrication, and subsequent precommercialization  
 5 activity, or any activity related thereto, conducted in Missouri for the purpose  
 6 of producing a service or a product or process for manufacture, assembly or  
 7 sale or developing a service based on such a product or process by any person,  
 8 corporation, partnership, joint venture, unincorporated association, trust or

9 other organization doing business in Missouri. Subsequent to January 1, 1999,  
10 a commercial activity located in Missouri shall mean only such activity that is  
11 located within a distressed community, as defined in section 135.530;

12 (2) "Follow-up capital", capital provided to a commercial activity  
13 located in Missouri in which a qualified fund has previously invested seed  
14 capital or start-up capital and which does not exceed ten times the amount of  
15 such seed and start-up capital;

16 (3) "Person", any individual, corporation, partnership, or other entity,  
17 including any charitable corporation which is exempt from federal income tax  
18 and whose Missouri unrelated business taxable income, if any, would be  
19 subject to the state income tax imposed under chapter 143;

20 (4) "Qualified contribution", cash contribution to a qualified fund;

21 (5) "Qualified economic development organization", any corporation  
22 organized under the provisions of chapter 355 which has as of January 1, 1991,  
23 obtained a contract with the department of economic development to operate  
24 an innovation center to promote, assist and coordinate the research and  
25 development of new services, products or processes in the state of Missouri;  
26 and the Missouri technology corporation organized pursuant to the provisions  
27 of sections 348.250 to 348.275;

28 (6) "Qualified fund", any corporation, partnership, joint venture,  
29 unincorporated association, trust or other organization which is established  
30 under the laws of Missouri after December 31, 1985, which meets all of the  
31 following requirements established by this subdivision. The fund shall have as  
32 its sole purpose and business the making of investments, of which at least  
33 ninety percent of the dollars invested shall be qualified investments. The fund  
34 shall enter into a contract with one or more qualified economic development  
35 organizations which shall entitle the qualified economic development  
36 organizations to receive not less than ten percent of all distributions of  
37 equity and dividends or other earnings of the fund. Such contracts shall  
38 require the qualified fund to transfer to the Missouri technology corporation  
39 organized pursuant to the provisions of sections 348.250 to 348.275 this  
40 interest and make corresponding distributions thereto in the event the qualified  
41 economic development organization holding such interest is dissolved or  
42 ceases to do business for a period of one year or more;

43 (7) "Qualified investment", any investment of seed capital, start-up  
44 capital, or follow-up capital in any commercial activity located in Missouri;

45 (8) "Seed capital", capital provided to a commercial activity located in  
46 Missouri for research, development and precommercialization activities to  
47 prove a concept for a new product or process or service, and for activities  
48 related thereto;

49 (9) "Start-up capital", capital provided to a commercial activity located  
50 in Missouri for use in preproduction product development or service  
51 development or initial marketing thereof, and for activities related thereto;

52 (10) "State tax liability", any state tax liability incurred by a taxpayer  
53 under the provisions of chapters 143, 147 and 148, exclusive of the provisions  
54 relating to the withholding of tax as provided for in sections 143.191 to  
55 143.265 and related provisions;

56 (11) ~~"Uninvested capital", the amount of any distribution, other than of~~  
 57 ~~earnings, by a qualified fund made within five years of the issuance of a~~  
 58 ~~certificate of tax credit as provided by sections 348.300 to 348.318; or the~~  
 59 ~~portion of all qualified contributions to a qualified fund which are not invested~~  
 60 ~~as qualified investments within five years of the issuance of a certificate of tax~~  
 61 ~~credit as provided by sections 348.300 to 348.318 to the extent that the amount~~  
 62 ~~not so invested exceeds ten percent of all such qualified contributions.]~~

2 ~~[348.300. As used in sections 348.300 to 348.318, the following terms~~  
 3 ~~mean:~~

4 (1) ~~"Commercial activity located in Missouri", any research,~~  
 5 ~~development, prototype fabrication, and subsequent precommercialization~~  
 6 ~~activity, or any activity related thereto, conducted in Missouri for the purpose~~  
 7 ~~of producing a service or a product or process for manufacture, assembly or~~  
 8 ~~sale or developing a service based on such a product or process by any person,~~  
 9 ~~corporation, partnership, joint venture, unincorporated association, trust or~~  
 10 ~~other organization doing business in Missouri. Subsequent to January 1, 1999,~~  
 11 ~~a commercial activity located in Missouri shall mean only such activity that is~~  
 12 ~~located within a distressed community, as defined in section 135.530;~~

13 (2) ~~"Follow-up capital", capital provided to a commercial activity~~  
 14 ~~located in Missouri in which a qualified fund has previously invested seed~~  
 15 ~~capital or start-up capital and which does not exceed ten times the amount of~~  
 16 ~~such seed and start-up capital;~~

17 (3) ~~"Person", any individual, corporation, partnership, or other entity,~~  
 18 ~~including any charitable corporation which is exempt from federal income tax~~  
 19 ~~and whose Missouri unrelated business taxable income, if any, would be~~  
 20 ~~subject to the state income tax imposed under chapter 143;~~

21 (4) ~~"Qualified contribution", cash contribution to a qualified fund;~~

22 (5) ~~"Qualified economic development organization", any corporation~~  
 23 ~~organized under the provisions of chapter 355 which has as of January 1, 1991,~~  
 24 ~~obtained a contract with the department of economic development to operate~~  
 25 ~~an innovation center to promote, assist and coordinate the research and~~  
 26 ~~development of new services, products or processes in the state of Missouri;~~  
 27 ~~and the Missouri technology corporation organized pursuant to the provisions~~  
 28 ~~of sections 348.253 to 348.266;~~

29 (6) ~~"Qualified fund", any corporation, partnership, joint venture,~~  
 30 ~~unincorporated association, trust or other organization which is established~~  
 31 ~~under the laws of Missouri after December 31, 1985, which meets all of the~~  
 32 ~~following requirements established by this subdivision. The fund shall have as~~  
 33 ~~its sole purpose and business the making of investments, of which at least~~  
 34 ~~ninety percent of the dollars invested shall be qualified investments. The fund~~  
 35 ~~shall enter into a contract with one or more qualified economic development~~  
 36 ~~organizations which shall entitle the qualified economic development~~  
 37 ~~organizations to receive not less than ten percent of all distributions of~~  
 38 ~~equity and dividends or other earnings of the fund. Such contracts shall~~  
 39 ~~require the qualified fund to transfer to the Missouri technology corporation~~  
 40 ~~organized pursuant to the provisions of sections 348.253 to 348.266 this~~  
~~interest and make corresponding distributions thereto in the event the qualified~~

41 ~~economic development organization holding such interest is dissolved or~~  
 42 ~~ceases to do business for a period of one year or more;~~  
 43 ~~(7) "Qualified investment", any investment of seed capital, start-up~~  
 44 ~~capital, or follow-up capital in any commercial activity located in Missouri;~~  
 45 ~~(8) "Seed capital", capital provided to a commercial activity located in~~  
 46 ~~Missouri for research, development and precommercialization activities to~~  
 47 ~~prove a concept for a new product or process or service, and for activities~~  
 48 ~~related thereto;~~  
 49 ~~(9) "Start-up capital", capital provided to a commercial activity located~~  
 50 ~~in Missouri for use in preproduction product development or service~~  
 51 ~~development or initial marketing thereof, and for activities related thereto;~~  
 52 ~~(10) "State tax liability", any state tax liability incurred by a taxpayer~~  
 53 ~~under the provisions of chapters 143, 147 and 148, exclusive of the provisions~~  
 54 ~~relating to the withholding of tax as provided for in sections 143.191 to~~  
 55 ~~143.265 and related provisions;~~  
 56 ~~(11) "Uninvested capital", the amount of any distribution, other than of~~  
 57 ~~earnings, by a qualified fund made within five years of the issuance of a~~  
 58 ~~certificate of tax credit as provided by sections 348.300 to 348.318; or the~~  
 59 ~~portion of all qualified contributions to a qualified fund which are not invested~~  
 60 ~~as qualified investments within five years of the issuance of a certificate of tax~~  
 61 ~~credit as provided by sections 348.300 to 348.318 to the extent that the amount~~  
 62 ~~not so invested exceeds ten percent of all such qualified contributions.]~~

2 ~~[348.302. 1. Any person who makes a qualified contribution to a~~  
 3 ~~qualified fund shall be entitled to receive a tax credit equal to fifty percent of~~  
 4 ~~the amount of the qualified contribution. The tax credit shall be evidenced by~~  
 5 ~~a tax credit certificate in accordance with the provisions of sections 348.300 to~~  
 6 ~~348.318 and may be used to satisfy the state tax liability of the owner of such~~  
 7 ~~certificate that becomes due in the tax year in which the qualified contribution~~  
 8 ~~is made, or in any of the ten tax years thereafter. No person may receive a tax~~  
 9 ~~credit pursuant to sections 348.300 to 348.318 unless that person presents a tax~~  
 10 ~~credit certificate to the department of revenue for payment of such state tax~~  
 11 ~~liability.~~

12 ~~2. The amount of such qualified contributions which can be made is~~  
 13 ~~limited so that the aggregate of all tax credits authorized under the provisions~~  
 14 ~~of sections 348.300 to 348.318 shall not exceed nine million dollars. All tax~~  
 15 ~~credits authorized under the provisions of this section may be transferred, sold~~  
~~or assigned.]~~

2 ~~[348.304. The total amount of credit evidenced by certificates of tax~~  
 3 ~~credit issued to taxpayers at the request of any one qualified economic~~  
 4 ~~development organization shall not exceed two million dollars; except that,~~  
 5 ~~this two-million-dollar limitation shall not apply to certificates of tax credit~~  
 6 ~~issued after January 1, 1996. Prior to January 1, 1996, any qualified economic~~  
 7 ~~development organization may enter into a contractual agreement with any~~  
 8 ~~other qualified economic development organization to allocate to the latter any~~  
 9 ~~portion of the two million dollars of tax credits which it is authorized to issue~~  
~~to taxpayers under the provisions of this section. The certificate of tax credit~~

10 may be issued in one aggregate certificate or in a reasonable number of  
11 multiple certificates in regard to one qualified contribution. Any issued  
12 certificate may be surrendered in exchange for new certificates not to exceed  
13 in value the value of the issued certificate. The number and denomination of  
14 multiple certificates, if issued, shall be determined by the director of the  
15 department of economic development.]

2 [348.306. No person shall receive, by issuance, transfer or assignment,  
3 certificates of tax credit issued under the provisions of sections 348.300 to  
4 348.318 in an amount in excess of one million dollars. Subject to the  
5 provisions of this section, certificates of tax credit issued in accordance with  
6 sections 348.300 to 348.318 may be transferred or assigned by notarized  
endorsement thereof which names the transferee.]

2 [348.308. 1. The director of the department of economic development  
3 shall be responsible for the administration and issuance of the certificate of tax  
4 credits authorized by sections 348.300 to 348.318. The director of the  
5 department of economic development shall issue a certificate of tax credit at  
6 the request of any qualified economic development organization. Each request  
7 shall include a true copy of the documents creating the qualified fund and the  
8 interest of the qualified economic development organization in the qualified  
9 fund, the name of the person who is to receive a certificate of tax credit, the  
10 type of state tax liability, as specified in subdivision (10) of section 348.300,  
11 against which the tax credit is to be used, and the amount of the certificate of  
12 tax credit to be issued to the person making the qualified contribution. Each  
13 request shall be acknowledged under oath by the person making the qualified  
14 contribution and the president of the qualified economic development  
15 organization.]

16 2. In the event that two or more qualified economic development  
17 organizations have an interest in a qualified fund, either or both of such  
18 qualified economic development organizations may request issuance of  
19 certificates of tax credit in accordance with the provisions of sections  
348.300 to 348.318 to persons contributing to qualified funds.]

2 [348.310. The Missouri department of revenue shall accept a  
3 certificate of tax credit in lieu of other payment in such amount as is equal  
4 to the lesser of the amount of the tax or the remaining unused amount of the  
5 credit as indicated on the certificate of tax credit; and shall indicate on the  
6 certificate of tax credit the amount of tax thereby paid, the date of such  
7 payment, and the remainder of the unused credit available to the taxpayer after  
8 such payment. The certificate of tax credit shall be returned to the director of  
9 the department of economic development. The director of the department of  
10 economic development shall issue a new certificate to the proper owner for  
any unused balance.]

2 [348.312. No provision of sections 348.300 to 348.318 shall be  
3 construed to require a qualified economic development organization to accept  
an interest in any fund, nor shall any provision of sections 348.300 to 348.318

4 ~~be construed to limit or restrict the terms and conditions on which a qualified~~  
 5 ~~economic development organization may agree to accept an interest in any~~  
 6 ~~fund.]~~

2 ~~[348.316. 1. Each qualified fund, on or before the due date of its~~  
 3 ~~federal income tax return, shall make a report for a period corresponding to the~~  
 4 ~~qualified fund's federal income tax year. The report shall be made on a form~~  
 5 ~~required by the department of economic development. It shall be verified by~~  
 6 ~~the affidavit of the fund's president, or another authorized officer, to the~~  
 7 ~~department of economic development. It shall state the amount of all~~  
 8 ~~uninvested capital, whether distributions of equity or funds not invested in~~  
 9 ~~qualified investments, and it shall contain other such information as may be~~  
 10 ~~required by the director of the department of economic development.~~

11 ~~2. Upon the receipt of such returns, the director of the department of~~  
 12 ~~economic development shall verify the same and certify the amount of tax due~~  
 13 ~~from the various funds to the director of revenue within sixty days from the~~  
 14 ~~date of the return. The director of revenue shall send each qualified fund a~~  
 15 ~~notice of tax due within thirty days of the date of certification by the~~  
 16 ~~department of economic development. The qualified fund shall pay the tax as~~  
~~provided in the notice within thirty days of the date of such notice.]~~

2 ~~[348.318. Except as otherwise specifically provided in sections~~  
 3 ~~348.300 to 348.318, interest and penalty provisions and procedural matters~~  
 4 ~~under the provisions of sections 348.300 to 348.318 shall be determined~~  
 5 ~~pursuant to and in the manner prescribed in the following sections of the~~  
 6 ~~revised statutes of Missouri, the state income tax law, governing similar~~  
 7 ~~procedures thereunder: sections 143.271 to 143.301, 143.511, 143.551 to~~  
 8 ~~143.571, 143.611 to 143.751, 143.771, 143.791 to 143.861, 143.881 to~~  
~~143.971, and 143.986.]~~

2 ~~[620.635. Sections 620.635 to 620.653 shall be known and may be~~  
~~cited as the "Missouri New Enterprise Creation Act".]~~

2 ~~[620.638. As used in sections 620.635 to 620.653, the following terms~~  
~~mean:~~

- 3 ~~(1) "Committed contributions", the total amount of qualified~~  
 4 ~~contributions that are committed to a qualifying fund by contractual~~  
 5 ~~agreement;~~  
 6 ~~(2) "Corporation", the Missouri technology corporation as established~~  
 7 ~~pursuant to section 348.251;~~  
 8 ~~(3) "Department", the department of economic development;~~  
 9 ~~(4) "Director", the director of the department of economic~~  
 10 ~~development;~~  
 11 ~~(5) "Follow-up capital", capital provided to a qualified business in~~  
 12 ~~which a qualified fund has previously invested seed capital or start-up capital.~~  
 13 ~~No more than forty percent of the qualified contributions to a qualified fund~~  
 14 ~~may be used for follow-up capital, and no qualified contributions which~~

15 generate tax credits before the second round of allocations as authorized by  
16 section 620.650 shall be used for follow up capital investments;

17 (6) "Person", any individual, corporation, partnership, limited liability  
18 company or other entity, including any charitable organization which is  
19 exempt from federal income tax and whose Missouri unrelated business  
20 taxable income, if any, would be subject to the state income tax imposed under  
21 chapter 143;

22 (7) "Positive cash flow", total cash receipts from sales or services, but  
23 not from investments or loans, exceeding total cash expenditures as calculated  
24 on a fiscal year basis;

25 (8) "Qualified business", any independently owned and operated  
26 business which is headquartered and located in Missouri and which is involved  
27 in or intends to be involved in commerce for the purpose of manufacturing,  
28 processing or assembling products, conducting research and development, or  
29 providing services in interstate commerce. Such a business shall maintain its  
30 headquarters in Missouri for a period of at least three years from the date of  
31 receipt of a qualified investment or be subject to penalties pursuant to section  
32 620.017;

33 (9) "Qualified contribution", cash contributions to a qualified fund  
34 pursuant to the terms of contractual agreements made between the qualified  
35 fund and a qualified economic development organization authorized by the  
36 corporation to enter into such contracts;

37 (10) "Qualified economic development organization", any corporation  
38 organized pursuant to the provisions of chapter 355 that, as of January 1, 1991,  
39 had obtained a contract with the department to operate an innovation center to  
40 promote, assist and coordinate the research and development of new services,  
41 products or processes in this state;

42 (11) "Qualified fund", a fund established by any corporation,  
43 partnership, joint venture, unincorporated association, trust or other  
44 organization established pursuant to the laws of Missouri and approved by  
45 the corporation;

46 (12) "Qualified investment", any investment of seed capital, start-up  
47 capital or follow-up capital in a qualified business that does not cause more  
48 than ten percent of all the qualified contributions to a qualified fund to be  
49 invested in a single qualified business;

50 (13) "Seed capital", capital provided to a qualified business for  
51 research, development and precommercialization activities to prove a concept  
52 for a new product, process or service, and for activities related thereto;  
53 provided that, seed capital shall not be provided to any business which in a  
54 past fiscal year has experienced a positive cash flow;

55 (14) "Start up capital", capital provided to a qualified business for use  
56 in preproduction product development, service development or initial  
57 marketing thereof; provided that, start-up capital shall not be provided to  
58 any business which has experienced a positive cash flow in a past fiscal year;

59 (15) "Uninvested capital", that portion of any qualified contribution to  
60 a qualified fund, other than management fees not to exceed three percent per  
61 year of committed contributions, qualified investments and other expenses or

62 fees authorized by the corporation, that is not invested as a qualified  
63 investment within ten years of its receipt.]

2 [620.641. The powers and duties of the Missouri seed capital  
3 investment board shall be transferred to the Missouri technology corporation  
4 effective August 28, 2011, and the Missouri seed capital investment board  
shall be dissolved.]

2 [620.644. 1. The Missouri seed capital and commercialization  
3 strategy shall be jointly developed and approved by the boards of directors of  
4 all of the qualified economic development organizations and submitted as one  
5 plan to the corporation for its approval. The board shall not approve any  
6 qualified fund, exclusive of the fund approved by the corporation, unless such  
7 fund is described in the Missouri seed capital and commercialization strategy.  
8 The strategy shall include a proposal for the establishment and operation of  
9 between one and four qualified funds in Missouri, including the fund approved  
10 by the corporation pursuant to the provisions of section 620.653. The initial  
11 strategy shall be submitted to the board no later than July 1, 2000, and shall be  
12 approved or rejected by the board within three months of receipt. No tax  
13 credits authorized pursuant to the provisions of sections 620.635 to 620.653  
14 shall be awarded until such strategy has been approved by the board, other  
15 than tax credits authorized for qualified contributions to the fund approved by  
the corporation.

16 2. The department shall authorize the use of up to twenty million  
17 dollars in tax credits by the approved qualified funds, in aggregate pursuant to  
18 the provisions of section 620.650, with not more than five million dollars of  
19 tax credits being issued in any one year.

20 3. The corporation shall approve the professional managers employed  
21 by the qualified funds according to criteria similar to that used by the U.S.  
22 Small Business Administration's Small Business Investment Corporation  
23 Program.

24 4. The department may promulgate any rules and regulations  
25 necessary to administer the provisions of sections 620.635 to 620.653. No  
26 rule or regulation or portion of a rule or regulation promulgated pursuant to the  
27 authority of this section shall become effective unless it has been promulgated  
28 pursuant to the provisions of chapter 536.

29 5. The corporation shall report the following to the department:

30 (1) As soon as practicable after the receipt of a qualified contribution  
31 the name of each person from which the qualified contribution was received,  
32 the amount of each contributor's qualified contribution and the tax credits  
33 computed pursuant to this section;

34 (2) On a quarterly basis, the amount of qualified investments made to  
35 any qualified business;

36 (3) On a quarterly basis, verification that the investment of seed  
37 capital, start-up capital, or follow-up capital in a qualified business does not  
38 direct more than ten percent of all the qualified contributions to a qualified  
39 fund to be invested in a single qualifying business.



40           ~~6. Each qualified fund shall provide annual audited financial~~  
41 ~~statements, including the opinion of an independent certified public~~  
42 ~~accountant, to the department within ninety days of the close of the state~~  
43 ~~fiscal year. The audit shall address the methods of operation and conduct of~~  
44 ~~the business of the qualified economic development organization to determine~~  
45 ~~compliance with the statutes and program and program rules and that the~~  
46 ~~qualified contributions received by the qualified fund have been invested as~~  
47 ~~required by this section.]~~

2           ~~[620.647. 1. The corporation may authorize each qualified economic~~  
3 ~~development organization to enter into contractual agreements with any~~  
4 ~~qualified fund allowing such qualified fund to offer tax credits authorized~~  
5 ~~pursuant to the provisions of sections 620.635 to 620.653 to those persons~~  
6 ~~making qualified contributions to the qualified fund. The corporation shall~~  
7 ~~establish policies and procedures requiring each authorized qualified economic~~  
8 ~~development organization to secure from each qualified fund and its investors~~  
9 ~~the maximum fund equity interest possible, as dictated by market conditions,~~  
10 ~~in exchange for the use of the tax credits. All tax credits authorized pursuant~~  
11 ~~to sections 620.635 to 620.653 shall be administered by the department.~~

12           ~~2. Each qualified fund shall enter into a contract with one or more~~  
13 ~~qualified economic development organizations which shall entitle all qualified~~  
14 ~~economic development organizations in existence at that time to receive and~~  
15 ~~share equally all distributions of equity and dividends or other earnings of the~~  
16 ~~fund that are generated as a result of any equity interest secured as a result of~~  
17 ~~actions taken to comply with subsection 1 of this section. Such contracts shall~~  
18 ~~require the qualified funds to transfer to the corporation all distributions of~~  
19 ~~dividends or other earnings of the fund that are owed to any qualified~~  
20 ~~economic development organization that has dissolved or has ceased doing~~  
21 ~~business for a period of one year or more.~~

22           ~~3. All distributions of dividends, earnings, equity or the like owed~~  
23 ~~pursuant to the provisions of sections 620.635 to 620.653 to a qualified~~  
24 ~~economic development organization by any qualified fund shall be paid to the~~  
25 ~~qualified economic development organization. The qualified economic~~  
26 ~~development organization shall use such payments solely for reinvestment in~~  
27 ~~qualified funds in order to provide ongoing seed capital, start up capital and~~  
28 ~~follow up capital for Missouri businesses. No qualified economic~~  
29 ~~development organization may transfer any dividends, earnings, equity or~~  
30 ~~the like owed it pursuant to sections 620.635 to 620.653 to any other person or~~  
~~entity without the approval of the corporation.]~~

2           ~~[620.650. 1. The sole purpose of each qualified fund is to make~~  
3 ~~investments. One hundred percent of investments made from qualified~~  
4 ~~contributions shall be qualified investments.~~

5           ~~2. Any person who makes a qualified contribution to a qualified fund~~  
6 ~~shall receive a tax credit against the tax otherwise due pursuant to chapter 143,~~  
7 ~~chapter 147, or chapter 148, other than taxes withheld pursuant to sections~~  
8 ~~143.191 to 143.265, in an amount equal to one hundred percent of such~~  
~~person's qualified contribution.~~

9           3. ~~Such person shall submit to the department an application for the~~  
 10 ~~tax credit on a form provided by the department. The department shall award~~  
 11 ~~tax credits in the order the applications are received and based upon the~~  
 12 ~~strategy approved by the corporation. Tax credits issued pursuant to this~~  
 13 ~~section may be claimed for the tax year in which the qualified contribution is~~  
 14 ~~made or in any of the following ten years, and may be assigned, transferred or~~  
 15 ~~sold.~~

16           4. ~~There is hereby imposed on each qualified fund a tax equal to~~  
 17 ~~fifteen percent of the qualified fund's uninvested capital at the close of such~~  
 18 ~~qualified fund's tax year. For purposes of tax computation, any distribution~~  
 19 ~~made by a qualified fund during a tax year is deemed made at the end of such~~  
 20 ~~tax year. Each tax year, every qualified fund shall remit the tax imposed by~~  
 21 ~~this section to the director of the department of revenue for deposit in the state~~  
 22 ~~treasury to the credit of the general revenue fund.]~~

2           ~~[620.653. The provisions of sections 620.635 to 620.650 to the~~  
 3 ~~contrary notwithstanding, one qualified fund shall be approved by the~~  
 4 ~~corporation as soon as practicable after July 8, 1999. Such fund need not be~~  
 5 ~~initially incorporated into the seed capital and commercialization strategy until~~  
 6 ~~after the appointment of the board. After the appointment of the board, all~~  
 7 ~~powers exercised by the corporation in relation to that fund shall be transferred~~  
 8 ~~to the board. After the dissolution of the board, all powers exercised by the~~  
 9 ~~board shall be transferred to the corporation. The corporation shall approve~~  
 10 ~~the professional fund manager employed by the qualified fund established by~~  
 11 ~~this section.]~~

2           ~~[620.2600. 1. This section shall be known and may be cited as the~~  
 3 ~~"Innovation Campus Tax Credit Act".~~

4           ~~2. As used in this section, the following terms mean:~~  
 5           ~~(1) "Certificate", a tax credit certificate issued under this section;~~  
 6           ~~(2) "Department", the Missouri department of economic development;~~  
 7           ~~(3) "Eligible donation", donations received from a taxpayer by~~  
 8 ~~innovation campuses that are to be used solely for projects that advance~~  
 9 ~~learning in the areas of science, technology, engineering, and mathematics.~~  
 10 ~~Eligible donations may include cash, publicly traded stocks and bonds, and~~  
 11 ~~real estate that shall and will be valued and documented according to the rules~~  
 12 ~~promulgated by the department of economic development;~~

13           ~~(4) "Innovation education campus" or "innovation campus", as defined~~  
 14 ~~in section 178.1100, an educational partnership consisting of at least one of~~  
 15 ~~each of the following entities:~~

16           ~~(a) A local Missouri high school or K-12 school district;~~  
 17           ~~(b) A Missouri four-year public or private higher education institution;~~  
 18           ~~(c) A Missouri-based business or businesses; and~~  
 19           ~~(d) A Missouri two-year public higher education institution or state~~  
 20 ~~technical college of Missouri;~~

21           ~~(5) "Taxpayer", any of the following individuals or entities who make~~  
 22 ~~an eligible donation to any innovation campus:~~

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

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

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

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

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

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

36 ~~3. For all taxable years beginning on or after January 1, 2015, any~~  
37 ~~taxpayer shall be allowed a credit against the taxes otherwise due under~~  
38 ~~chapters 147, 148, or 143, excluding withholding tax imposed by sections~~  
39 ~~143.191 to 143.265, in an amount equal to fifty percent of the amount of an~~  
40 ~~eligible donation, subject to the restrictions in this section. The amount of the~~  
41 ~~tax credit claimed shall not exceed the amount of the taxpayer's state income~~  
42 ~~tax liability in the tax year for which the credit is claimed. Any amount of~~  
43 ~~credit that the taxpayer is prohibited by this section from claiming in a tax year~~  
44 ~~shall not be refundable, but may be carried forward to any of the taxpayer's~~  
45 ~~four subsequent taxable years.~~

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

50 ~~(1) A valid application in the form and format required by the~~  
51 ~~department;~~

52 ~~(2) A statement attesting to the eligible donation received, which shall~~  
53 ~~include the name and taxpayer identification number of the individual or~~  
54 ~~taxpayer making the eligible donation, the amount of the eligible donation, and~~  
55 ~~the date the eligible donation was received by the innovation campus; and~~

56 ~~(3) Payment from the innovation campus equal to the value of the tax~~  
57 ~~credit for which application is made.—~~

58  
59 ~~If the innovation campus applying for the tax credit meets all criteria required~~  
60 ~~by this subsection, the department shall issue a certificate in the appropriate~~  
61 ~~amount.~~

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

68 ~~6. The department may promulgate rules to implement the provisions~~  
69 ~~of this section. Any rule or portion of a rule, as that term is defined in section~~

70 ~~536.010, that is created under the authority delegated in this section shall~~  
71 ~~become effective only if it complies with and is subject to all of the provisions~~  
72 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter~~  
73 ~~536 are nonseverable and if any of the powers vested with the general~~  
74 ~~assembly under and pursuant to chapter 536 to review, to delay the effective~~  
75 ~~date, or to disapprove and annul a rule are subsequently held unconstitutional,~~  
76 ~~then the grant of rulemaking authority and any rule proposed or adopted after~~  
77 ~~August 28, 2014, shall be invalid and void.~~

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

79 ~~(1) The program authorized under this section shall expire six years~~  
80 ~~after August 28, 2014, unless reauthorized by an act of the general assembly;~~  
81 ~~and~~

82 ~~(2) If such program is reauthorized, the program authorized under this~~  
83 ~~section shall automatically sunset twelve years after August 28, 2014; and~~

84 ~~(3) This section shall terminate on September first of the calendar year~~  
85 ~~immediately following the calendar year in which the program authorized~~  
86 ~~under this section is sunset.]~~

✓