

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 326, Page 1, Section A, Line 2, by
2 inserting after all of said section and line the following:

3
4 "32.125. 1. No rule or portion of a rule promulgated under the authority of this chapter shall
5 become effective unless it has been promulgated pursuant to the provisions of section 536.024.

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

7 (1) The provisions of the programs authorized under sections 32.100 to 32.125 shall
8 automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

9 (2) If such programs are reauthorized, the programs authorized under sections 32.100 to
10 32.125 shall automatically sunset six years after the effective date of the reauthorization of sections
11 32.100 to 32.125;

12 (3) Sections 32.100 to 32.125 shall terminate on September first of the calendar year
13 immediately following the calendar year in which the programs authorized under sections 32.100 to
14 32.125 are sunset; and

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

18 100.260. 1. There are hereby created four special funds, to be known as the "Industrial
19 Development and Reserve Fund", the "Industrial Development Guarantee Fund", the "Export
20 Finance Fund", and the "Jobs Now Fund", into which the following may be deposited as and when
21 received and designated for deposit in one of such funds:

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

24 (2) Any moneys made available through the issuance of revenue bonds under the provisions
25 of sections 100.250 to ~~100.295~~ 100.297;

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

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

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

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

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

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

2. The development and reserve fund, the guarantee fund, the jobs now fund, and the export finance fund shall be administered by the board as provided in sections 100.250 to 100.297.

Separate accounts may be created within the development and reserve fund and the guarantee fund for moneys specifically appropriated, donated or otherwise received for industrial development purposes. The board may also create such other separate accounts within any of such funds as deemed necessary or appropriate by the board to carry out the duties and purposes of sections 100.250 to 100.297. All such separate accounts may be administered by a corporate trustee on behalf of the board upon the terms and conditions established by the board.

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

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

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

100.270. The board shall have the power to:

(1) Sue and be sued in its official name;

(2) Adopt and use an official seal;

(3) Confer with agencies of the state and development agencies, and with representatives of business, industry, and labor for the purpose of promoting the economic development of this state;

(4) Consider and review applications for loans to be made from the development and reserve fund or for loans, bonds or notes to be made by or secured by the development and reserve fund, the guarantee fund, the export finance fund or the infrastructure development fund or any other available money, under sections 100.250 to 100.297, and for grants or loans to be made by or secured by the jobs now fund;

1 (5) Enter into agreements with development agencies, borrowers, participating lenders and
2 others to implement any of the provisions of sections 100.250 to 100.297;

3 (6) Direct disbursements from the development and reserve fund, the guarantee fund, the
4 export finance fund, the infrastructure development fund, and the jobs now fund as provided in
5 sections 100.250 to 100.297;

6 (7) Administer the development and reserve fund, the guarantee fund, the export finance
7 fund, the infrastructure development fund, and the jobs now fund and invest any portion of such
8 funds not required for immediate disbursement in obligations of the United States, or any agency or
9 instrumentality of the United States, in obligations of the state of Missouri and its political
10 subdivisions, in certificates of deposit and time deposits or other obligations of banks and savings
11 and loan associations or in such other obligations as may be prescribed by the board;

12 (8) Apply for and accept gifts, grants, appropriations, loans or contributions to the
13 development and reserve fund, the guarantee fund, the export finance fund, the infrastructure
14 development fund, and the jobs now fund from any source, public or private, and enter into
15 contracts or other transactions with any federal or state agency, any development agency, private
16 organization, or any other source in furtherance of the purposes of sections 100.250 to 100.297, and
17 do any and all things necessary in order to avail itself of such aid and cooperation;

18 (9) Issue, from time to time, its negotiable revenue bonds or notes in such principal amounts
19 as, in its opinion, shall be necessary to provide sufficient funds for achieving its purposes;

20 (10) Establish reserves to secure bonds, notes and loans issued or made by the board,
21 development agencies or participating lenders;

22 (11) Make, purchase, or participate in the making or purchase, of loans, bonds, or notes to
23 finance the costs of projects;

24 (12) Procure insurance, letters of credit, or other form of credit enhancement, to secure the
25 payment of principal and interest on any loans, bonds or notes or other obligations of the board;

26 (13) Purchase, receive, take by grant, gift, devise, bequest or otherwise, lease, or otherwise
27 acquire, own, hold, improve, employ, use and otherwise deal in and with, real or personal property,
28 or any interest therein, wherever situated;

29 (14) Sell, convey, lease, exchange, transfer or otherwise dispose of, all or any of its property,
30 or any interest therein, wherever situated;

31 (15) Conduct hearings and other methods of examination, and authorize any of its members
32 to do so, on any matter material for its information and necessary to the exercise of the duties of the
33 board;

34 (16) Employ and fix the compensation of an executive director and such other agents or
35 employees as it considers necessary;

36 (17) Adopt, alter, or repeal its own bylaws, rules, and regulations governing the manner in
37 which its business may be transacted;

38 (18) Assess or charge a fee for each application it receives for funding for a project or a jobs
39 now project and assess or charge other fees as the board determines to be reasonable to carry out its

1 purposes, including, but not limited to, fees or premiums for loans made from the development and
 2 reserve fund and the export finance fund and for loans, bonds or notes secured by the development
 3 and reserve fund, the guarantee fund, the export finance fund or the infrastructure development fund
 4 or the jobs now fund;

5 (19) Make all expenditures which are incident and necessary to carry out its purposes and
 6 powers;

7 (20) Take such action, enter into such agreements and exercise all other powers and
 8 functions necessary or appropriate to carry out the duties and purposes set forth in sections 100.250
 9 to 100.297;

10 (21) Insure, coinsure, guarantee loans and make loans relating to qualified export
 11 transactions and adopt criteria, by means of rules and regulations, establishing which exporters shall
 12 be eligible for the insurance, coinsurance, loan guarantees and loans which may be extended by the
 13 board;

14 (22) Do all things necessary to ensure full participation by the state of Missouri in any
 15 federal program which may relate to the construction, repair, replacement or further development of
 16 the infrastructure of the state and its political subdivisions;

17 (23) Receive funds from the federal government for deposit into the infrastructure
 18 development fund or the jobs now fund and authorize disbursements therefrom. The board may
 19 enter into agreements with agencies of the federal government and may, on behalf of the state of
 20 Missouri, do all things necessary to ensure full participation by the state of Missouri in any federal
 21 program which may relate to the repair, replacement or further development of the infrastructure of
 22 the state and its political subdivisions;

23 (24) Set guidelines and priorities for loans, loan guarantees or grants from the infrastructure
 24 development fund. The board is the sole state agency authorized to set such guidelines and
 25 priorities with respect to the infrastructure development fund on behalf of the state or any of its
 26 political subdivisions, and loans, loan guarantees, or grants shall only be made upon approval of the
 27 board;

28 (25) Make equity investments in or otherwise acquire ownership interests in: for-profit and
 29 not-for-profit federal- or state-authorized community development corporations; small business
 30 investment companies, including minority or specialized small business investment companies; and
 31 microloan corporations and similar lending institutions, when such investments are deemed to
 32 enhance the benefit of the public;

33 (26) Make investments in Missouri certified capital companies, as defined ~~[by]~~ under this
 34 ~~subdivision [(5) of subsection 2 of section 135.500]~~, or other investment companies for investment
 35 in qualified Missouri businesses, as defined ~~[by]~~ under this ~~subdivision [(14) of subsection 2 of~~
 36 ~~section 135.500]~~. All investments made by the board for the eventual investment in qualified
 37 Missouri businesses shall be matched by an equivalent investment made by the certified capital
 38 company or other investment firm for investment into qualified Missouri businesses. All
 39 investments made into Missouri qualified businesses under the provisions of this subdivision shall

be in the form of equity or unsecured debt financing. No investment shall be made by the board under the provisions of this subdivision without the approval of the director of the department of economic development. For the purposes of this subdivision the following terms mean:

(a) "Certified capital company", any partnership, corporation, trust, or limited liability company, whether organized on a profit or not-for-profit basis, that is located, headquartered, and registered to conduct business in Missouri and has as its primary business activity the investment of cash in qualified Missouri businesses;

(b) "Qualified Missouri business", an independently owned and operated business that is headquartered and located in Missouri and is in need of venture capital and cannot obtain conventional financing. Such business shall have no more than two hundred employees, at least eighty percent of whom are employed in Missouri. Such business shall be involved in commerce for the purpose of manufacturing, processing or assembling products, conducting research and development, or providing services in interstate commerce, but excluding retail, real estate, real estate development, insurance, and professional services provided by accountants, lawyers, or physicians. At the time a certified capital company or qualified investing entity makes an initial investment in a business, such business shall be a small business concern that meets the requirements of the United States Small Business Administration's qualification size standards for its venture capital program, as defined in Section 13 CFR 121.301(c) of the Small Business Investment Act of 1958, as amended. Any business that is classified as a qualified Missouri business at the time of the first investment in such business by a Missouri certified capital company or qualified investing entity shall, for a period of seven years from the date of such first investment, remain classified as a qualified Missouri business and may receive follow-on investments from any Missouri certified capital company or qualified investing entity and such follow-on investments shall be qualified investments regardless of whether such business meets the other qualifications of this subsection at the time of such follow-on investments; and

(27) Make loans and grants from the jobs now fund in accordance with the provisions of section 100.293.

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

- (1) Is requested to finance any project or export trade activity;
- (2) Is requested by a borrower who is demonstrated to be financially responsible;
- (3) Can reasonably be expected to provide a benefit to the economy of this state;
- (4) Is otherwise secured by a mortgage or deed of trust on real or personal property or other security satisfactory to the board; provided that loans to finance export trade activities may be secured by export accounts receivable or inventories of exportable goods satisfactory to the board;
- (5) Does not exceed five million dollars;

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

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

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

10 3. Each application for a loan secured by the development and reserve fund, the
11 infrastructure development fund or the export finance fund shall be reviewed in the first instance by
12 any participating lender to whom the application was submitted. If satisfied that the standards
13 prescribed by the board are met and that the loan is otherwise eligible to be secured by the
14 development and reserve fund, the infrastructure development fund or the export finance fund, the
15 participating lender shall certify the same and forward the application for final approval to the
16 board.

17 4. The securing of any loans by the development and reserve fund, the infrastructure
18 development fund or the export finance fund shall be conditioned upon approval of the application
19 by the board, and receipt of an annual reserve participation fee, as prescribed by the board,
20 submitted by or on behalf of the borrower.

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

25 6. Any taxpayer, including any charitable organization that is exempt from federal income
26 tax and whose Missouri unrelated business taxable income, if any, would be subject to the state
27 income tax imposed under chapter 143, may, subject to the limitations provided under subsection 8
28 of this section, receive a tax credit against any tax otherwise due under the provisions of chapter
29 143, excluding withholding tax imposed by sections 143.191 to 143.261, chapter 147, or chapter
30 148, in the amount of fifty percent of any amount contributed in money or property by the taxpayer
31 to the development and reserve fund, the infrastructure development fund or the export finance fund
32 during the taxpayer's tax year, provided, however, the total tax credits awarded in any calendar year
33 beginning after January 1, 1994, shall not be the greater of ten million dollars or five percent of the
34 average growth in general revenue receipts in the preceding three fiscal years. This limit may be
35 exceeded only upon joint agreement by the commissioner of administration, the director of the
36 department of economic development, and the director of the department of revenue that such action
37 is essential to ensure retention or attraction of investment in Missouri. If the board receives, as a
38 contribution, real property, the contributor at such contributor's own expense shall have two
39 independent appraisals conducted by appraisers certified by the Master Appraisal Institute. Both

1 appraisals shall be submitted to the board, and the tax credit certified by the board to the contributor
 2 shall be based upon the value of the lower of the two appraisals. The board shall not certify the tax
 3 credit until the property is deeded to the board. Such credit shall not apply to reserve participation
 4 fees paid by borrowers under sections 100.250 to 100.297. The portion of earned tax credits which
 5 exceeds the taxpayer's tax liability may be carried forward for up to five years.

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

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

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

13
 14 The taxpayer acquiring earned credits, hereinafter the assignee for the purpose of this subsection,
 15 may use the acquired credits to offset up to one hundred percent of the tax liabilities otherwise
 16 imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.261,
 17 chapter 147, or chapter 148. Unused credits in the hands of the assignee may be carried forward for
 18 up to five years, provided all such credits shall be claimed within ten years following the tax years
 19 in which the contribution was made. The assignor shall enter into a written agreement with the
 20 assignee establishing the terms and conditions of the agreement and shall perfect such transfer by
 21 notifying the board in writing within thirty calendar days following the effective day of the transfer
 22 and shall provide any information as may be required by the board to administer and carry out the
 23 provisions of this section. Notwithstanding any other provision of law to the contrary, the amount
 24 received by the assignor of such tax credit shall be taxable as income of the assignor, and the excess
 25 of the par value of such credit over the amount paid by the assignee for such credit shall be taxable
 26 as income of the assignee.

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

1 9. Under section 23.253 of the Missouri sunset act:

2 (1) The tax credit provisions of the program authorized under this section shall
 3 automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

4 (2) If such tax credit provisions are reauthorized, the tax credit provisions authorized under
 5 this section shall automatically sunset six years after the effective date of the reauthorization of this
 6 section;

7 (3) The tax credit provisions of the program authorized under this section shall terminate on
 8 September first of the calendar year immediately following the calendar year in which the program
 9 authorized under this section is sunset; and

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

13 100.293. 1. This section~~[5]~~ and section 100.277~~[-, and sections 135.950 to 135.973]~~ shall be
 14 known and may be cited as the "Jobs Now Act".

15 2. There shall be created a "Jobs Now Recommendation Committee", comprised of
 16 representatives of the department of economic development, the department of agriculture, the
 17 department of natural resources, and the department of transportation. The committee shall
 18 establish application materials and procedures for development agencies to apply to the board for
 19 grants or low-interest or interest-free loans for the purpose of funding jobs now projects.

20 3. Applications shall be submitted simultaneously to the committee and the board. The
 21 committee shall review the applications and prepare and submit analyses and recommendations to
 22 the board for a determination as to approval or denial of grants or loans from the jobs now fund.

23 4. In reviewing applications, the board shall give preference to redevelopment projects that
 24 protect natural resources or rehabilitate existing dilapidated or inadequate infrastructure in areas
 25 defined under section 135.530.

26 5. After reviewing applications and such other information as the board may require, the
 27 board may grant all or a part of a grant or loan request, provided the board determines:

28 (1) The jobs now project:

29 (a) Will not happen without the grant or loan from the board; or

30 (b) Will have a significant local economic impact; or

31 (c) Demonstrates high levels of job creation;

32 (2) In the case of a low-interest or interest-free loan, the jobs now project will generate
 33 sufficient revenues or the borrower will otherwise have sufficient revenues available to enable the
 34 borrower to repay the loan to the jobs now fund, along with any interest to be charged; and

35 (3) No loan or grant may exceed two million dollars.

36 100.297. 1. The board may authorize a tax credit, as described in this section, to the owner
 37 of any revenue bonds or notes issued by the board pursuant to the provisions of sections 100.250 to
 38 100.297, for infrastructure facilities as defined in subdivision (9) of section 100.255, if, prior to the
 39 issuance of such bonds or notes, the board determines that:

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

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

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

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

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

36 (1) The provisions of the tax credit program authorized under this section shall
37 automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

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

1 (3) The provisions of the tax credit program authorized under this section shall terminate on
 2 September first of the calendar year immediately following the calendar year in which the program
 3 authorized under this section is sunset; and

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

7 100.850. 1. The approved company shall remit to the board a job development assessment
 8 fee, not to exceed five percent of the gross wages of each eligible employee whose job was created
 9 as a result of the economic development project, or not to exceed ten percent if the economic
 10 development project is located within a distressed community as defined in section 135.530, for the
 11 purpose of retiring bonds which fund the economic development project.

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

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

18 4. Any approved company which has paid an assessment for debt reduction shall be allowed
 19 a tax credit equal to the amount of the assessment. The tax credit may be claimed against taxes
 20 otherwise imposed by chapters 143 and 148, except withholding taxes imposed under the provisions
 21 of sections 143.191 to 143.265, which were incurred during the tax period in which the assessment
 22 was made.

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

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

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

33 (1) The provisions of the program authorized under sections 100.700 to 100.850 shall
 34 automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

35 (2) If such program is reauthorized, the program authorized under sections 100.700 to
 36 100.850 shall automatically sunset six years after the effective date of the reauthorization of sections
 37 100.700 to 100.850;

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

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

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

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

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

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

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to the total amount of the property taxes on the surviving spouse's homestead paid during the tax year for which the credit is claimed. A surviving spouse may claim the credit authorized under this section for each tax year beginning the year of death of the public safety officer spouse until the tax year in which the surviving spouse remarries. No credit shall be allowed for the tax year in which the surviving spouse remarries. If the amount allowable as a credit exceeds the income tax reduced by other credits, then the excess shall be considered an overpayment of the income tax. The department shall prescribe the method for submitting applications for claiming the tax credit authorized under this section. After issuance of a tax credit certificate by the department of public safety, such tax credit shall be redeemed by filing a copy of the tax credit certificate with the taxpayer's income tax return for the tax year for which such credit was issued.

3. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative amount of tax credits issued annually to all taxpayers by the department of public safety under this section shall not exceed the total cap amount, which shall be an amount equal to the highest annual amount of tax credits issued in any one previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and calculated by the department of revenue.

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

1 4. On and after August 28, 2025, the department of public safety shall administer the tax
 2 credit provided under this section.

3 5. The department of ~~[revenue]~~ public safety shall promulgate rules to implement the
 4 provisions of this section.

5 [4.] 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 6 under the authority delegated in this section shall become effective only if it complies with and is
 7 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 8 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 9 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
 10 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 11 August 28, 2007, shall be invalid and void.

12 ~~[5.]~~ 7. Pursuant to section 23.253 of the Missouri sunset act:

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

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

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

20 135.110. 1. Any taxpayer who shall establish a new business facility shall be allowed a
 21 credit, each year for ten years, in an amount determined pursuant to subsection 2 or 3 of this section,
 22 whichever is applicable, against the tax imposed by chapter 143, excluding withholding tax imposed
 23 by sections 143.191 to 143.265, or an insurance company which shall establish a new business
 24 facility by satisfying the requirements in subdivision (9) of section 135.100 shall be allowed a credit
 25 against the tax otherwise imposed by chapter 148, and in the case of an insurance company exempt
 26 from the thirty percent employee requirement of section 135.230, against any obligation imposed
 27 pursuant to section 375.916, except that no taxpayer shall be entitled to multiple ten-year periods for
 28 subsequent expansions at the same facility, except as otherwise provided in this section. For the
 29 purpose of this section, the term "facility" shall mean, and be limited to, the facility or facilities
 30 which are located on the same site in which the new business facility is located, and in which the
 31 business conducted at such facility or facilities is directly related to the business conducted at the
 32 new business facility. Notwithstanding the provisions of this subsection, a taxpayer may be entitled
 33 to an additional ten-year period, and an additional six-year period after the expiration of such
 34 additional ten-year period, if a new business facility is expanded in the eighth, ninth or tenth year of
 35 the current ten-year period or in subsequent years following the expiration of the ten-year period, if
 36 the number of new business facility employees attributed to such expansion is at least twenty-five
 37 and the amount of new business facility investment attributed to such expansion is at least one
 38 million dollars. Credits may not be carried forward but shall be claimed for the ~~[taxable]~~ tax year
 39 during which commencement of commercial operations occurs at such new business facility, and for

each of the nine succeeding ~~taxable~~ tax years. A letter of intent, as provided for in section 135.258, must be filed with the department of economic development no later than fifteen days prior to the commencement of commercial operations at the new business facility. The initial application for claiming tax credits must be made in the taxpayer's tax period immediately following the tax period in which commencement of commercial operations began at the new business facility. This provision shall have effect on all initial applications filed on or after August 28, 1992. No credit shall be allowed pursuant to this section unless the number of new business facility employees engaged or maintained in employment at the new business facility for the ~~taxable~~ tax year for which the credit is claimed equals or exceeds two; except that the number of new business facility employees engaged or maintained in employment by a revenue-producing enterprise other than a revenue-producing enterprise defined in paragraphs (a) to (g) and (i) to (l) of subdivision (12) of section 135.100 which establishes an office as defined in subdivision (9) of section 135.100 shall equal or exceed twenty-five.

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

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

(2) Up to fifty percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, seventy-five percent of the business income tax otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or in the case of an insurance company, the tax on the direct premiums, as defined in chapter 148, and in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, against any obligation imposed pursuant to section 375.916 if the business operates no other facilities in Missouri. In the case of an existing business facility operating more than one facility in Missouri, the credit allowed in subsection 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the business' tax, except that no taxpayer operating more than one facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the method prescribed in this subdivision. Such credit shall be an amount equal to the sum of one hundred dollars or, in the case of an economic development project located within a distressed community as defined in section 135.530, one hundred fifty dollars for each new business facility

employee plus one hundred dollars or, in the case of an economic development project located within a distressed community as defined in section 135.530, one hundred fifty dollars for each one hundred thousand dollars, or major fraction thereof (which shall be deemed to be fifty-one percent or more) in new business facility investment. For the purpose of this section, tax credits earned by a taxpayer, who establishes a new business facility because it satisfies the requirements of paragraph (c) of subdivision (5) of section 135.100, shall offset the greater of the portion prescribed in subdivision (1) of this subsection or up to fifty percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, seventy-five percent of the business' tax provided the business operates no other facilities in Missouri. In the case of a business operating more than one facility in Missouri, the credit allowed in subsection 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the business' tax, except that no taxpayer operating more than one facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the method prescribed in this subdivision.

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

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

(2) Up to one hundred percent of the business income tax otherwise imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or in the case of an insurance company, the tax on the direct premiums, as defined in chapter 148, and in the case of an insurance company exempt from the thirty percent employee requirement of section 135.230, against any obligation imposed pursuant to section 375.916 if the business has no other facilities operating in Missouri. In the case of a taxpayer not operating an existing business and operating more than one facility in Missouri, the credit allowed by subsection 1 of this section shall offset up to the greater of the portion prescribed in subdivision (1) of this subsection or twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the business' tax, except that no taxpayer operating more than one facility in Missouri shall be allowed to offset more than twenty-five percent or, in the case of an economic development project located within a distressed community as defined in section 135.530, thirty-five percent of the taxpayer's business income tax in any tax period under the

1 method prescribed in this subdivision. Such credit shall be an amount equal to the sum of seventy-
2 five dollars or, in the case of an economic development project located within a distressed
3 community as defined in section 135.530, one hundred twenty-five dollars for each new business
4 facility employee plus seventy-five dollars or, in the case of an economic development project
5 located within a distressed community as defined in section 135.530, one hundred twenty-five
6 dollars for each one hundred thousand dollars, or major fraction thereof (which shall be deemed to
7 be fifty-one percent or more) in new business facility investment.

8 4. The number of new business facility employees during any ~~[taxable]~~ tax year shall be
9 determined by dividing by twelve the sum of the number of individuals employed on the last
10 business day of each month of such ~~[taxable]~~ tax year. If the new business facility is in operation for
11 less than the entire ~~[taxable]~~ tax year, the number of new business facility employees shall be
12 determined by dividing the sum of the number of individuals employed on the last business day of
13 each full calendar month during the portion of such ~~[taxable]~~ tax year during which the new
14 business facility was in operation by the number of full calendar months during such period. For the
15 purpose of computing the credit allowed by this section in the case of a facility which qualifies as a
16 new business facility because it qualifies as a separate facility pursuant to subsection 6 of this
17 section, and, in the case of a new business facility which satisfies the requirements of paragraph (c)
18 of subdivision (5) of section 135.100, or subdivision (11) of section 135.100, the number of new
19 business facility employees at such facility shall be reduced by the average number of individuals
20 employed, computed as provided in this subsection, at the facility during the ~~[taxable]~~ tax year
21 immediately preceding the ~~[taxable]~~ tax year in which such expansion, acquisition, or replacement
22 occurred and shall further be reduced by the number of individuals employed by the taxpayer or
23 related taxpayer that was subsequently transferred to the new business facility from another
24 Missouri facility and for which credits authorized in this section are not being earned, whether such
25 credits are earned because of an expansion, acquisition, relocation or the establishment of a new
26 facility.

27 5. For the purpose of computing the credit allowed by this section in the case of a facility
28 which qualifies as a new business facility because it qualifies as a separate facility pursuant to
29 subsection 6 of this section, and, in the case of a new business facility which satisfies the
30 requirements of paragraph (c) of subdivision (5) of section 135.100 or subdivision (11) of section
31 135.100, the amount of the taxpayer's new business facility investment in such facility shall be
32 reduced by the average amount, computed as provided in subdivision (8) of section 135.100 for new
33 business facility investment, of the investment of the taxpayer, or related taxpayer immediately
34 preceding such expansion or replacement or at the time of acquisition. Furthermore, the amount of
35 the taxpayer's new business facility investment shall also be reduced by the amount of investment
36 employed by the taxpayer or related taxpayer which was subsequently transferred to the new
37 business facility from another Missouri facility and for which credits authorized in this section are
38 not being earned, whether such credits are earned because of an expansion, acquisition, relocation or
39 the establishment of a new facility.

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

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

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

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

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

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

(2) The partners of the partnership.

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

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

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

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

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

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

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

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

(2) "Headquarters" means:

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

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

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

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

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

12. For the purpose of the credit described in subsection 9 of this section, in the case of a small corporation described in section 143.471, or a partnership, or a limited liability company, the credits allowed in subsection 9 of this section shall be apportioned in proportion to the share of ownership of each shareholder, partner or stockholder on the last day of the taxpayer's tax period for which such credits are being claimed.

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

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

- (1) For no less than seventy-five percent of the par value of such credits; and
- (2) In an amount not to exceed one hundred percent of such earned credits.

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

15. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative amount of tax credits issued annually to all taxpayers under this section shall not exceed the total cap amount, which shall be an amount equal to the highest annual amount of tax credits issued in any one previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and calculated by the department.

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

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

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

- 1 (2) "Child", any individual who:
- 2 (a) Has not attained an age of at least eighteen years; or
- 3 (b) Is eighteen years of age or older but is physically or mentally incapable of caring for
- 4 himself or herself;
- 5 (3) "Department", the department of social services;
- 6 (4) "Disability", a mental, physical, or emotional impairment that substantially limits one or
- 7 more major life activities, whether the impairment is congenital or acquired by accident, injury or
- 8 disease, and where the impairment is verified by medical findings;
- 9 [(4)] (5) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court
- 10 costs, ~~[attorney]~~ attorney's fees, and other expenses which are directly related to the legal adoption
- 11 of a child and which are not incurred in violation of federal, state, or local law;
- 12 [(5)] (6) "Special needs child", a child for whom it has been determined by the children's
- 13 division, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction
- 14 to be a child:
- 15 (a) That cannot or should not be returned to the home of his or her parents; and
- 16 (b) Who has a specific factor or condition such as age, membership in a sibling group,
- 17 medical condition or diagnosis, or disability because of which it is reasonable to conclude that such
- 18 child cannot be easily placed with adoptive parents;
- 19 [(6)] (7) "State tax liability", any liability incurred by a taxpayer under the provisions of
- 20 chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the
- 21 withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.
- 22 135.339. 1. On and after August 28, 2025, the department of social services shall
- 23 administer the tax credit provided under sections 135.325 to 135.339. The department shall
- 24 prescribe the method for submitting applications for claiming the tax credit authorized under
- 25 sections 135.325 to 135.339. After issuance of a tax credit certificate by the department of social
- 26 services, such tax credit shall be redeemed by filing a copy of the tax credit certificate with the
- 27 taxpayer's income tax return for the tax year for which such credit was issued.
- 28 2. The director of revenue~~[, in consultation with the children's division,]~~ and the director of
- 29 the department of social services shall prescribe such rules and regulations necessary to carry out the
- 30 provisions of sections 135.325 to 135.339. No rule or portion of a rule promulgated under the
- 31 authority of sections 135.325 to 135.339 shall become effective unless it has been promulgated
- 32 pursuant to the provisions of section 536.024."; and
- 33

34 Further amend said bill. Pages 1-3, Section 135.341, Lines 1-83, by deleting all of said section and

35 lines and inserting in lieu thereof the following:

36

37 "135.341. 1. As used in this section, the following terms shall mean:

- 38 (1) "CASA", an entity which receives funding from the court-appointed special advocate
- 39 fund established under section 476.777, including an association based in this state, affiliated with a

1 national association, organized to provide support to entities receiving funding from the court-
2 appointed special advocate fund;

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

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

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

12 (5) "Department", the department of ~~[revenue]~~ social services;

13 (6) "Director", the director of the department of ~~[revenue]~~ social services;

14 (7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;

15 (8) "Tax liability", the tax due under chapter 143 other than taxes withheld under sections
16 143.191 to 143.265.

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

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

35 4. Prior to December thirty-first of each year, each qualified agency shall apply to the
36 department of social services in order to verify their qualified agency status and apply for the
37 champion for children tax credit. Upon a determination that the agency is eligible to be a qualified
38 agency, the department of social services shall provide a letter of eligibility and the tax credit
39 certificate to such agency. No later than February first of each year, the department of social

1 services shall provide a list of qualified agencies to the department of revenue. All tax credit
 2 applications to claim the champion for children tax credit shall be filed between July first and April
 3 fifteenth of each fiscal year, or as direction by section 143.851. A taxpayer shall ~~[apply for]~~ redeem
 4 the champion for children tax credit by attaching a copy of the contribution verification provided by
 5 a qualified agency and the tax credit certificate to such taxpayer's income tax return.

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

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

10 7. ~~[(1)]~~ In the event a full or partial credit denial, due to ~~[lack of available funds]~~ the
 11 cumulative maximum amount of credits being redeemed for the fiscal year, causes ~~[a balance due~~
 12 ~~notice]~~ an income tax balance due to be ~~[generated by the department of revenue, or any other~~
 13 ~~redeeming agency]~~ owed to the state by the taxpayer, the taxpayer ~~[will]~~ shall not be held liable for
 14 any addition to tax, penalty, or interest on that income tax balance due, provided the balance is paid,
 15 or approved payment arrangements have been made, within sixty days from issuance of the notice of
 16 credit denial.

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

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

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

28 (1) The program authorized under this section shall be reauthorized as of ~~[December 31,~~
 29 ~~2019]~~ August 28, 2025, and shall expire on December 31, ~~[2025]~~ 2032, unless reauthorized by the
 30 general assembly; and

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

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

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

38 11. On and after August 28, 2025, the department of social services shall administer the tax
 39 credit provided under this section.

1 135.352. 1. A taxpayer owning an interest in a qualified Missouri project shall, subject to
2 the limitations provided under the provisions of subsection 3 of this section, be allowed a state tax
3 credit, whether or not allowed a federal tax credit, to be termed the Missouri low-income housing
4 tax credit, if the commission issues an eligibility statement for that project.

5 2. For qualified Missouri projects placed in service after January 1, 1997, the Missouri low-
6 income housing tax credit available to a project shall be such amount as the commission shall
7 determine is necessary to ensure the feasibility of the project, up to an amount equal to the federal
8 low-income housing tax credit for a qualified Missouri project, for a federal tax period, and such
9 amount shall be subtracted from the amount of state tax otherwise due for the same tax period.

10 3. No more than six million dollars in tax credits shall be authorized each fiscal year for
11 projects financed through tax-exempt bond issuance.

12 4. The Missouri low-income housing tax credit shall be taken against the taxes and in the
13 order specified pursuant to section 32.115. The credit authorized by this section shall not be
14 refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be
15 carried back to any of the taxpayer's three prior taxable years or carried forward to any of the
16 taxpayer's five subsequent taxable years.

17 5. All or any portion of Missouri tax credits issued in accordance with the provisions of
18 sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the provisions
19 of subsection 1 of this section. Beginning January 1, 1995, for qualified projects which began on or
20 after January 1, 1994, an owner of a qualified Missouri project shall certify to the director the
21 amount of credit allocated to each taxpayer. The owner of the project shall provide to the director
22 appropriate information so that the low-income housing tax credit can be properly allocated.

23 6. In the event that recapture of Missouri low-income housing tax credits is required
24 pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided in
25 this section shall include the proportion of the state credit required to be recaptured, the identity of
26 each taxpayer subject to the recapture and the amount of credit previously allocated to such
27 taxpayer.

28 7. The director of the department may promulgate rules and regulations necessary to
29 administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the
30 authority of this section shall become effective unless it has been promulgated pursuant to the
31 provisions of section 536.024.

32 8. The tax credits authorized under the provisions of sections 135.350 to 135.362 shall not
33 be subject to appropriations, as provided under subsection 4 of section 135.835.

34 135.432. 1. The department of economic development shall promulgate such rules and
35 regulations as are necessary to implement the provisions of sections 135.400 to 135.430.

36 2. No rule or portion of a rule promulgated under the authority of this chapter shall become
37 effective until it has been approved by the joint committee on administrative rules in accordance
38 with the procedures provided in this section, and the delegation of the legislative authority to enact
39 law by the adoption of such rules is dependent upon the power of the joint committee on

1 administrative rules to review and suspend rules pending ratification by the senate and the house of
2 representatives as provided in this section.

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

6 4. A final order of rulemaking shall not be filed with the secretary of state until thirty days
7 after such final order of rulemaking has been received by the committee. The committee may hold
8 one or more hearings upon such final order of rulemaking during the thirty-day period. If the
9 committee does not disapprove such order of rulemaking within the thirty-day period, the
10 department may file such order of rulemaking with the secretary of state and the order of
11 rulemaking shall be deemed approved.

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

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

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

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

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

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

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

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

34 9. Under section 23.253 of the Missouri sunset act:

35 (1) The provisions of the program authorized under sections 135.400 to 135.432 shall
36 automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

37 (2) If such program is reauthorized, the program authorized under sections 135.400 to
38 135.432 shall automatically sunset six years after the effective date of the reauthorization of sections
39 135.400 to 135.432;

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

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

7 135.460. 1. This section and sections 620.1100 and 620.1103 shall be known and may be
8 cited as the "Youth Opportunities and Violence Prevention Act".

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

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

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

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

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

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

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

(4) New or existing youth clubs or associations;

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

(6) Mentor and role model programs;

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

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

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

(10) Nonviolent conflict resolution and mediation programs;

(11) Youth outreach and counseling programs.

6. Any program authorized in subsection 5 of this section shall, at least annually, submit a report to the department of economic development outlining the purpose and objectives of such program, the number of youth served, the specific activities provided pursuant to such program, the duration of such program and recorded youth attendance where applicable.

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

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

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

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

(2) The partners of the partnership;

(3) The members of the limited liability company; and

(4) Individual members of the cooperative or marketing enterprise.

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

10. Under section 23.253 of the Missouri sunset act:

1 (1) The provisions of the program authorized under this section shall automatically sunset
 2 on August 28, 2031, unless reauthorized by an act of the general assembly;

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

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

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

10 135.487. 1. To obtain any credit allowed pursuant to sections 135.475 to 135.487, a
 11 taxpayer shall submit to the department, for preliminary approval, an application for tax credit. The
 12 director shall, upon final approval of an application and presentation of acceptable proof of
 13 substantial completion of construction, issue the taxpayer a certificate of tax credit. The director
 14 shall issue all credits allowed pursuant to sections 135.475 to 135.487 in the order the applications
 15 are received. In the case of a taxpayer other than an owner-occupant, the director shall not delay the
 16 issuance of a tax credit pursuant to sections 135.475 to 135.487 until the sale of a residence at
 17 market rate for owner-occupancy. A taxpayer, ~~[taxpayer]~~ other than an owner-occupant who
 18 receives a certificate of tax credit pursuant to sections 135.475 to 135.487, shall, within thirty days
 19 of the date of the sale of a residence, furnish to the director satisfactory proof that such residence
 20 was sold at market rate for owner-occupancy. If the director reasonably determines that a residence
 21 was not in good faith intended for long-term owner occupancy, the director make revoke any tax
 22 credits issued and seek recovery of any tax credits issued pursuant to section 620.017.

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

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

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

34 5. Under section 23.253 of the Missouri sunset act:

35 (1) The provisions of the program authorized under sections 135.475 to 135.487 shall
 36 automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

37 (2) If such program is reauthorized, the program authorized under sections 135.475 to
 38 135.487 shall automatically sunset six years after the effective date of the reauthorization of sections
 39 135.475 to 135.487;

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

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

135.490. 1. In order to encourage and foster community improvement, an eligible small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a credit not to exceed five thousand dollars against the tax otherwise due pursuant to chapter 143, not including sections 143.191 to 143.265, in an amount equal to fifty percent of all eligible access expenditures exceeding the monetary cap provided by Section 44 of the Internal Revenue Code. For purposes of this section, "eligible access expenditures" means amounts paid or incurred by the taxpayer in order to comply with applicable access requirements provided by the Americans With Disabilities Act of 1990, as further defined in Section 44 of the Internal Revenue Code and federal rulings interpreting Section 44 of the Internal Revenue Code.

2. The department of economic development shall prescribe the method for submitting applications for claiming the tax credit allowed by this section. After issuance of a tax credit certificate by the department of economic development, such tax credit shall be ~~[elaimed]~~ redeemed by ~~[the taxpayer at the time such taxpayer files a]~~ filing a copy of the tax credit certificate with the taxpayer's income tax return for the tax year for which such credit was issued. Any amount of tax credit which exceeds the tax due shall be carried over to any subsequent ~~[taxable]~~ tax year, but shall not be refunded and shall not be transferable.

3. On and after August 28, 2025, the director of the department of economic development ~~[and the director of the department of revenue]~~ shall ~~[jointly]~~ administer the tax credit authorized by this section. ~~[Both]~~ The director of the department of economic development ~~[and the director of the department of revenue are]~~ is authorized to promulgate rules and regulations necessary to administer the provisions of this section. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of chapter 536.

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

5. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative amount of tax credits issued annually to all taxpayers by the department of economic development under this section shall not exceed the total cap amount, which shall be an amount equal to the highest annual amount of tax credits issued in any one previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and calculated by the department.

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

6. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

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

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

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

135.530. For the purposes of sections ~~[400.010,]~~ 100.710, 100.850, 135.110, ~~[135.200, 135.258, 135.313,]~~ 135.403, 135.405, ~~[135.503,]~~ 135.530, ~~[135.545,]~~ and 215.030, ~~[348.300, 348.302, and 620.1400 to 620.1460,]~~ "distressed community" means either a Missouri municipality within a metropolitan statistical area which has a median household income of under seventy percent of the median household income for the metropolitan statistical area, according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five, or a United States census block group or contiguous group of block groups within a metropolitan statistical area which has a population of at least two thousand five hundred, and each block group having a median household income of under seventy percent of the median household income for the metropolitan area in Missouri, according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In addition the definition shall include municipalities not in a metropolitan statistical area, with a median household income of under seventy percent of the median household income for the nonmetropolitan areas in Missouri according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five or a census block group or contiguous group of block groups which has a population of at least two thousand five hundred with each block group having a median household income of under seventy percent of the median household income for the nonmetropolitan areas of Missouri, according to the United States Census Bureau's American Community Survey, based on the most recent of five-year period estimate data in which the final year of the estimate ends in either zero or five. In metropolitan statistical areas, the definition shall include areas that were designated as either a federal empowerment zone; or a federal enhanced enterprise community; or a state enterprise zone that was originally designated before January 1, 1986, 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 dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such

1 taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount
 2 equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per
 3 taxpayer, per tax year.

4 2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but
 5 less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of
 6 such taxpayer's principal dwelling accessible to an individual with a disability who permanently
 7 resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri income tax
 8 liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred
 9 dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this
 10 section in any tax year immediately following a tax year in which such taxpayer received tax credits
 11 under the provisions of this section.

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

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

- 15 (1) Constructing entrance or exit ramps;
- 16 (2) Widening exterior or interior doorways;
- 17 (3) Widening hallways;
- 18 (4) Installing handrails or grab bars;
- 19 (5) Moving electrical outlets and switches;
- 20 (6) Installing stairway lifts;
- 21 (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
- 22 (8) Modifying hardware of doors; or
- 23 (9) Modifying bathrooms.

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

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

33 7. The department of economic development may, in consultation with the department of
 34 social services, promulgate such rules or regulations as are necessary to administer the provisions of
 35 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
 36 under the authority delegated in this section shall become effective only if it complies with and is
 37 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
 38 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
 39 chapter 536 to review, to delay the effective date or to disapprove and annul a rule are subsequently

held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

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

9. The provisions of this section shall expire December 31, 2025, unless reauthorized by the general assembly. This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The provisions of this subsection shall not be construed to limit or in any way impair the ~~[department's]~~ department of revenue's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

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

11. On and after August 28, 2025, the department of economic development shall administer the tax credit provided under this section."; and

Further amend said bill, Pages 3-6, Section 135.647, Lines 1-84 by deleting all of said section and line and inserting in lieu thereof the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Any taxpayer who makes a donation that is eligible for a tax credit under this section shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the donations made to the extent such amounts that have been subtracted from federal adjusted gross income or federal taxable income are added back in the determination of Missouri adjusted gross income or Missouri taxable income before the credit can be ~~[elaimed]~~ redeemed. Each taxpayer claiming a tax credit under this section shall file an affidavit with the ~~[income tax return]~~ application to the department of social services verifying the amount of their contributions. The department shall prescribe the method for submitting applications for claiming the tax credit allowed by this section. After issuance of a tax credit certificate by the department, such tax credit shall be redeemed by filing a copy of the tax credit certificate with the taxpayer's income tax return for the tax year for which such credit was issued. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year that the credit is claimed and shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's three subsequent tax years. No tax credit granted under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit pursuant to this section if such taxpayer employs persons who are not authorized to work in the United States under federal law. No taxpayer shall be able to claim more than one credit under this section for a single donation.

3. (1) The cumulative amount of tax credits under this section which may be allocated to all taxpayers contributing to a local food pantry, local soup kitchen, or local homeless shelter in any one fiscal year shall not exceed one million seven hundred fifty thousand dollars. The ~~[director of revenue]~~ department shall establish a procedure by which the cumulative amount of tax credits issued is apportioned among all taxpayers ~~[claiming]~~ filing an application for the credit by April fifteenth of the fiscal year, or as directed by section 143.851, in which the tax credit application is ~~[elaimed]~~ filed. To the maximum extent possible, the ~~[director of revenue]~~ department shall

1 establish the procedure described in this subsection in such a manner as to ensure that taxpayers can
 2 claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal
 3 year.

4 (2) In the event a full or partial credit denial, due to the cumulative maximum amount of
 5 credits being claimed for the fiscal year, causes a tax balance due to be owed to the state by the
 6 taxpayer, the taxpayer shall not be held liable for any addition to tax, penalty, or interest on that tax
 7 balance due, provided the balance is paid, or approved payment arrangements have been made,
 8 within sixty days from issuance of the notice of credit denial.

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

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

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

23 (1) The program authorized under this section shall be reauthorized as of August 28, ~~[2018]~~
 24 2025, and shall expire on December 31, ~~[2026]~~ 2032, unless reauthorized by the general assembly;
 25 and

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

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

31 7. On and after August 28, 2025, the department of social services shall administer the tax
 32 credit provided under this section.

33 135.690. 1. As used in this section, the following terms mean:

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

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

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

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

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

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

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

20 (8) "Taxpayer", any individual, firm, partner in a firm, corporation, or shareholder in an S
21 corporation doing business in this state and subject to the state income tax imposed under chapter
22 143, excluding withholding tax imposed under sections 143.191 to 143.265.

23 2. (1) Beginning January 1, 2023, any community-based faculty preceptor who serves as
24 the community-based faculty preceptor for a medical student core preceptorship or a physician
25 assistant student core preceptorship shall be allowed a credit against the tax otherwise due under
26 chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, in an amount
27 equal to one thousand dollars for each preceptorship, up to a maximum of three thousand dollars per
28 tax year, if he or she completes up to three preceptorship rotations during the tax year and did not
29 receive any direct compensation for the preceptorships.

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

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

38 (4) No more than two hundred preceptorship tax credits shall be authorized under this
39 section for any one calendar year. The tax credits shall be awarded on a first-come, first-served

1 basis. The division and the department shall jointly promulgate rules for determining the manner in
2 which taxpayers who have obtained certification under this section are able to claim the tax credit.
3 The cumulative amount of tax credits awarded under this section shall not exceed two hundred
4 thousand dollars per year.

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

11 3. (1) Funding for the tax credit program authorized under this section shall be generated by
12 the division from a license fee increase of seven dollars per license for physicians and surgeons and
13 from a license fee increase of three dollars per license for physician assistants. The license fee
14 increases shall take effect beginning January 1, 2023, based on the underlying license fee rates
15 prevailing on that date. The underlying license fee rates shall be determined under section 334.090
16 and all other applicable provisions of chapter 334.

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

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

34 4. (1) The department shall administer the tax credit program authorized under this section.
35 Each taxpayer claiming a tax credit under this section shall file an application with the department
36 verifying the number of hours of instruction and the amount of the tax credit claimed. The hours
37 claimed on the application shall be verified by the college or university department head or the
38 program director on the application. The certification by the department affirming the taxpayer's

1 eligibility for the tax credit provided to the taxpayer shall be filed with the taxpayer's income tax
2 return.

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

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

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

17 (1) The provisions of the program authorized under this section shall automatically sunset
18 on August 28, 2031, unless reauthorized by an act of the general assembly;

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

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

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

26 135.750. 1. This section shall be known and may be referred to as the "Show MO Act".

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

28 (1) "Above-the-line individual", any individual hired or credited on screen for a qualified
29 motion media production project as any type of producer, principal cast that is at a Screen Actors
30 Guild Schedule F and above payment rate, screenwriter, and the director;

31 (2) "Qualified motion media production project", any film or series production, including
32 videos, commercials, video games, webisodes, music videos, content-based mobile applications,
33 virtual reality, augmented reality, multi-media, and new media, as well as standalone visual effects
34 and postproduction for such motion media production project, as approved by the department of
35 economic development and the office of the Missouri film commission, that features a statement and
36 logo designated by the department of economic development in the credits of the completed
37 production indicating that the project was filmed in Missouri and that is under thirty minutes in
38 length with expected qualifying expenses in excess of fifty thousand dollars or is over thirty minutes

1 in length with expected qualifying expenses in excess of one hundred thousand dollars. Regardless
 2 of the production costs, qualified motion media project shall not include any:

3 (a) News or current events programming;

4 (b) Talk show;

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

7 (d) Sports event or sports program;

8 (e) Gala presentation or awards show;

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

10 (g) Political ad;

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

12 (3) "Qualifying expenses", the sum of the total amount spent in this state for the following
 13 by a production company in connection with a qualified motion media production project:

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

18 (b) Compensation and wages paid by the production company on which the production
 19 company remitted withholding payments to the department of revenue under chapter 143. For
 20 purposes of this section, compensation and wages paid to all above-the-line individuals shall be
 21 limited to twenty-five percent of the overall qualifying expenses;

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

24 (5) "Taxpayer", any individual, partnership, or corporation as described in section 143.441,
 25 143.471, or section 148.370 that is subject to the tax imposed in chapter 143, excluding withholding
 26 tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 148 or any charitable
 27 organization which is exempt from federal income tax and whose Missouri unrelated business
 28 taxable income, if any, would be subject to the state income tax imposed under chapter 143.

29 3. (1) For all tax years beginning on or after January 1, 2023, a taxpayer shall be allowed a
 30 tax credit equal to twenty percent of qualifying expenses.

31 (2) An additional five percent may be earned for qualifying expenses if at least fifty percent
 32 of the qualified motion media production project is filmed in Missouri.

33 (3) An additional five percent may be earned for qualifying expenses if at least fifteen
 34 percent of the qualified motion media production project that is filmed in Missouri takes place in a
 35 rural or blighted area in Missouri.

36 (4) An additional five percent may be earned for qualifying expenses if at least three
 37 departments of the qualified motion media production hire a Missouri resident ready to advance to
 38 the next level in a specialized craft position or learn a new skillset.

1 (5) An additional five percent may be earned for qualifying expenses if the department of
2 economic development determines that the script of the qualified motion media production project
3 positively markets a city or region of the state, the entire state, or a tourist attraction located in the
4 state, and the qualified motion media production provides no less than five high resolution
5 photographs containing cast with the rights cleared for promotional use by the Missouri film
6 commission, accompanied by a list with the title of production, location, names, and titles of the
7 individuals shown in the photography and photographer credit.

8 (6) The total dollar amount of tax credits authorized pursuant to subdivision (1) of this
9 subsection shall be increased by ten percent for qualified film production projects located in a
10 county of the second, third, or fourth class.

11 (7) Activities qualifying a taxpayer for the tax credit pursuant to this subsection shall be
12 approved by the office of the Missouri film commission and the department of economic
13 development.

14 4. A qualified motion media production project shall not be eligible for tax credits pursuant
15 to this section unless such project employs at least the following number of Missouri registered
16 apprentices or veterans residing in Missouri with transferable skills:

17 (1) If the qualifying expenses are less than five million dollars, two;

18 (2) If the qualifying expenses are at least five million dollars but less than ten million
19 dollars, three;

20 (3) If the qualifying expenses are at least ten million dollars but less than fifteen million
21 dollars, six; or

22 (4) If the qualifying expenses are at least fifteen million dollars, eight.

23 5. Taxpayers shall apply for the motion media production tax credit by submitting an
24 application to the department of economic development, on a form provided by the department. As
25 part of the application, the expected qualifying expenses of the qualified motion media production
26 project shall be documented. In addition, the application shall include an economic impact
27 statement, showing the economic impact from the activities of the qualified motion media
28 production project. Such economic impact statement shall indicate the impact on the region of the
29 state in which the qualified motion media production or production-related activities are located and
30 on the state as a whole. Final applications shall be accompanied by a report by a certified public
31 accountant licensed by the state of Missouri, prepared at the expense of the applicant, attesting that
32 the amounts in the final application are qualifying expenses.

33 6. For all tax years beginning on or after January 1, 2023, the total amount of tax credits
34 authorized by this section for film production shall not exceed a total of eight million dollars per
35 year, and the total amount of all tax credits authorized by this section for series production shall not
36 exceed a total of eight million dollars per year. Taxpayers may carry forward unused credits for up
37 to five tax periods, provided all such credits shall be claimed within ten tax periods following the
38 tax period in which the qualified motion media production or production-related activities for which
39 the credits are certified by the department occurred.

1 7. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign,
2 exchange, convey or otherwise transfer tax credits allowed in subsection 3 of this section. The
3 taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise
4 imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or
5 chapter 148. Unused acquired credits may be carried forward for up to five tax periods, provided all
6 such credits shall be claimed within ten tax periods following the tax period in which the qualified
7 motion media production or production-related activities for which the credits are certified by the
8 department occurred.

9 8. The tax credit authorized by this section shall be considered a business recruitment tax
10 credit, as defined in section 135.800, and shall be subject to the provisions of sections 135.800 to
11 135.830.

12 9. The department of economic development may adopt such rules, statements of policy,
13 procedures, forms, and guidelines as may be necessary to implement the provisions of this section.
14 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
15 authority delegated in this section shall become effective only if it complies with and is subject to all
16 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
17 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
18 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
19 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
20 August 28, 2023, shall be invalid and void.

21 10. Under section 23.253 of the Missouri sunset act:

22 (1) The provisions of the program authorized under this section shall automatically sunset
23 on December 31, 2029, unless reauthorized by an act of the general assembly; and

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

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

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

32 11. (1) Notwithstanding the provisions of subsection 10 of this section to the contrary, the
33 provisions of this section shall automatically terminate and expire one year after the department of
34 economic development determines that all other state and local governments in the United States of
35 America have terminated or let lapse their tax credit or other governmental incentive program for
36 the film production industry, regardless of whether such credits or programs are now in effect or first
37 commence after August 28, 2023. The department of economic development shall notify the revisor
38 of statutes upon the department's determination that the tax credit authorized by this section shall
39 terminate pursuant to this subsection.

(2) The provisions of this subsection shall not be construed to limit or in any way impair the ability of any taxpayer that has met the requirements in this section prior to the termination of this section to participate in the program authorized under this section. The provisions of this section shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax credits qualified for on or before the date the program authorized pursuant to this section expires.

12. The tax credits authorized under this section shall not be subject to appropriations, as provided under subsection 4 of section 135.835.

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

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

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

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

(b) Imports motor fuel into the state; or

(c) Is engaged in distribution of motor fuel;

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

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

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

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

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

1 4. The department shall prescribe the method for submitting applications for claiming the
 2 tax credit allowed by this section ~~[shall be claimed by such taxpayer at the time such taxpayer files a~~
 3 ~~return and]~~. After issuance of a tax credit certificate by the department, such tax credit shall be
 4 redeemed by filing a copy of the tax credit certificate with the taxpayer's income tax return for the
 5 tax year for which such credit was issued. Such tax credit shall be applied against the income tax
 6 liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to
 7 143.265, after reduction for all other credits allowed thereon. The department may require any
 8 documentation it deems necessary to implement the provisions of this section.

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

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

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

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

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

24 7. On and after August 28, 2025, the department of agriculture shall administer the tax
 25 credit provided under this section.

26 135.775. 1. As used in this section, the following terms mean:

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

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

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

39 (4) "Department", the Missouri department of ~~[revenue]~~ agriculture;

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

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

(b) Imports motor fuel into the state; or

(c) Is engaged in distribution of motor fuel;

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

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

2. For all tax years beginning on or after January 1, 2023, a retail dealer that sells a biodiesel blend at a retail service station or a distributor that sells a biodiesel blend directly to the final user located in this state shall be allowed a tax credit to be taken against the retail dealer or distributor's state income tax liability. For any retail dealer or distributor with a tax year beginning prior to January 1, 2023, but ending during the 2023 calendar year, such retail dealer or distributor shall be allowed a tax credit for the amount of biodiesel blend sold during the portion of such tax year that occurs during the 2023 calendar year. The amount of the credit shall be equal to:

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

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

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

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

5. The department shall prescribe the method for submitting applications for claiming the tax credit allowed by this section ~~[shall be claimed by such taxpayer at the time such taxpayer files a return]~~ and such tax credit shall be applied against the income tax liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to administer the provisions of this section. The tax credit allowed by this section, after issuance by the department, shall be redeemed on the taxpayer's income tax return for the tax year for which such credit was issued.

6. Notwithstanding the provisions of section 32.057 to the contrary, the department may work with the division of weights and measures within the department of agriculture to validate that

the biodiesel blend a retail dealer or distributor claims for the tax credit authorized under this section contains a sufficient percentage of biodiesel fuel.

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

8. Under section 23.253 of the Missouri sunset act:

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

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

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

9. On and after August 28, 2025, the department of agriculture shall administer the tax credit provided under this section.

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

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

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

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

(4) "Missouri biodiesel producer", a person, firm, or corporation doing business in this state that produces biodiesel fuel in this state, is registered with the United States Environmental

Protection Agency according to the requirements of 40 CFR Part 79, and has begun construction on such facility or has been selling biodiesel fuel produced at such facility on or before January 2, 2023.

2. For all tax years beginning on or after January 1, 2023, a Missouri biodiesel producer shall be allowed a tax credit to be taken against the producer's state income tax liability. For any Missouri biodiesel producer with a tax year beginning prior to January 1, 2023, but ending during the 2023 calendar year, such Missouri biodiesel producer shall be allowed a tax credit for the amount of biodiesel fuel produced during the portion of such tax year that occurs during the 2023 calendar year. The amount of the tax credit shall be two cents per gallon of biodiesel fuel produced by the Missouri biodiesel producer during the tax year for which the tax credit is claimed.

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

4. The department shall prescribe the method for submitting applications for claiming the tax credit authorized under this section ~~[shall be claimed by such taxpayer at the time such taxpayer files a return]~~ and such tax credit shall be applied against the income tax liability imposed by chapter 143, excluding the withholding tax imposed by sections 143.191 to 143.265, after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to administer the provisions of this section. The tax credit allowed by this section, after issuance by the department, shall be redeemed on the taxpayer's income tax return for the tax year for which such credit was issued.

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

6. Under section 23.253 of the Missouri sunset act:

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

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. The termination of the program as described in this subsection shall not be construed to preclude any

1 qualified taxpayer who claims any benefit under any program that is sunset under this subsection
 2 from claiming such benefit for all allowable activities related to such claim that were completed
 3 before the program was sunset, or to eliminate any responsibility of the department to verify the
 4 continued eligibility of qualified individuals receiving tax credits and to enforce other requirements
 5 of law that applied before the program was sunset.

6 7. On and after August 28, 2025, the department of agriculture shall administer the tax
 7 credit provided under this section.

8 135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited
 9 as the "Tax Credit Accountability Act of 2004".

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

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

14 (2) "Agricultural tax credits", the agricultural product utilization contributor tax credit
 15 created pursuant to section 348.430, the new generation cooperative incentive tax credit created
 16 pursuant to section 348.432, and the family farm breeding livestock loan tax credit created under
 17 section 348.505~~], the qualified beef tax credit created under section 135.679, and the wine and grape~~
 18 ~~production tax credit created pursuant to section 135.700];~~

19 (3) "Business recruitment tax credits", the business facility tax credit created pursuant to
 20 sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to
 21 sections 135.200 to 135.270, the business use incentives for large-scale development programs
 22 created pursuant to sections 100.700 to 100.850, ~~[the development tax credits created pursuant to~~
 23 ~~sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section~~
 24 ~~135.535,] and the [film production] show MO act tax credit created pursuant to section 135.750[, the~~
 25 ~~enhanced enterprise zone created pursuant to sections 135.950 to 135.970, and the Missouri quality~~
 26 ~~jobs program created pursuant to sections 620.1875 to 620.1900];~~

27 (4) "Community development tax credits", the neighborhood assistance tax credit created
 28 pursuant to sections 32.100 to 32.125~~], and~~ the family development account tax credit created
 29 pursuant to sections 208.750 to 208.775~~], the dry fire hydrant tax credit created pursuant to section~~
 30 ~~320.093, and the transportation development tax credit created pursuant to section 135.545];~~

31 (5) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to
 32 section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence or
 33 rape crisis center created pursuant to section 135.550, the senior citizen or disabled person property
 34 tax credit created pursuant to sections 135.010 to 135.035, the adoption tax credit created pursuant
 35 to sections 135.325 to 135.339, the champion for children tax credit created pursuant to section
 36 135.341, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax
 37 credit created pursuant to section 135.090, the residential treatment agency tax credit created
 38 pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section
 39 135.630, the food pantry tax credit created pursuant to section 135.647, the residential dwelling

1 access tax credit created pursuant to section 135.562, the developmental disability care provider tax
 2 credit created under section 135.1180, the shared care tax credit created pursuant to section
 3 192.2015, ~~[the health, hunger, and hygiene tax credit created pursuant to section 135.1125,]~~ and the
 4 diaper bank tax credit created pursuant to section 135.621;

5 (6) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400
 6 to ~~[135.429]~~ 135.432, ~~[the certified capital company tax credit created pursuant to sections 135.500~~
 7 ~~to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new~~
 8 ~~enterprise creation tax credit created pursuant to sections 620.635 to 620.653,]~~ the research tax
 9 credit created pursuant to section 620.1039, and the small business incubator tax credit created
 10 pursuant to section 620.495~~], the guarantee fee tax credit created pursuant to section 135.766, and~~
 11 ~~the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125];~~

12 (7) "Environmental tax credits", ~~[the charcoal producer tax credit created pursuant to section~~
 13 ~~135.313,]~~ the wood energy tax credit created pursuant to sections 135.300 to 135.311~~], and the~~
 14 ~~alternative fuel stations tax credit created pursuant to section 135.710];~~

15 (8) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to
 16 section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam
 17 fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created
 18 pursuant to section 376.975, the life and health insurance guaranty association tax credit created
 19 pursuant to section 376.745, the property and casualty guaranty association tax credit created
 20 pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to
 21 section 143.119;

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

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

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

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

30 (11) "Redevelopment tax credits", the historic preservation tax credit created pursuant to
 31 sections 253.545 to 253.559, the brownfield redevelopment program tax credit created pursuant to
 32 sections 447.700 to 447.718, the community development corporations tax credit created pursuant to
 33 sections 135.400 to ~~[135.430]~~ 135.432, the infrastructure tax credit created pursuant to subsection 6
 34 of section 100.286, the bond guarantee tax credit created pursuant to section 100.297, and the
 35 disabled access tax credit created pursuant to section 135.490~~], the new markets tax credit created~~
 36 ~~pursuant to section 135.680, and the distressed areas land assemblage tax credit created pursuant to~~
 37 ~~section 99.1205];~~

38 (12) "Tax credit program", any of the tax credit programs included in the definitions of
 39 agricultural tax credits, business recruitment tax credits, community development tax credits,

domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

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

135.835. 1. The provisions of this section shall be construed, wherever necessary, to be in addition to existing requirements, duties, or obligations present in other provisions of law with regard to all tax credit programs.

2. For all tax years beginning on or after January 1, 2026, in enacting any law creating a new tax credit or increasing the cumulative cap amount of an existing tax credit, the general assembly shall repeal, modify, or reduce the total amount of an existing tax credit or tax credits to ensure that the amount available to taxpayers is less than or equal to the total amount reduced as a result of the newly created tax credit program or the increased cumulative cap amount on the existing tax credit program.

3. For all tax years beginning on or after January 1, 2026, all tax credits issued on or after such date shall not be carried forward beyond three years, if carry forward provisions are applicable.

4. (1) Except as provided under subdivision (2) of this subsection, for all fiscal years beginning on or after July 1, 2026, all tax credits shall be subject to appropriation. If no appropriation is made for a tax credit program, such tax credit shall not be issued for that fiscal year.

(2) The following tax credits shall be exempt from the appropriation requirement under subdivision (1) of this subsection:

(a) The Missouri low-income housing tax credits created under sections 135.350 to 135.363;

(b) The show MO act tax credits created under section 135.750;

(c) The self-employed health insurance tax credit created under section 143.119;

(d) The Missouri working family tax credit created under section 143.177;

(e) The SALT parity tax credits created under section 143.436;

(f) The bank tax credits for S corporations created under section 143.471; and

(g) The bank franchise tax credit created under section 148.030.

5. The provisions of this section shall not be construed to limit or in any way impair a taxpayer's ability to redeem tax credits or an administering agency's ability to issue tax credits authorized prior to January 1, 2026.

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

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

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

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

(3) "Eligible donation", donations received from a taxpayer by an agency that are used solely to provide direct care services to children who are residents of this state. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department of social services. For purposes of

1 this section, "direct care services" include but are not limited to increasing the quality of care and
 2 service for children through improved employee compensation and training;

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

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

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

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

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

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

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

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

23 3. For all ~~[taxable]~~ tax years beginning on or after January 1, 2007, any taxpayer shall be
 24 allowed a credit against the taxes otherwise due under chapter 143, 147, or 148, excluding
 25 withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the
 26 amount of an eligible donation, subject to the restrictions in this section. The amount of the tax
 27 credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year
 28 for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section
 29 from claiming in a tax year shall not be refundable, but may be carried forward to any of the
 30 taxpayer's four subsequent ~~[taxable]~~ tax years.

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

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

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

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

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

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

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

7. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative amount of tax credits issued annually to all taxpayers by the department under this section shall not exceed the total cap amount, which shall be an amount equal to the highest annual amount of tax credits issued in any one previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and calculated by the department.

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

~~[7.]~~ 8. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid and void.

9. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under this section shall automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

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

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

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

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

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

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

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

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

(4) "Qualified developmental disability care provider" or "provider", a care provider that provides assistance to persons with developmental disabilities, and is accredited by the Council on Accreditation (COA), the Joint Commission on Accreditation of Healthcare Organizations (JCAHO), or the Commission on Accreditation of Rehabilitation Facilities (CARF), or is under contract with the Missouri department of social services or department of mental health to provide treatment services for such persons, and that receives eligible donations. Any provider that operates more than one facility or at more than one location shall be eligible for the tax credit under this section only for any eligible donation made to facilities or locations of the provider which are licensed or accredited;

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

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

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

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

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

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

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

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

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

- 4 (1) A valid application in the form and format required by the department;
- 5 (2) A statement attesting to the eligible donation received, which shall include the name and
 6 taxpayer identification number of the individual making the eligible donation, the amount of the
 7 eligible donation, and the date the eligible donation was received by the provider; and
- 8 (3) Payment from the provider equal to the value of the tax credit for which application is
 9 made.

10
 11 If the provider applying for the tax credit meets all criteria required by this subsection, the
 12 department shall issue a certificate in the appropriate amount.

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

18 6. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative amount of tax
 19 credits issued annually to all taxpayers by the department under this section shall not exceed the
 20 total cap amount, which shall be an amount equal to the highest annual amount of tax credits issued
 21 in any one previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and
 22 calculated by the department.

23 (2) If the amount of tax credits claimed in a fiscal year under this section exceeds the total
 24 cap determined under subdivision (1) of this subsection, tax credits shall be allowed based on the
 25 order in which they were issued.

26 ~~[6.]~~ 7. The department shall promulgate rules to implement the provisions of this section.
 27 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
 28 authority delegated in this section shall become effective only if it complies with and is subject to all
 29 of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536
 30 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536
 31 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
 32 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
 33 August 28, 2012, shall be invalid and void.

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

35 (1) The provisions of the program authorized under this section shall automatically sunset
 36 on August 28, 2031, unless reauthorized by an act of the general assembly;

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

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

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

137.123. 1. Beginning January 1, 2022, for purposes of assessing all real property, excluding land, or tangible personal property associated with a project that uses wind energy directly to generate electricity, thirty-seven and one-half percent of the original costs shall be the true value in money of such property. Such value shall begin the year immediately following the year of construction of the property. The original costs shall reflect either:

(1) The actual and documented original property cost to the taxpayer, as shall be provided by the taxpayer to the assessor; or

(2) In the absence of actual and documented original property cost to the taxpayer, the estimated cost of the property by the assessor, using an authoritative cost guide.

2. Nothing in this section shall be construed to prohibit a project from engaging in enhanced enterprise zone agreements ~~[under sections 135.950 to 135.973]~~ or similar tax abatement agreements with state or local officials or to affect any existing enhanced enterprise zone agreements.

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

2. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative amount of tax credits issued annually to all taxpayers by the department under this section shall not exceed the total cap amount, which shall be an amount equal to the highest annual amount of tax credits issued in any one previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and calculated by the department.

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

3. The tax credits authorized under this section shall not be subject to appropriations, as provided under subsection 4 of section 135.835.

~~[2-]~~ 4. The director of the department of revenue shall promulgate rules and regulations to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2007, shall be invalid and void.

~~[3-]~~ 5. Pursuant to section 23.253 of the Missouri sunset act:

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (4) For all calendar years beginning on or after January 1, 2027, the cumulative amount of
13 tax credits issued annually to all taxpayers by the department under this section shall not exceed the
14 total cap amount, which shall be an amount equal to the highest annual amount of tax credits issued
15 in any one previous fiscal year, from fiscal year 2024 to fiscal year 2026, as determined and
16 calculated by the department.

17 (5) If the amount of tax credits claimed in a calendar year under this section exceeds the
18 total cap determined under subdivision (4) of this subsection, tax credits shall be allowed based on
19 the order in which they were issued.

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

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

31 6. The director of the department may promulgate rules and regulations to administer the
32 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
33 that is created under the authority delegated in this section shall become effective only if it complies
34 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
35 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
36 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
37 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
38 adopted after January 1, 2023, shall be invalid and void.

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

8. The tax credits authorized under this section shall not be subject to appropriations, as provided under subsection 4 of section 135.835.

9. Under section 23.253 of the Missouri sunset act:

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

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

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

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

143.436. 1. This section shall be known and may be cited as the "SALT Parity Act".

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

(1) "Affected business entity", any partnership or S corporation that elects to be subject to tax pursuant to subsection 11 of this section;

(2) "Direct member", a member that holds an interest directly in an affected business entity;

(3) "Indirect member", a member that itself holds an interest, through a direct or indirect member that is a partnership or an S corporation, in an affected business entity;

(4) "Member":

(a) A shareholder of an S corporation;

(b) A partner in a general partnership, a limited partnership, or a limited liability partnership; or

(c) A member of a limited liability company that is treated as a partnership or S corporation for federal income tax purposes;

(5) "Partnership", the same meaning as provided in 26 U.S.C. Section 7701(a)(2), but not including a publicly traded partnership. The term partnership shall include a limited liability company that is treated as a partnership for federal income tax purposes;

(6) "S corporation", a corporation or limited liability company that is treated as an S corporation for federal income tax purposes;

(7) "Tax year", the tax year of a partnership or S corporation for federal income tax purposes.

3. (1) Notwithstanding any provision of law to the contrary, a tax is hereby imposed on each affected business entity that is a partnership and that is doing business in this state. Such affected business entity shall, at the time that the affected business entity's return is due, pay a tax as determined in this subsection. The sum of the separately and nonseparately computed income and deduction items, as described in 26 U.S.C. Section 702(a), of the affected business entity, to the

1 extent derived from or connected with sources within this state, as determined pursuant to section
 2 143.455, shall be decreased by the percentage deduction that would be allowable to the owners
 3 under section 143.022, and increased or decreased by any modification made pursuant to sections
 4 143.121 and 143.141 that relates to an item of the affected business entity's income, gain, loss, or
 5 deduction, to the extent derived from or connected with sources within this state, as determined
 6 pursuant to section 143.455. The resulting amount shall be the partnership's Missouri net income or
 7 loss, which, if greater than zero, shall be multiplied by the highest rate of tax used to determine a
 8 Missouri income tax liability for an individual pursuant to section 143.011 to arrive at the tax due.
 9 An affected business entity paying the tax pursuant to this subsection shall include with the payment
 10 of such taxes each report provided to a member pursuant to subsection 7 of this section.

11 (2) If a Missouri net loss is calculated pursuant to subdivision (1) of this subsection, such
 12 net loss may be carried forward to succeeding tax years for which the affected business entity elects
 13 to be subject to tax pursuant to subsection 11 of this section until fully used.

14 4. (1) Notwithstanding any provision of law to the contrary, a tax is hereby imposed on
 15 each affected business entity that is an S corporation and that is doing business in this state. Such
 16 affected business entity shall, at the time that the affected business entity's tax return is due, pay a
 17 tax as determined in this subsection. The sum of the separately and nonseparately computed income
 18 and deduction items, as described in 26 U.S.C. Section 1366, of the affected business entity, to the
 19 extent derived from or connected with sources within this state, as determined pursuant to section
 20 143.455, shall be decreased by the percentage deduction that would be allowable to the owners
 21 under section 143.022, and increased or decreased by any modification made pursuant to sections
 22 143.121 and 143.141 that relates to an item of the affected business entity's income, gain, loss, or
 23 deduction, to the extent derived from or connected with sources within this state, as determined
 24 pursuant to section 143.455. The resulting amount shall be the S corporation's Missouri net income
 25 or loss, which if greater than zero, shall be multiplied by the highest rate of tax used to determine a
 26 Missouri income tax liability for an individual pursuant to section 143.011 to arrive at the tax due.
 27 An affected business entity paying the tax pursuant to this subsection shall include with the payment
 28 of such taxes each report provided to a member pursuant to subsection 7 of this section.

29 (2) If a Missouri net loss is calculated pursuant to subdivision (1) of this section, such net
 30 loss may be carried forward to succeeding tax years for which the affected business entity elects to
 31 be subject to tax pursuant to subsection 11 of this section until fully used.

32 5. (1) If an affected business entity is a direct or indirect member of another affected
 33 business entity, the member affected business entity shall, when calculating its Missouri net income
 34 or loss pursuant to subsection 3 or 4 of this section, subtract its distributive share of Missouri net
 35 income or add its distributive share of Missouri net loss from the affected business entity in which it
 36 is a direct or indirect member.

37 (2) Any member of an affected business entity may elect not to have tax imposed under this
 38 section with respect to the affected business entity's separately and nonseparately computed items
 39 described in subsection 3 or 4 of this section, as the case may be, and otherwise subject to tax under

1 this section, to the extent such items are allocable to that member; however, any such opt-out
 2 election made by a nonresident member shall also comply with subdivision (3) of this subsection. If
 3 and to the extent one or more members of the affected business entity make an opt-out election, the
 4 affected business entity shall, in computing the tax under this section, subtract the opt-out members'
 5 allocable items described in the preceding sentence. The affected business entity shall, in applying
 6 the provisions of this section, take into account the effect of any opt-out election on each opt-out
 7 member's share of deductions, credits, and any other relevant items.

8 (3) Any opt-out election by a nonresident member shall be effective only if that member has
 9 agreed to:

10 (a) File a return in accordance with the provisions of section 143.181 and to make timely
 11 payment of all taxes imposed on the member by this state with respect to income of the affected
 12 business entity; and

13 (b) Be subject to personal jurisdiction in this state for purposes of the collection of income
 14 taxes, together with related interest and penalties, imposed on the member by this state with respect
 15 to the income of the affected business entity.

16 (4) An opt-out election shall be considered timely filed for a tax year, and for all subsequent
 17 tax years, if it is filed before or in conjunction with the annual return for such tax year under section
 18 143.511. If a member of an affected business entity does not timely file an opt-out election for a tax
 19 year, that member shall not be precluded from timely filing an opt-out election for subsequent tax
 20 years.

21 6. A nonresident individual who is a member shall not be required to file an income tax
 22 return pursuant to this chapter for a tax year if, for such tax year, the only source of income derived
 23 from or connected with sources within the state for such member, or the member and the member's
 24 spouse if a joint federal income tax return is or shall be filed, is from one or more affected business
 25 entities and such affected business entity or entities file and pay the tax due under this section.

26 7. Each partnership and S corporation shall report to each of its members, for each tax year,
 27 such member's direct pro rata share of the tax imposed pursuant to this section by such partnership
 28 or S corporation if it is an affected business entity and its indirect pro rata share of the tax imposed
 29 on any affected business entity in which such affected business entity is a direct or indirect member.
 30 For each tax year in which it is subject to a tax under this section, the affected business entity shall
 31 file an affected business entity tax return on a date prescribed by the director of revenue. The
 32 payment of any interest, additions to tax, or penalties shall not be considered part of the tax imposed
 33 under this section.

34 8. (1) Each member that is subject to the tax imposed pursuant to section 143.011 or
 35 143.041 shall be entitled to a credit against the tax imposed pursuant to section 143.011 or 143.041.
 36 Such credit shall be in an amount equal to such member's direct and indirect pro rata share of the tax
 37 paid pursuant to this section by any affected business entity of which such member is directly or
 38 indirectly a member.

(2) If the amount of the credit authorized by this subsection exceeds such member's tax liability for the tax imposed pursuant to section 143.011 or 143.041, the excess amount shall not be refunded but may be carried forward to each succeeding tax year until such credit is fully taken.

9. (1) Each member that is subject to the tax imposed pursuant to section 143.011 as a resident or part-year resident of this state shall be entitled to a credit against the tax imposed pursuant to section 143.011 for such member's direct and indirect pro rata share of taxes paid to another state of the United States or to the District of Columbia, on income of any partnership or S corporation of which such person is a member that is derived therefrom, provided the taxes paid to another state of the United States or to the District of Columbia results from a tax that the director of revenue determines is substantially similar to the tax imposed pursuant to this section. Any such credit shall be calculated in a manner to be prescribed by the director of revenue, provided such calculation is consistent with the provisions of this section, and further provided that the limitations provided in subsection 2 of section 143.081 shall apply to the credit authorized by this subsection.

(2) If the amount of the credit authorized by this subsection exceeds such member's tax liability for the tax imposed pursuant to section 143.011, the excess amount shall not be refunded and shall not be carried forward.

10. (1) Each corporation or fiduciary that is subject to the tax imposed pursuant to section 143.061 or 143.071 and that is a member, or, in the case of a fiduciary subject to tax under section 143.061, is the fiduciary of an estate or trust that is a member, shall be entitled to a credit against the tax imposed pursuant to section 143.071. Such credit shall be in an amount equal to such corporation's, estate's, or trust's direct and indirect pro rata share of the tax paid pursuant to this section by any affected business entity of which such corporation, estate, or trust is directly or indirectly a member. Such credit shall be applied after all other credits.

(2) If the amount of the credit authorized by this subsection exceeds such corporation's or fiduciary's tax liability for the tax imposed pursuant to section 143.061 or 143.071, the excess amount shall not be refunded but may be carried forward to each succeeding tax year until such credit is fully taken.

11. A partnership or an S corporation may elect to become an affected business entity that is required to pay the tax pursuant to this section. A separate election shall be made for each tax year. Such election shall be made on such form and in such manner as the director of revenue may prescribe by rule. An election made pursuant to this subsection shall be signed by:

(1) Each member of the electing entity who is a member at the time the election is filed;

(2) Any officer, manager, or member of the electing entity who is authorized to make the election and who attests to having such authorization under penalty of perjury; or

(3) The designated affected business entity representative of the electing entity.

12. The provisions of sections 143.425 and 143.601 shall apply to any modifications made to an affected business entity's federal return, and such affected business entity shall pay any resulting underpayment of tax to the extent not already paid pursuant to section 143.425.

13. (1) With respect to an action required or permitted to be taken by an affected business entity pursuant to this section, a proceeding under section 143.631 for reconsideration by the director of revenue, an appeal to the administrative hearing commission, or a review by the judiciary with respect to such action, a partnership or S corporation shall designate an affected business entity representative for the tax year, and such affected business entity representative shall have the sole authority to act on behalf of the affected business entity, and the affected business entity's members shall be bound by those actions.

(2) The department of revenue may establish reasonable qualifications and procedures for designating a person to be the affected business entity representative.

(3) The affected business entity representative shall be considered an authorized representative of the affected business entity and its members under section 32.057 for the purposes of compliance with this section, or participating in a proceeding described in subdivision (1) of this subsection.

14. The provisions of this section shall only apply to tax years ending on or after December 31, 2022.

15. The tax credits authorized under subsections 8, 9, and 10 of this section shall not be subject to appropriations, as provided under subsection 4 of section 135.835.

16. The department of revenue may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid and void.

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

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

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

(2) Each item of S corporation income, gain, loss, or deduction shall have the same character for a shareholder pursuant to sections 143.005 to 143.998 as it has for federal income tax

purposes. Where an item is not characterized for federal income tax purposes, it shall have the same character for a shareholder as if realized directly from the source from which realized by the S corporation or incurred in the same manner as incurred by the S corporation.

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

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

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

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

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

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

(3) The S corporation is liquidated or terminated;

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

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

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

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

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

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

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

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

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

(1) The credit allowed by this subsection shall be equal to the bank tax calculated pursuant to chapter 148 based on bank income in 1999 and after, on a bank that makes an election pursuant to 26 U.S.C. Section 1362, and such credit shall be allocated to the qualifying shareholder according to stock ownership, determined by multiplying a fraction, where the numerator is the shareholder's stock, and the denominator is the total stock issued by such bank or bank holding company;

(2) The tax credit authorized in this subsection shall be permitted only to the shareholders that qualify as S corporation shareholders, provided the stock at all times during the taxable period qualifies as S corporation stock as defined in 26 U.S.C. Section 1361, and such stock is held by the

1 shareholder during the taxable period. The credit created by this section on a yearly basis is
2 available to each qualifying shareholder, including shareholders filing joint returns. A bank holding
3 company is not allowed this credit, except that, such credit shall flow through to such bank holding
4 company's qualified shareholders, and be allocated to such shareholders under the same conditions;
5 and

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

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

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

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

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

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

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

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

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

13. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative amount of tax credits issued annually to all taxpayers by the department under subsections 10, 11, and 12 of this section shall not exceed the total cap amount, which shall be an amount equal to the highest annual amount of tax credits issued in any one previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and calculated by the department.

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

14. The tax credits authorized under subsections 10, 11, and 12 of this section shall not be subject to appropriations, as provided under subsection 4 of section 135.835.

15. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the tax credit programs authorized under subsections 10, 11, and 12 of this section shall automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

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

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

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

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

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

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

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

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

4. The tax credits authorized under this section shall not be subject to appropriations, as provided under subsection 4 of section 135.835.

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

2. Beginning January 1, 1983, the amount of the tax due for that calendar year and each succeeding calendar year thereafter shall be paid in four approximately equal estimated quarterly installments, and a fifth reconciling installment. The first four installments shall be based upon the tax for the immediately preceding ~~taxable~~ tax year ending on the thirty-first day of December, next preceding. The quarterly installments shall be made on the first day of March, the first day of June, the first day of September and the first day of December. Immediately after receiving certification from the director of the department of commerce and insurance of the amount of tax due from the various companies the director of revenue shall notify and assess each company the amount of taxes on its premiums for the calendar year ending on the thirty-first day of December, next preceding.

1 The director of revenue shall also notify and assess each company the amount of the estimated
 2 quarterly installments to be made for the calendar year. If the amount of the actual tax due for any
 3 year exceeds the total of the installments made for such year, the balance of the tax due shall be paid
 4 on the first day of June of the year following, together with the regular quarterly payment due at that
 5 time. If the total amount of the tax actually due is less than the total amount of the installments
 6 actually paid, the amount by which the amount paid exceeds the amount due shall be credited
 7 against the tax for the following year and deducted from the quarterly installment otherwise due on
 8 the first day of June. If the March first quarterly installment made by a company is less than the
 9 amount assessed by the director of revenue, the difference will be due on June first, but no interest
 10 will accrue to the state on the difference unless the amount paid by the company is less than eighty
 11 percent of one-fourth of the total amount of tax assessed by the director of revenue for the
 12 immediately preceding ~~[taxable]~~ tax year. The state treasurer, upon receiving the moneys paid as a
 13 tax upon such premiums to the director of revenue, shall place the moneys to the credit of a fund to
 14 be known as "The County Stock Insurance Fund", which is hereby created and established. The
 15 county stock insurance fund shall be included in the calculation of total state revenue pursuant to
 16 Article X, Section 18, of the Missouri Constitution.

17 3. If the estimated quarterly tax installments are not so paid, the director of revenue shall
 18 certify such fact to the director of the department of commerce and insurance who shall thereafter
 19 suspend such delinquent company or companies from the further transaction of business in this state
 20 until such taxes shall be paid and such companies shall be subject to the provisions of sections
 21 148.410 to 148.461.

22 4. On or before the first day of September of each year the commissioner of administration
 23 shall apportion all moneys in the county stock insurance fund to the general revenue fund of the
 24 state, to the county treasurer and to the treasurer of the school district in which the principal office
 25 of the company paying the same is located. All premium tax credits described in ~~[sections 135.500~~
 26 ~~to 135.529 and]~~ sections 348.430 and 348.432 shall only reduce the amounts apportioned to the
 27 general revenue fund of the state and shall not reduce any moneys apportioned to any county
 28 treasurer or to the treasurer of the school district in which the principal office of the company paying
 29 the same is located. Apportionments shall be made in the same ratio which the rates of levy for the
 30 same year for state purposes, for county purposes, and for all school district purposes, bear to each
 31 other; provided that any proceeds from such tax for prior years remaining on hand in the hands of
 32 the county collector or county treasurer undistributed on the effective date of sections 148.310 to
 33 148.460 and any proceeds of such tax for prior years collected thereafter shall be distributed and
 34 paid in accordance with the provisions of such sections. Whenever the word "county" occurs herein
 35 it shall be construed to include the city of St. Louis.

36 148.350. 1. Every such company or association shall, on or before the first day of March in
 37 each year, make a return, verified by the affidavit of its president and secretary or other authorized
 38 officers, to the director of the department of commerce and insurance stating the amount of all
 39 premiums received on account of policies issued in this state by such company, whether in cash or in

notes, during the year ending on the thirty-first day of December, next preceding. Upon receipt of such returns, the director of the department of commerce and insurance shall verify the same and certify the amount of tax due from the various companies on the basis and at the rate provided in section 148.340, and shall certify the same to the director of revenue together with the amount of the quarterly installments to be made as provided in subsection 2 of this section, on or before the thirtieth day of April of each year.

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

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

190.465. 1. In order to provide the best possible 911 technology and service to all areas of the state in the most efficient and economical manner possible, it is the public policy of this state to encourage the consolidation of emergency communications operations.

2. Any county, city, or 911 or emergency services board established under this chapter or section 321.243 may contract and cooperate with any other county, city, or 911 or emergency services board established under this chapter or section 321.243 as provided in sections 70.210 to 70.320. Any contracting counties or boards may seek assistance and advice from the Missouri 911 service board established in section 650.325 regarding the terms of the joint contract and the administration and operation of the contracting counties, cities, and boards.

3. If two or more counties, cities, 911 districts, or existing emergency communications entities desire to consolidate their emergency communications operations, a joint emergency communications entity may be established by the parties through an agreement identifying the conditions and provisions of the consolidation and the operation of the joint entity. This agreement may include the establishment of a joint governing body that may be comprised of the boards of the entities forming the agreement currently authorized by statute or an elected or appointed joint board authorized under section 70.260; provided that, the representation on the joint board of each of the entities forming the agreement shall be equal. If the entities entering into an agreement under this subsection decide that any 911 service center responsible for the answering of 911 calls and the dispatch of assistance shall be physically located in a county other than a county with the lowest average county wage from the set of counties where the entities entering into an agreement under this subsection are located in whole or part, such entities shall provide a written reason for this decision to the Missouri 911 service board and such document shall be considered a public record under chapter 610. The county average wage comparison shall be conducted using the information from the Missouri department of economic development~~[, which calculates such county average wages under section 135.950]~~.

4. After August 28, 2018, no public safety answering point operation may be established as a result of its separation from an existing public safety answering point operation without a study by, and the approval of, the Missouri 911 service board.

5. No provision of this section shall be construed to prohibit or discourage in any manner the formation of multiagency or multijurisdictional public safety answering point operations.

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

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

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

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

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

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

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

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

(4) File the original completed and signed physician certification for shared care tax credit form or the original completed and signed department certification for shared care tax credit form provided for in subsection 2 of section 192.2010 along with such caregiver's Missouri individual income tax return to the department of revenue.

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

3. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative amount of tax credits issued annually to all taxpayers by the department under this section shall not exceed the total cap amount, which shall be an amount equal to the highest annual amount of tax credits issued in any one previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and calculated by the department.

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

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

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

6. Under section 23.253 of the Missouri sunset act:

1 (1) The provisions of the program authorized under this section shall automatically sunset
 2 on August 28, 2031, unless reauthorized by an act of the general assembly;

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

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

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

10 208.770. 1. Moneys deposited in or withdrawn pursuant to subsection 1 of section 208.760
 11 from a family development account by an account holder are exempted from taxation pursuant to
 12 chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, and chapter 147,
 13 148 or 153 provided, however, that any money withdrawn for an unapproved use should be subject
 14 to tax as required by law.

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

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

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

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

32 6. For all fiscal years ending on or before June 30, 2010, the total tax credits authorized
 33 pursuant to sections 208.750 to 208.775 shall not exceed four million dollars in any fiscal year. For
 34 all fiscal years beginning on or after July 1, 2010, the total tax credits authorized under sections
 35 208.750 to 208.775 shall not exceed three hundred thousand dollars in any fiscal year.

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

37 (1) The provisions of the tax credit program authorized under this section shall
 38 automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

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

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

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

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

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

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

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

3. The agricultural and small business development authority shall be responsible for the administration and issuance of the certificate of tax credits authorized by this section. The authority

1 shall issue a certificate of tax credit at the request of any lender. Each request shall include a true
 2 copy of the loan documents, the name of the lender who is to receive a certificate of tax credit, the
 3 type of state tax liability against which the tax credit is to be used, and the amount of the certificate
 4 of tax credit to be issued to the lender based on the interest waived by the lender under section
 5 348.500 on the loan for the first year.

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

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

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

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

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

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

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

30 (1) The provisions of the program authorized under this section shall automatically sunset
 31 on August 28, 2031, unless reauthorized by an act of the general assembly;

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

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

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

1 447.708. 1. For eligible projects, the director of the department of economic development,
2 with notice to the directors of the departments of natural resources and revenue, and subject to the
3 other provisions of sections 447.700 to 447.718, may not create a new enterprise zone but may
4 decide that a prospective operator of a facility being remedied and renovated pursuant to sections
5 447.700 to 447.718 may receive the tax credits and exemptions pursuant to sections 135.100 to
6 135.150 and sections 135.200 to 135.257. The tax credits allowed pursuant to this subsection shall
7 be used to offset the tax imposed by chapter 143, excluding withholding tax imposed by sections
8 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the tax otherwise imposed by
9 chapter 148. For purposes of this subsection:

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

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

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

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

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

34 (6) The taxpayer may claim the state tax credits authorized by this subsection and the state
35 income exemption for a period not in excess of ten consecutive tax years. For the purpose of this
36 section, "taxpayer" means an individual proprietorship, partnership or corporation described in
37 section 143.441 or 143.471 who operates an eligible project. The director shall determine the
38 number of years the taxpayer may claim the state tax credits and the state income exemption based
39 on the projected net state economic benefits attributed to the eligible project;

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

11 (8) For the purpose of meeting the existing job retention requirement, if the eligible project
12 replaces a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax
13 period in which the tax credits are earned, it shall be required that at least twenty-five existing jobs
14 be retained at, and in connection with the eligible project, on a full-time basis during the taxpayer's
15 tax period for which the credits are earned. "Retained job" means a person who was previously
16 employed by the taxpayer or related taxpayer, at a facility similar to the eligible project that closed
17 elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are
18 earned, within the tax period immediately preceding the time the person was employed by the
19 taxpayer to work at, or in connection with, the eligible project on a full-time basis. "Full-time basis"
20 means the employee works an average of at least thirty-five hours per week during the taxpayer's tax
21 period for which the tax credits are earned;

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

32 (10) Notwithstanding any provision of law to the contrary, for the purpose of this section,
33 the number of new jobs created and maintained, the number of existing jobs retained, and the value
34 of new qualified investment used at the eligible project during any tax year shall be determined by
35 dividing by twelve, in the case of jobs, the sum of the number of individuals employed at the
36 eligible project, or in the case of new qualified investment, the value of new qualified investment
37 used at the eligible project, on the last business day of each full calendar month of the tax year. If
38 the eligible project is in operation for less than the entire tax year, the number of new jobs created
39 and maintained, the number of existing jobs retained, and the value of new qualified investment

1 created at the eligible project during any tax year shall be determined by dividing the sum of the
2 number of individuals employed at the eligible project, or in the case of new qualified investment,
3 the value of new qualified investment used at the eligible project, on the last business day of each
4 full calendar month during the portion of the tax year during which the eligible project was in
5 operation, by the number of full calendar months during such period;

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

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

14 3. (1) The director of the department of economic development, with the approval of the
15 director of the department of natural resources, may, in addition to the tax credits allowed in
16 subsection 1 of this section, grant a remediation tax credit to the applicant for up to one hundred
17 percent of the costs of materials, supplies, equipment, labor, professional engineering, consulting
18 and architectural fees, permitting fees and expenses, demolition, asbestos abatement, and direct
19 utility charges for performing the voluntary remediation activities for the preexisting hazardous
20 substance contamination and releases, including, but not limited to, the costs of performing
21 operation and maintenance of the remediation equipment at the property beyond the year in which
22 the systems and equipment are built and installed at the eligible project and the costs of performing
23 the voluntary remediation activities over a period not in excess of four tax years following the
24 taxpayer's tax year in which the system and equipment were first put into use at the eligible project,
25 provided the remediation activities are the subject of a plan submitted to, and approved by, the
26 director of natural resources pursuant to sections 260.565 to 260.575. The tax credit may also
27 include up to one hundred percent of the costs of demolition that are not directly part of the
28 remediation activities, provided that the demolition is on the property where the voluntary
29 remediation activities are occurring, the demolition is necessary to accomplish the planned use of
30 the facility where the remediation activities are occurring, and the demolition is part of a
31 redevelopment plan approved by the municipal or county government and the department of
32 economic development. The demolition may occur on an adjacent property if the project is located
33 in a municipality which has a population less than twenty thousand and the above conditions are
34 otherwise met. The adjacent property shall independently qualify as abandoned or underutilized.
35 The amount of the credit available for demolition not associated with remediation cannot exceed the
36 total amount of credits approved for remediation including demolition required for remediation.

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

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

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

11 (5) No more than seventy-five percent of earned remediation tax credits may be issued when
12 the remediation costs were paid, and the remaining percentage may be issued when the department
13 of natural resources issues a letter of completion letter or covenant not to sue following completion
14 of the voluntary remediation activities. It shall not include any costs associated with ongoing
15 operational environmental compliance of the facility or remediation costs arising out of spills, leaks,
16 or other releases arising out of the ongoing business operations of the facility. In the event the
17 department of natural resources issues a letter of completion for a portion of a property, an impacted
18 media such as soil or groundwater, or for a site or a portion of a site improvement, a prorated
19 amount of the remaining percentage may be released based on the percentage of the total site
20 receiving a letter of completion.

21 4. In the exercise of the sound discretion of the director of the department of economic
22 development or the director's designee, the tax credits and exemptions described in this section may
23 be terminated, suspended or revoked if the eligible project fails to continue to meet the conditions
24 set forth in this section. In making such a determination, the director shall consider the severity of
25 the condition violation, actions taken to correct the violation, the frequency of any condition
26 violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and
27 operator. The director shall also consider changes in general economic conditions and the
28 recommendation of the director of the department of natural resources, or his or her designee,
29 concerning the severity, scope, nature, frequency and extent of any violations of the environmental
30 compliance conditions. The taxpayer or person claiming the tax credits or exemptions may appeal
31 the decision regarding termination, suspension or revocation of any tax credit or exemption in
32 accordance with the procedures outlined in subsections 4 and 5 of section 135.250. The director of
33 the department of economic development shall notify the directors of the departments of natural
34 resources and revenue of the termination, suspension or revocation of any tax credits as determined
35 in this section or pursuant to the provisions of section 447.716.

36 5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax
37 credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection 1 of
38 this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions

1 and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245, respectively, for
2 the same facility for the same tax period.

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

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

6 (2) One hundred percent of the total business' income tax if the eligible facility does not
7 replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax
8 period in which the tax credits are earned, and further provided the taxpayer does not operate any
9 other facilities besides the eligible project in Missouri; fifty percent of the total business' income tax
10 if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the end of
11 the taxpayer's tax period in which the credits are earned, and further provided the taxpayer does not
12 operate any other facilities besides the eligible project in Missouri; or twenty-five percent of the
13 total business income if the taxpayer operates, in addition to the eligible facility, any other facilities
14 in Missouri. In no case shall a taxpayer operating more than one eligible project in Missouri be
15 allowed to offset more than twenty-five percent of the taxpayer's business income in any tax period.
16 That portion of the taxpayer's income attributed to the eligible project as referenced in subdivision
17 (1) of this subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection
18 3 of this section may apply, shall be determined in the same manner as prescribed in subdivision (5)
19 of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible project for
20 which the remediation tax credit may offset, shall be determined in the same manner as prescribed
21 in paragraph (a) of subdivision (5) of section 135.100.

22 7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of subsection
23 1 of this section shall be required to file all applicable tax credit applications, forms and schedules
24 prescribed by the director during the taxpayer's tax period immediately after the tax period in which
25 the eligible project was first put into use. Otherwise, the taxpayer's right to claim such state tax
26 benefits shall be forfeited. Unused business facility and enterprise zone tax credits shall not be
27 carried forward but shall be initially claimed for the tax period during which the eligible project was
28 first capable of being used, and during any applicable subsequent tax periods.

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

34 9. The recipient of remediation tax credits, for the purpose of this subsection referred to as
35 assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed in
36 subsection 3 of this section to any other person, for the purpose of this subsection referred to as
37 assignee. To perfect the transfer, the assignor shall provide written notice to the director of the
38 assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective, the
39 assignee's name, address and the assignee's tax period and the amount of tax credits to be

transferred. The number of tax periods during which the assignee may subsequently claim the tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor previously claimed the credits before the transfer occurred.

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

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

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

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

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

13. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative amount of tax credits issued annually to all taxpayers by the department under this section shall not exceed the total cap amount which shall be an amount, equal to the highest annual amount of tax credits issued

in any one previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and calculated by the department.

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

14. Under section 23.253 of the Missouri sunset act:

(1) The provisions of the tax credit programs authorized under this section shall automatically sunset on August 28, 2031, unless reauthorized by an act of the general assembly;

(2) If such tax credit programs are reauthorized, the programs authorized under this section shall automatically sunset six years after the effective date of the reauthorization of this section;

(3) The provisions of the tax credit programs authorized under this section shall terminate on September first of the calendar year immediately following the calendar year in which the programs authorized under this section are sunset; and

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

620.1910. 1. This section shall be known and may be cited as the "Manufacturing Jobs Act".

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

(1) "Approval", a document submitted by the department to the qualified manufacturing company or qualified supplier that states the benefits that may be provided under this section;

(2) "Average wage", the new payroll divided by the number of new jobs;

(3) "Capital investment", expenditures made by a qualified manufacturing company to retool or reconfigure a manufacturing facility directly related to the manufacturing of a new product or the expansion or modification of the manufacture of an existing product;

~~[(3)]~~ (4) "County average wage", the ~~[same meaning as such term is defined in section 620.1878]~~ average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any qualified company that in conjunction with its project is relocating employees from a Missouri county with a higher county average wage, the company shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for its project shall be the county average wage for the county from which the employees are being relocated;

~~[(4)]~~ (5) "Department", the department of economic development;

~~[(5)]~~ (6) "Facility", a building or buildings located in Missouri at which the qualified manufacturing company manufactures a product;

1 ~~[(6)]~~ (7) "Full-time job", a job for which a person is compensated for an average of at least
 2 thirty-five hours per week for a twelve-month period, and one for which the qualified manufacturing
 3 company or qualified supplier offers health insurance and pays at least fifty percent of such
 4 insurance premiums;

5 ~~[(7)]~~ (8) "NAICS industry classification", the most recent edition of the North American
 6 Industry Classification System as prepared by the Executive Office of the President, Office of
 7 Management and Budget;

8 ~~[(8)]~~ (9) "New job", the ~~[same meaning as such term is defined in section 620.1878]~~ number
 9 of full-time employees located at the project facility that exceeds the project facility base
 10 employment less any decrease in the number of full-time employees at related facilities below the
 11 related facility base employment. No job that was created prior to the date of the notice of intent
 12 shall be deemed a new job. An employee who spends less than fifty percent of the employee's work
 13 time at the facility is still considered to be located at the facility if the employee receives his or her
 14 directions and control from that facility, is on the facility's payroll, one hundred percent of the
 15 employee's income from such employment is Missouri income, and the employee is paid at or above
 16 the state average wage;

17 ~~[(9)]~~ (10) "New product", a new model or line of a manufactured good that has not been
 18 manufactured in Missouri by the qualified manufacturing company at any time prior to the date of
 19 the notice of intent, or an existing brand, model, or line of a manufactured good that is redesigned
 20 with more than seventy-five percent new exterior body parts and incorporates new powertrain
 21 options;

22 ~~[(10)]~~ (11) "Notice of intent", a form developed by the department, completed by the
 23 qualified manufacturing company or qualified supplier and submitted to the department which states
 24 the qualified manufacturing company's or qualified supplier's intent to create new jobs or retain
 25 current jobs and make additional capital investment, as applicable, and request benefits under this
 26 section. The notice of intent shall specify the minimum number of such new or retained jobs and
 27 the minimum amount of such capital investment;

28 ~~[(11)]~~ (12) "Qualified manufacturing company", a business with a NAICS code of 33611
 29 that:

30 (a) Manufactures goods at a facility in Missouri;

31 (b) In the case of the manufacture of a new product, commits to make a capital investment
 32 of at least seventy-five thousand dollars per retained job within no more than two years of the date
 33 the qualified manufacturing company begins to retain withholding tax under this section, or in the
 34 case of the modification or expansion of the manufacture of an existing product, commits to make a
 35 capital investment of at least fifty thousand dollars per retained job within no more than two years of
 36 the date the qualified manufacturing company begins to retain withholding tax under this section;

37 (c) Manufactures a new product or has commenced making capital improvements to the
 38 facility necessary for the manufacturing of such new product, or modifies or expands the

1 manufacture of an existing product or has commenced making capital improvements to the facility
 2 necessary for the modification or expansion of the manufacture of such existing product; and

3 (d) Continues to meet the requirements of paragraphs (a) to (c) of this subdivision for the
 4 withholding period;

5 [(12)] (13) "Qualified supplier", a manufacturing company that:

6 (a) Attests to the department that it derives more than ten percent of the total annual sales of
 7 the company from sales to a qualified manufacturing company;

8 (b) Adds five or more new jobs;

9 (c) Has an average wage, as defined ~~in~~ under this section [135.950], for such new jobs that
 10 are equal to or exceed the lower of the county average wage for Missouri as determined by the
 11 department using NAICS industry classifications, but not lower than sixty percent of the statewide
 12 average wage; and

13 (d) Provides health insurance for all full-time jobs and pays at least fifty percent of the
 14 premiums of such insurance;

15 [(13)] (14) "Retained job", the number of full-time jobs of persons employed by the
 16 qualified manufacturing company located at the facility that existed as of the last working day of the
 17 month immediately preceding the month in which notice of intent is submitted;

18 [(14)] (15) "Statewide average wage", an amount equal to the quotient of the sum of the
 19 total gross wages paid for the corresponding four calendar quarters divided by the average annual
 20 employment for such four calendar quarters, which shall be computed using the Quarterly Census of
 21 Employment and Wages Data for All Private Ownership Businesses in Missouri, as published by the
 22 Bureau of Labor Statistics of the United States Department of Labor;

23 [(15)] (16) "Withholding period", the seven- or ten-year period in which a qualified
 24 manufacturing company may receive benefits under this section;

25 [(16)] (17) "Withholding tax", the ~~[same meaning as such term is defined in section~~
 26 620.1878] state tax imposed by sections 143.191 to 143.265. For purposes of this program, the
 27 withholding tax shall be computed using a schedule as determined by the department based on
 28 average wages.

29 3. The department shall respond within thirty days to a qualified manufacturing company or
 30 a qualified supplier who provides a notice of intent with either an approval or a rejection of the
 31 notice of intent. Failure to respond on behalf of the department shall result in the notice of intent
 32 being deemed an approval for the purposes of this section.

33 4. A qualified manufacturing company that manufactures a new product may, upon the
 34 department's approval of a notice of intent and the execution of an agreement that meets the
 35 requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain one hundred
 36 percent of the withholding tax from full-time jobs at the facility for a period of ten years. A
 37 qualified manufacturing company that modifies or expands the manufacture of an existing product
 38 may, upon the department's approval of a notice of intent and the execution of an agreement that
 39 meets the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain

1 fifty percent of the withholding tax from full-time jobs at the facility for a period of seven years.
 2 Except as otherwise allowed under subsection 7 of this section, the commencement of the
 3 withholding period may be delayed by no more than twenty-four months after execution of the
 4 agreement at the option of the qualified manufacturing company. [~~Such qualified manufacturing~~
 5 ~~company shall be eligible for participation in the Missouri quality jobs program in sections~~
 6 ~~620.1875 to 620.1890 for any new jobs for which it does not retain withholding tax under this~~
 7 ~~section, provided all qualifications for such program are met.~~]

8 5. A qualified supplier may, upon approval of a notice of intent by the department, retain all
 9 withholding tax from new jobs for a period of three years from the date of approval of the notice of
 10 intent or for a period of five years if the supplier pays wages for the new jobs equal to or greater
 11 than one hundred twenty percent of county average wage. Notwithstanding any other provision of
 12 law to the contrary, a qualified supplier that is awarded benefits under this section shall not receive
 13 any tax credit or exemption or be entitled to retain withholding under sections 100.700 to 100.850,
 14 sections 135.100 to 135.150, or sections 135.200 to 135.286[, ~~section 135.535, sections 135.900 to~~
 15 ~~135.906, sections 135.950 to 135.970, or section 620.1881]~~ for the same jobs.

16 6. Notwithstanding any other provision of law to the contrary, the maximum amount of
 17 withholding tax that may be retained by any one qualified manufacturing company under this
 18 section shall not exceed ten million dollars per calendar year. The aggregate amount of withholding
 19 tax that may be retained by all qualified manufacturing companies under this section shall not
 20 exceed fifteen million dollars per calendar year.

21 7. Notwithstanding any other provision of law to the contrary, any qualified manufacturing
 22 company that is awarded benefits under this section shall not simultaneously receive tax credits or
 23 exemptions under sections 100.700 to 100.850, sections 135.100 to 135.150, or sections 135.200 to
 24 135.286[, ~~section 135.535, or sections 135.900 to 135.906]~~ for the jobs created or retained or capital
 25 improvement which qualified for benefits under this section. The benefits available to the qualified
 26 manufacturing company under any other state programs for which the qualified manufacturing
 27 company is eligible and which utilize withholding tax from the jobs at the facility shall first be
 28 credited to the other state program before the applicable withholding period for benefits provided
 29 under this section shall begin. These other state programs include, but are not limited to, the
 30 Missouri ~~[works]~~ one start jobs training program under sections 620.800 to 620.809, the real
 31 property tax increment allocation redevelopment act under sections 99.800 to 99.865, or the
 32 Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any
 33 qualified manufacturing company also participates in the Missouri ~~[works]~~ one start jobs training
 34 program in sections 620.800 to 620.809, such qualified manufacturing company shall not retain any
 35 withholding tax that has already been allocated for use in the new jobs training program. Any
 36 qualified manufacturing company or qualified supplier that is awarded benefits under this program
 37 and knowingly hires individuals who are not allowed to work legally in the United States shall
 38 immediately forfeit such benefits and shall repay the state an amount equal to any withholding taxes

1 already retained. Subsection 5 of section 285.530 shall not apply to qualified manufacturing
2 companies or qualified suppliers which are awarded benefits under this program.

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

11 9. Within six months of completion of a notice of intent required under this section, the
12 qualified manufacturing company shall enter into an agreement with the department that
13 memorializes the content of the notice of intent, the requirements of this section, and the
14 consequences for failing to meet such requirements, which shall include the following:

15 (1) If the amount of capital investment made by the qualified manufacturing company is not
16 made within the two-year period provided for such investment, the qualified manufacturing
17 company shall immediately cease retaining any withholding tax with respect to jobs at the facility
18 and it shall forfeit all rights to retain withholding tax for the remainder of the withholding period. In
19 addition, the qualified manufacturing company shall repay any amounts of withholding tax retained
20 plus interest of five percent per annum. However, in the event that such capital investment shortfall
21 is due to economic conditions beyond the control of the qualified manufacturing company, the
22 director may, at the qualified manufacturing company's request, suspend rather than terminate its
23 privilege to retain withholding tax under this section for up to three years. Any such suspension
24 shall extend the withholding period by the same amount of time. No more than one such suspension
25 shall be granted to a qualified manufacturing company;

26 (2) If the qualified manufacturing company discontinues the manufacturing of the new
27 product and does not replace it with a subsequent or additional new product manufactured at the
28 facility at any time during the withholding period, the qualified manufacturing company shall
29 immediately cease retaining any withholding tax with respect to jobs at that facility and it shall
30 forfeit all rights to retain withholding tax for the remainder of the withholding period.

31 10. Prior to March first each year, the department shall provide a report to the general
32 assembly including the names of participating qualified manufacturing companies or qualified
33 suppliers, location of such companies or suppliers, the annual amount of benefits provided, the
34 estimated net state fiscal impact including direct and indirect new state taxes derived, and the
35 number of new jobs created or jobs retained.

36 11. Under section 23.253 of the Missouri sunset act:

37 (1) The provisions of the new program authorized under this section shall automatically
38 sunset October 12, 2016, unless reauthorized by an act of the general assembly; and

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

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

620.2010. 1. In exchange for the consideration provided by the new tax revenues and other economic stimuli that will be generated by the new jobs created, a qualified company may, for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, retain an amount equal to the withholding tax as calculated under subdivision (38) of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified company under the provisions of sections 143.191 to 143.265 if:

(1) The qualified company creates ten or more new jobs, and the average wage of the new payroll equals or exceeds ninety percent of the county average wage;

(2) The qualified company creates two or more new jobs at a project facility located in a rural area, the average wage of the new payroll equals or exceeds ninety percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars of new capital investment at the project facility within two years; or

(3) The qualified company creates two or more new jobs at a project facility located within ~~[a] an enhanced enterprise zone [designated under sections 135.950 to 135.963]~~, the average wage of the new payroll equals or exceeds eighty percent of the county average wage, and the qualified company commits to making at least one hundred thousand dollars in new capital investment at the project facility within two years of approval.

2. In addition to any benefits available under subsection 1 of this section, the department may award a qualified company that satisfies subdivision (1) of subsection 1 of this section additional tax credits, issued each year for a period of five years from the date the new jobs are created, or for a period of six years from the date the new jobs are created if the qualified company is an existing Missouri business, in an amount equal to or less than six percent of new payroll; provided that in no event may the total amount of benefits awarded to a qualified company under this section exceed nine percent of new payroll in any calendar year. The amount of tax credits awarded to a qualified company under this subsection shall not exceed the projected net fiscal benefit to the state, as determined by the department, and shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate the project. In determining the amount of tax credits to award to a qualified company under this subsection or a qualified manufacturing company under subsection 3 of this section, the department shall consider the following factors:

(1) The significance of the qualified company's need for program benefits;

(2) The amount of projected net fiscal benefit to the state of the project and the period in which the state would realize such net fiscal benefit;

1 (3) The overall size and quality of the proposed project, including the number of new jobs,
2 new capital investment, manufacturing capital investment, proposed wages, growth potential of the
3 qualified company, the potential multiplier effect of the project, and similar factors;

4 (4) The financial stability and creditworthiness of the qualified company;

5 (5) The level of economic distress in the area;

6 (6) An evaluation of the competitiveness of alternative locations for the project facility, as
7 applicable; and

8 (7) The percent of local incentives committed.

9 3. (1) The department may award tax credits to a qualified manufacturing company that
10 makes a manufacturing capital investment of at least five hundred million dollars not more than
11 three years following the department's approval of a notice of intent and the execution of an
12 agreement that meets the requirements of subsection 4 of this section. Such tax credits shall be
13 issued no earlier than January 1, 2023, and may be issued each year for a period of five years. A
14 qualified manufacturing company may qualify for an additional five-year period under this
15 subsection if it makes an additional manufacturing capital investment of at least two hundred fifty
16 million dollars within five years of the department's approval of the original notice of intent.

17 (2) The maximum amount of tax credits that any one qualified manufacturing company may
18 receive under this subsection shall not exceed five million dollars per calendar year. The aggregate
19 amount of tax credits awarded to all qualified manufacturing companies under this subsection shall
20 not exceed ten million dollars per calendar year.

21 (3) If, at the project facility at any time during the project period, the qualified
22 manufacturing company discontinues the manufacturing of the new product, or discontinues the
23 modification or expansion of an existing product, and does not replace it with a subsequent or
24 additional new product or with a modification or expansion of an existing product, the company
25 shall immediately cease receiving any benefit awarded under this subsection for the remainder of
26 the project period and shall forfeit all rights to retain or receive any benefit awarded under this
27 subsection for the remainder of such period.

28 (4) Notwithstanding any other provision of law to the contrary, any qualified manufacturing
29 company that is awarded benefits under this section shall not simultaneously receive tax credits or
30 exemptions under sections 100.700 to 100.850 for the jobs created or retained or capital
31 improvement that qualified for benefits under this section. The provisions of subsection 5 of section
32 285.530 shall not apply to a qualified manufacturing company that is awarded benefits under this
33 section.

34 4. Upon approval of a notice of intent to receive tax credits under subsection 2, 3, 6, or 7 of
35 this section, the department and the qualified company shall enter into a written agreement covering
36 the applicable project period. The agreement shall specify, at a minimum:

37 (1) The committed number of new jobs, new payroll, and new capital investment, or the
38 manufacturing capital investment and committed percentage of retained jobs for each year during
39 the project period;

1 (2) The date or time period during which the tax credits shall be issued, which may be
2 immediately or over a period not to exceed two years from the date of approval of the notice of
3 intent;

4 (3) Clawback provisions, as may be required by the department;

5 (4) Financial guarantee provisions as may be required by the department, provided that
6 financial guarantee provisions shall be required by the department for tax credits awarded under
7 subsection 7 of this section; and

8 (5) Any other provisions the department may require.

9 5. In lieu of the benefits available under subsections 1 and 2 of this section, and in exchange
10 for the consideration provided by the new tax revenues and other economic stimuli that will be
11 generated by the new jobs created by the program, a qualified company may, for a period of five
12 years from the date the new jobs are created, or for a period of six years from the date the new jobs
13 are created if the qualified company is an existing Missouri business, retain an amount equal to the
14 withholding tax as calculated under subdivision (38) of section 620.2005 from the new jobs that
15 would otherwise be withheld and remitted by the qualified company under the provisions of sections
16 143.191 to 143.265 equal to:

17 (1) Six percent of new payroll for a period of five years from the date the required number
18 of new jobs were created if the qualified company creates one hundred or more new jobs and the
19 average wage of the new payroll equals or exceeds one hundred twenty percent of the county
20 average wage of the county in which the project facility is located; or

21 (2) Seven percent of new payroll for a period of five years from the date the required
22 number of jobs were created if the qualified company creates one hundred or more new jobs and the
23 average wage of the new payroll equals or exceeds one hundred forty percent of the county average
24 wage of the county in which the project facility is located.

25
26 The department shall issue a refundable tax credit for any difference between the amount of benefit
27 allowed under this subsection and the amount of withholding tax retained by the company, in the
28 event the withholding tax is not sufficient to provide the entire amount of benefit due to the
29 qualified company under this subsection.

30 6. In addition to the benefits available under subsection 5 of this section, the department
31 may award a qualified company that satisfies the provisions of subsection 5 of this section
32 additional tax credits, issued each year for a period of five years from the date the new jobs are
33 created, or for a period of six years from the date the new jobs are created if the qualified company
34 is an existing Missouri business, in an amount equal to or less than three percent of new payroll;
35 provided that in no event may the total amount of benefits awarded to a qualified company under
36 this section exceed nine percent of new payroll in any calendar year. The amount of tax credits
37 awarded to a qualified company under this subsection shall not exceed the projected net fiscal
38 benefit to the state, as determined by the department, and shall not exceed the least amount
39 necessary to obtain the qualified company's commitment to initiate the project. In determining the

1 amount of tax credits to award to a qualified company under this subsection, the department shall
2 consider the factors provided under subsection 2 of this section.

3 7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this section, and in
4 exchange for the consideration provided by the new tax revenues and other economic stimuli that
5 will be generated by the new jobs and new capital investment created by the program, the
6 department may award a qualified company that satisfies the provisions of subdivision (1) of
7 subsection 1 of this section tax credits, issued within one year following the qualified company's
8 acceptance of the department's proposal for benefits, in an amount equal to or less than nine percent
9 of new payroll. The amount of tax credits awarded to a qualified company under this subsection
10 shall not exceed the projected net fiscal benefit to the state, as determined by the department, and
11 shall not exceed the least amount necessary to obtain the qualified company's commitment to initiate
12 the project. In determining the amount of tax credits to award to a qualified company under this
13 subsection, the department shall consider the factors provided under subsection 2 of this section and
14 the qualified company's commitment to new capital investment and new job creation within the state
15 for a period of not less than ten years. For the purposes of this subsection, each qualified company
16 shall have an average wage of the new payroll that equals or exceeds one hundred percent of the
17 county average wage. Notwithstanding the provisions of section 620.2020 to the contrary, this
18 subsection shall expire on June 30, 2025.

19 8. No benefits shall be available under this section for any qualified company that has
20 performed significant, project-specific site work at the project facility, purchased machinery or
21 equipment related to the project, or has publicly announced its intention to make new capital
22 investment or manufacturing capital investment at the project facility prior to receipt of a proposal
23 for benefits under this section or approval of its notice of intent, whichever occurs first.

24 9. In lieu of any other benefits under this chapter, the department of economic development
25 may award a tax credit to an industrial development authority for a qualified military project in an
26 amount equal to the estimated withholding taxes associated with the part-time and full-time civilian
27 and military new jobs located at the facility and directly impacted by the project. The amount of the
28 tax credit shall be calculated by multiplying:

29 (1) The average percentage of tax withheld, as provided by the department of revenue to the
30 department of economic development;

31 (2) The average salaries of the jobs directly created by the qualified military project; and

32 (3) The number of jobs directly created by the qualified military project.
33

34 If the amount of the tax credit represents the least amount necessary to accomplish the qualified
35 military project, the tax credits may be issued, but no tax credits shall be issued for a term longer
36 than fifteen years. No qualified military project shall be eligible for tax credits under this subsection
37 unless the department of economic development determines the qualified military project shall
38 achieve a net positive fiscal impact to the state.

620.2020. 1. The department shall respond to a written request, by or on behalf of a qualified company or qualified military project, for a proposed benefit award under the provisions of this program within five business days of receipt of such request. The department shall respond to a written request, by or on behalf of a qualified manufacturing company, for a proposed benefit award under the provisions of this program within fifteen business days of receipt of such request. Such response shall contain either a proposal of benefits for the qualified company or qualified military project, or a written response refusing to provide such a proposal and stating the reasons for such refusal. A qualified company or qualified military project that intends to seek benefits under the program shall submit to the department a notice of intent. The department shall respond within thirty days to a notice of intent with an approval or a rejection, provided that the department may withhold approval or provide a contingent approval until it is satisfied that proper documentation of eligibility has been provided. The department shall certify or reject the qualifying company's plan outlined in their notice of intent as satisfying good faith efforts made to employ, at a minimum, commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census, the following: racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a minimum racial minorities commensurate with the percentage of minority populations in the state of Missouri, as reported in the previous decennial census. Failure to respond on behalf of the department shall result in the notice of intent being deemed approved. A qualified company receiving approval for program benefits may receive additional benefits for subsequent new jobs at the same facility after the full initial project period if the applicable minimum job requirements are met. There shall be no limit on the number of project periods a qualified company may participate in the program, and a qualified company may elect to file a notice of intent to begin a new project period concurrent with an existing project period if the applicable minimum job requirements are achieved, the qualified company provides the department with the required annual reporting, and the qualified company is in compliance with this program and any other state programs in which the qualified company is currently or has previously participated. However, the qualified company shall not receive any further program benefits under the original approval for any new jobs created after the date of the new notice of intent, and any jobs created before the new notice of intent shall not be included as new jobs for purposes of the benefit calculation for the new approval. When a qualified company has filed and received approval of a notice of intent and subsequently files another notice of intent, the department shall apply the definition of project facility under subdivision (24) of section 620.2005 to the new notice of intent as well as all previously approved notices of intent and shall determine the application of the definitions of new job, new payroll, project facility base employment, and project facility base payroll accordingly.

2. Notwithstanding any provision of law to the contrary, the benefits available to the qualified company under any other state programs for which the company is eligible and which utilize withholding tax from the new or retained jobs of the company shall first be credited to the other state program before the withholding retention level applicable under this program will begin

1 to accrue. If any qualified company also participates in a job training program utilizing withholding
2 tax, the company shall retain no withholding tax under this program, but the department shall issue a
3 refundable tax credit for the full amount of benefit allowed under this program. The calendar year
4 annual maximum amount of tax credits which may be issued to a qualifying company that also
5 participates in a job training program shall be increased by an amount equivalent to the withholding
6 tax retained by that company under a jobs training program.

7 3. A qualified company or qualified military project receiving benefits under this program
8 shall provide an annual report of the number of jobs, along with minority jobs created or retained,
9 and such other information as may be required by the department to document the basis for program
10 benefits available no later than ninety days prior to the end of the qualified company's or industrial
11 development authority's tax year immediately following the tax year for which the benefits provided
12 under the program are attributed. In such annual report, if the average wage is below the applicable
13 percentage of the county average wage, the qualified company or qualified military project has not
14 maintained the employee insurance as required, if the department after a review determines the
15 qualifying company fails to satisfy other aspects of their notice of intent, including failure to make
16 good faith efforts to employ, at a minimum, commensurate with the percentage of minority
17 populations in the state of Missouri, as reported in the previous decennial census, the following:
18 racial minorities, contractors who are racial minorities, and contractors that, in turn, employ at a
19 minimum racial minorities commensurate with the percentage of minority populations in the state of
20 Missouri, as reported in the previous decennial census, or if the number of jobs is below the number
21 required, the qualified company or qualified military project shall not receive tax credits or retain
22 the withholding tax for the balance of the project period. If a statewide state of emergency exists for
23 more than sixteen months, a qualified company or industrial development authority shall be entitled
24 to a one-time suspension of program deadlines equal to the number of months such statewide state
25 of emergency existed with any partial month rounded to the next whole. During such suspension,
26 the qualified company or industrial development authority shall not be entitled to retain any
27 withholding tax as calculated under subdivision (38) of section 620.2005 nor shall it earn any
28 awarded tax credit or receive any tax credit under the program for the suspension period. The
29 suspension period shall run consecutively and be available to a qualified company or industrial
30 development authority that, during the statewide state of emergency, submitted notice of intent that
31 was approved or that was in year one or a subsequent year of benefits under a program agreement
32 with the department. The suspension period that runs consecutively and may be available to a
33 qualified company or industrial development authority as provided in this subsection may apply
34 retroactively. Any qualified company or industrial development authority requesting a suspension
35 pursuant to this subsection shall submit notice to the department on its provided form identifying the
36 requested start and end dates of the suspension, not to exceed the maximum number of months
37 available under this subsection. Such notice shall be submitted to the department not later than the
38 end of the twelfth month following the termination of the state of emergency. No suspension period
39 shall start later than the date on which the state of emergency was terminated. The department and

1 the qualified company or the industrial development authority shall enter into a program agreement
2 or shall amend an existing program agreement, as applicable, stating the deadlines following the
3 suspension period and updating the applicable wage requirements. Failure to timely file the annual
4 report required under this section may result in the forfeiture of tax credits attributable to the year
5 for which the reporting was required and a recapture of withholding taxes retained by the qualified
6 company or qualified military project during such year.

7 4. The department may withhold the approval of any benefits under this program until it is
8 satisfied that proper documentation has been provided, and shall reduce the benefits to reflect any
9 reduction in full-time employees or payroll. Upon approval by the department, the qualified
10 company may begin the retention of the withholding taxes when it reaches the required number of
11 jobs and the average wage meets or exceeds the applicable percentage of county average wage. Tax
12 credits, if any, may be issued upon satisfaction by the department that the qualified company has
13 exceeded the applicable percentage of county average wage and the required number of jobs;
14 provided that, tax credits awarded under subsection 7 of section 620.2010 may be issued following
15 the qualified company's acceptance of the department's proposal and pursuant to the requirements
16 set forth in the written agreement between the department and the qualified company under
17 subsection 4 of section 620.2010.

18 5. Any qualified company or qualified military project approved for benefits under this
19 program shall provide to the department, upon request, any and all information and records
20 reasonably required to monitor compliance with program requirements. This program shall be
21 considered a business recruitment tax credit under subdivision (3) of subsection 2 of section
22 135.800, and any qualified company or qualified military project approved for benefits under this
23 program shall be subject to the provisions of sections 135.800 to 135.830.

24 6. Any taxpayer who is awarded benefits under this program who knowingly hires
25 individuals who are not allowed to work legally in the United States shall immediately forfeit such
26 benefits and shall repay the state an amount equal to any state tax credits already redeemed and any
27 withholding taxes already retained.

28 7. (1) The maximum amount of tax credits that may be authorized under this program for
29 any fiscal year shall be limited as follows, less the amount of any tax credits previously obligated
30 for that fiscal year under any of the tax credit programs referenced in subsection 14 of this section:

31 (a) For the fiscal year beginning on July 1, 2013, but ending on or before June 30, 2014, no
32 more than one hundred six million dollars in tax credits may be authorized;

33 (b) For the fiscal year beginning on July 1, 2014, but ending on or before June 30, 2015, no
34 more than one hundred eleven million dollars in tax credits may be authorized;

35 (c) For fiscal years beginning on or after July 1, 2015, but ending on or before June 30,
36 2020, no more than one hundred sixteen million dollars in tax credits may be authorized for each
37 fiscal year; and

38 (d) For all fiscal years beginning on or after July 1, 2020, no more than one hundred six
39 million dollars in tax credits may be authorized for each fiscal year. The provisions of this

1 paragraph shall not apply to tax credits issued to qualified companies under a notice of intent filed
2 prior to July 1, 2020.

3 (2) For all fiscal years beginning on or after July 1, 2020, in addition to the amount of tax
4 credits that may be authorized under paragraph (d) of subdivision (1) of this subsection, an
5 additional ten million dollars in tax credits may be authorized for each fiscal year for the purpose of
6 the completion of infrastructure projects directly connected with the creation or retention of jobs
7 under the provisions of sections 620.2000 to 620.2020 and an additional ten million dollars in tax
8 credits may be authorized for each fiscal year for a qualified manufacturing company based on a
9 manufacturing capital investment as set forth in section 620.2010.

10 8. For all fiscal years beginning on or after July 1, 2020, the maximum total amount of
11 withholding tax that may be authorized for retention for the creation of new jobs under the
12 provisions of sections 620.2000 to 620.2020 by qualified companies with a project facility base
13 employment of at least fifty shall not exceed seventy-five million dollars for each fiscal year. The
14 provisions of this subsection shall not apply to withholding tax authorized for retention for the
15 creation of new jobs by qualified companies with a project facility base employment of less than
16 fifty.

17 9. For tax credits for the creation of new jobs under section 620.2010, the department shall
18 allocate the annual tax credits based on the date of the approval, reserving such tax credits based on
19 the department's best estimate of new jobs and new payroll of the project, and any other applicable
20 factors in determining the amount of benefits available to the qualified company or qualified
21 military project under this program; provided that, the department may reserve up to twenty-one and
22 one-half percent of the maximum annual amount of tax credits that may be authorized under
23 subsection 7 of this section for award under subsection 7 of section 620.2010. However, the annual
24 issuance of tax credits shall be subject to annual verification of actual payroll by the department or,
25 for qualified military projects, annual verification of average salary for the jobs directly created by
26 the qualified military project. Any authorization of tax credits shall expire if, within two years from
27 the date of commencement of operations, or approval if applicable, the qualified company has failed
28 to meet the applicable minimum job requirements. The qualified company may retain authorized
29 amounts from the withholding tax under the project once the applicable minimum job requirements
30 have been met for the duration of the project period. No benefits shall be provided under this
31 program until the qualified company or qualified military project meets the applicable minimum
32 new job requirements or, for benefits awarded under subsection 7 of section 620.2010, until the
33 qualified company has satisfied the requirements set forth in the written agreement between the
34 department and the qualified company under subsection 4 of section 620.2010. In the event the
35 qualified company or qualified military project does not meet the applicable minimum new job
36 requirements, the qualified company or qualified military project may submit a new notice of intent
37 or the department may provide a new approval for a new project of the qualified company or
38 qualified military project at the project facility or other facilities.

1 10. Tax credits provided under this program may be claimed against taxes otherwise
2 imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed within one
3 year of the close of the [taxable] tax year for which they were issued. Tax credits provided under
4 this program may be transferred, sold, or assigned by filing a notarized endorsement thereof with the
5 department that names the transferee, the amount of tax credit transferred, and the value received for
6 the credit, as well as any other information reasonably requested by the department. For a qualified
7 company with flow-through tax treatment to its members, partners, or shareholders, the tax credit
8 shall be allowed to members, partners, or shareholders in proportion to their share of ownership on
9 the last day of the qualified company's tax period.

10 11. Prior to the issuance of tax credits or the qualified company beginning to retain
11 withholding taxes, the department shall verify through the department of revenue and any other
12 applicable state department that the tax credit applicant does not owe any delinquent income, sales,
13 or use tax or interest or penalties on such taxes, or any delinquent fees or assessments levied by any
14 state department and through the department of commerce and insurance that the applicant does not
15 owe any delinquent insurance taxes or other fees. Such delinquency shall not affect the approval,
16 except that any tax credits issued shall be first applied to the delinquency and any amount issued
17 shall be reduced by the applicant's tax delinquency. If the department of revenue, the department of
18 commerce and insurance, or any other state department concludes that a taxpayer is delinquent after
19 June fifteenth but before July first of any year and the application of tax credits to such delinquency
20 causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty
21 days to satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After
22 applying all available credits toward a tax delinquency, the administering agency shall notify the
23 appropriate department and that department shall update the amount of outstanding delinquent tax
24 owed by the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax
25 delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions of
26 other provisions of law.

27 12. The director of revenue shall issue a refund to the qualified company to the extent that
28 the amount of tax credits allowed under this program exceeds the amount of the qualified company's
29 tax liability under chapter 143 or 148.

30 13. An employee of a qualified company shall receive full credit for the amount of tax
31 withheld as provided in section 143.211.

32 14. ~~[Notwithstanding any provision of law to the contrary, beginning August 28, 2013, no~~
33 ~~new benefits shall be authorized for any project that had not received from the department a~~
34 ~~proposal or approval for such benefits prior to August 28, 2013, under the development tax credit~~
35 ~~program created under sections 32.100 to 32.125, the rebuilding communities tax credit program~~
36 ~~created under section 135.535, the enhanced enterprise zone tax credit program created under~~
37 ~~sections 135.950 to 135.973, and the Missouri quality jobs program created under sections 620.1875~~
38 ~~to 620.1890. The provisions of this subsection shall not be construed to limit or impair the ability of~~
39 ~~any administering agency to authorize or issue benefits for any project that had received an approval~~

~~or a proposal from the department under any of the programs referenced in this subsection prior to August 28, 2013, or the ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under an approval issued prior to that date. The provisions of this subsection shall not be construed to limit or in any way impair the ability of any governing authority to provide any local abatement or designate a new zone under the enhanced enterprise zone program created by sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no qualified company that is awarded benefits under this program shall:~~

~~(1) Simultaneously receive benefits under the programs referenced in this subsection at the same capital investment; or~~

~~(2) Receive benefits under the provisions of section 620.1910 for the same jobs.~~

~~15.] If any provision of sections 620.2000 to 620.2020 or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or application of these sections which can be given effect without the invalid provisions or application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby declared severable.~~

~~[16.] 15.~~ By no later than January 1, 2014, and the first day of each calendar quarter thereafter, the department shall present a quarterly report to the general assembly detailing the benefits authorized under this program during the immediately preceding calendar quarter to the extent such information may be disclosed under state and federal law. The report shall include, at a minimum:

~~(1) A list of all approved and disapproved applicants for each tax credit;~~

~~(2) A list of the aggregate amount of new or retained jobs that are directly attributable to the tax credits authorized;~~

~~(3) A statement of the aggregate amount of new capital investment directly attributable to the tax credits authorized;~~

~~(4) Documentation of the estimated net state fiscal benefit for each authorized project and, to the extent available, the actual benefit realized upon completion of such project or activity; and~~

~~(5) The department's response time for each request for a proposed benefit award under this program.~~

~~[17.] 16.~~ The department may adopt such rules, statements of policy, procedures, forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid and void.

~~[18.] 17.~~ Under section 23.253 of the Missouri sunset act:

(1) The provisions of the program authorized under sections 620.2000 to 620.2020 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of sections 620.2000 to 620.2020; and

(3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under sections 620.2000 to 620.2020 is sunset.

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

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

~~(1) "Acquisition costs", the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant structures, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for a period of five years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for title insurance and survey, attorney's fees, relocation costs, fines, or bills from a municipality;~~

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

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

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

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

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

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

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

~~(4) "Condemnation proceedings", any action taken by, or on behalf of, an applicant to initiate an action in a court of competent jurisdiction to use the power of eminent domain to acquire a parcel within the eligible project area.~~

1 Condemnation proceedings shall include any and all actions taken after the
 2 submission of a notice of intended acquisition to an owner of a parcel within the
 3 eligible project area by a municipal authority or any other person or entity under
 4 section 523.250;

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

6 (6) "Economic incentive laws", any provision of Missouri law pursuant to
 7 which economic incentives are provided to redevelopers of a parcel or parcels to
 8 redevelop the land, such as tax abatement or payments in lieu of taxes, or
 9 redevelopment plans or redevelopment projects approved or adopted which
 10 include the use of economic incentives to redevelop the land. Economic incentive
 11 laws include, but are not limited to, the land clearance for redevelopment authority
 12 law under sections 99.300 to 99.660, the real property tax increment allocation
 13 redevelopment act under sections 99.800 to 99.865, the Missouri downtown and
 14 rural economic stimulus act under sections 99.915 to 99.1060, and the downtown
 15 revitalization preservation program under sections 99.1080 to 99.1092;

16 (7) "Eligible parcel", a parcel:

17 (a) Which is located within an eligible project area;

18 (b) Which is to be redeveloped;

19 (c) On which the applicant has not commenced construction prior to
 20 November 28, 2007;

21 (d) Which has been acquired without the commencement of any
 22 condemnation proceedings with respect to such parcel brought by or on behalf of
 23 the applicant. Any parcel acquired by the applicant from a municipal authority
 24 shall not constitute an eligible parcel; and

25 (e) On which all outstanding taxes, fines, and bills levied by municipal
 26 governments that were levied by the municipality during the time period that the
 27 applicant held title to the eligible parcel have been paid in full;

28 (8) "Eligible project area", an area which shall have satisfied the following
 29 requirements:

30 (a) The eligible project area shall consist of at least seventy-five acres and
 31 may include parcels within its boundaries that do not constitute an eligible parcel;

32 (b) At least eighty percent of the eligible project area shall be located
 33 within a Missouri qualified census tract area, as designated by the United States
 34 Department of Housing and Urban Development under 26 U.S.C. Section 42, or
 35 within a distressed community as that term is defined in section 135.530;

36 (c) The eligible parcels acquired by the applicant within the eligible
 37 project area shall total at least fifty acres, which may consist of contiguous and
 38 nonecontiguous parcels;

39 (d) The average number of parcels per acre in an eligible project area shall
 40 be four or more;

41 (e) Less than five percent of the acreage within the boundaries of the
 42 eligible project area shall consist of owner-occupied residences which the
 43 applicant has identified for acquisition under the urban renewal plan or the
 44 redevelopment plan pursuant to which the applicant was appointed or selected as
 45 the redeveloper or by which the person or entity was qualified as an applicant
 46 under this section on the date of the approval or adoption of such plan;

47 (9) "Interest costs", interest, loan fees, and closing costs. Interest costs
 48 shall not include attorney's fees;

1 (10) "Maintenance costs", costs of boarding up and securing vacant
2 structures, costs of removing trash, and costs of cutting grass and weeds;

3 (11) "Municipal authority", any city, town, village, county, public body
4 corporate and politic, political subdivision, or land trust of this state established
5 and authorized to own land within the state;

6 (12) "Municipality", any city, town, village, or county;

7 (13) "Parcel", a single lot or tract of land, and the improvements thereon,
8 owned by, or recorded as the property of, one or more persons or entities;

9 (14) "Redeveloped", the process of undertaking and carrying out a
10 redevelopment plan or urban renewal plan pursuant to which the conditions which
11 provided the basis for an eligible project area to be included in a redevelopment
12 plan or urban renewal plan are to be reduced or eliminated by redevelopment or
13 rehabilitation; and

14 (15) "Redevelopment agreement", the redevelopment agreement or similar
15 agreement into which the applicant entered with a municipal authority and which
16 is the agreement for the implementation of the urban renewal plan or
17 redevelopment plan pursuant to which the applicant was appointed or selected as
18 the redeveloper or by which the person or entity was qualified as an applicant
19 under this section; and such appointment or selection shall have been approved by
20 an ordinance of the governing body of the municipality, or municipalities, or in the
21 case of any city not within a county, the board of aldermen, in which the eligible
22 project area is located. The redevelopment agreement shall include a time line for
23 redevelopment of the eligible project area. The redevelopment agreement shall
24 state that the named developer shall be subject to the provisions of chapter 290.

25 3. Any applicant shall be entitled to a tax credit against the taxes imposed
26 under chapters 143, 147, and 148, except for sections 143.191 to 143.265, in an
27 amount equal to fifty percent of the acquisition costs, and one hundred percent of
28 the interest costs incurred for a period of five years after the acquisition of an
29 eligible parcel. No tax credits shall be issued under this section until after January
30 1, 2008.

31 4. If the amount of such tax credit exceeds the total tax liability for the
32 year in which the applicant is entitled to receive a tax credit, the amount that
33 exceeds the state tax liability may be carried forward for credit against the taxes
34 imposed under chapters 143, 147, and 148 for the succeeding six years, or until the
35 full credit is used, whichever occurs first. The applicant shall not be entitled to a
36 tax credit for taxes imposed under sections 143.191 to 143.265. Applicants
37 entitled to receive such tax credits may transfer, sell, or assign the tax credits. Tax
38 credits granted to a partnership, a limited liability company taxed as a partnership,
39 or multiple owners of property shall be passed through to the partners, members,
40 or owners respectively pro rata or pursuant to an executed agreement among the
41 partners, members, or owners documenting an alternate distribution method.

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

6. To claim tax credits authorized under this section, an applicant shall submit to the department an application for a certificate. An applicant shall identify the boundaries of the eligible project area in the application. The department shall verify that the applicant has submitted a valid application in the form and format required by the department. The department shall verify that the municipal authority held the requisite hearings and gave the requisite notices for such hearings in accordance with the applicable economic incentive act, and municipal ordinances. On an annual basis, an applicant may file for the tax credit for the acquisition costs, and for the tax credit for the interest costs, subject to the limitations of this section. If an applicant applying for the tax credit meets the criteria required under this section, the department shall issue a certificate in the appropriate amount. If an applicant receives a tax credit for maintenance costs as a part of the applicant's acquisition costs, the department shall post on its internet website the amount and type of maintenance costs and a description of the redevelopment project for which the applicant received a tax credit within thirty days after the department issues the certificate to the applicant.

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

- (1) Issue tax credits to the applicant in the amount of twenty million dollars, if there is only one applicant entitled to receive tax credits in that year; or
- (2) Issue the tax credits on a pro rata basis to all applicants entitled to receive tax credits in that year. Any amount of tax credits, which an applicant is, or applicants are, entitled to receive on an annual basis and are not issued due to the twenty million dollar limitation, shall be carried forward for the benefit of the applicant or applicants to subsequent years.

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

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

1 section shall constitute redevelopment tax credits, as such term is defined under
 2 section 135.800, and shall be subject to all provisions applicable to redevelopment
 3 tax credits provided under sections 135.800 to 135.830.

4 9. The department may promulgate rules to implement the provisions of
 5 this section. Any rule or portion of a rule, as that term is defined in section
 6 536.010, that is created under the authority delegated in this section shall become
 7 effective only if it complies with and is subject to all of the provisions of chapter
 8 536 and, if applicable, section 536.028. This section and chapter 536 are
 9 nonseverable and if any of the powers vested with the general assembly pursuant
 10 to chapter 536 to review, to delay the effective date, or to disapprove and annul a
 11 rule are subsequently held unconstitutional, then the grant of rulemaking authority
 12 and any rule proposed or adopted after August 28, 2007, shall be invalid and void.]

13
 14 [135.313. 1. Any person, firm or corporation who engages in the business
 15 of producing charcoal or charcoal products in the state of Missouri shall be
 16 eligible for a tax credit on income taxes otherwise due pursuant to chapter 143,
 17 except sections 143.191 to 143.261, as an incentive to implement safe and efficient
 18 environmental controls. The tax credit shall be equal to fifty percent of the
 19 purchase price of the best available control technology equipment connected with
 20 the production of charcoal in the state of Missouri or, if the taxpayer manufactures
 21 such equipment, fifty percent of the manufacturing cost of the equipment, to and
 22 including the year the equipment is put into service. The credit may be claimed
 23 for a period of eight years beginning with the 1998 calendar year and is to be a tax
 24 credit against the tax otherwise due.

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

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

31 4. When applying for a tax credit, the charcoal producer specified in
 32 subsection 1 of this section shall make application for the credit to the division of
 33 environmental quality of the department of natural resources. The application
 34 shall identify the specific best available control technology equipment and the
 35 purchase price, or manufacturing cost of such equipment. The director of the
 36 department of natural resources is authorized to require permits to construct prior
 37 to the installation of best available control technology equipment and other
 38 information which he or she deems appropriate.

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

43
 44 [135.500. 1. Sections 135.500 to 135.529 shall be known and may be
 45 cited as the "Missouri Certified Capital Company Law".

46 2. As used in sections 135.500 to 135.529, the following terms mean:

47 (1) "Affiliate of a certified company":

1 (a) ~~Any person, directly or indirectly owning, controlling or holding power~~
2 ~~to vote ten percent or more of the outstanding voting securities or other ownership~~
3 ~~interests of the Missouri certified capital company;~~

4 (b) ~~Any person ten percent or more of whose outstanding voting securities~~
5 ~~or other ownership interest are directly or indirectly owned, controlled or held~~
6 ~~with power to vote by the Missouri certified capital company;~~

7 (c) ~~Any person directly or indirectly controlling, controlled by, or under~~
8 ~~common control with the Missouri certified capital company;~~

9 (d) ~~A partnership in which the Missouri certified capital company is a~~
10 ~~general partner;~~

11 (e) ~~Any person who is an officer, director or agent of the Missouri certified~~
12 ~~capital company or an immediate family member of such officer, director or agent;~~

13 (2) ~~"Applicable percentage", one hundred percent;~~

14 (3) ~~"Capital in a qualified Missouri business", any debt, equity or hybrid~~
15 ~~security, of any nature and description whatsoever, including a debt instrument or~~
16 ~~security which has the characteristics of debt but which provides for conversion~~
17 ~~into equity or equity participation instruments such as options or warrants which~~
18 ~~are acquired by a Missouri certified capital company or a qualified investing entity~~
19 ~~as a result of a transfer of cash to a business;~~

20 (4) ~~"Certified capital", an investment of cash by an investor in a Missouri~~
21 ~~certified capital company;~~

22 (5) ~~"Certified capital company", any partnership, corporation, trust or~~
23 ~~limited liability company, whether organized on a profit or not-for-profit basis,~~
24 ~~that is located, headquartered and registered to conduct business in Missouri that~~
25 ~~has as its primary business activity, the investment of cash in qualified Missouri~~
26 ~~businesses, and which is certified by the department as meeting the criteria of~~
27 ~~sections 135.500 to 135.529;~~

28 (6) ~~"Department", the Missouri department of economic development;~~

29 (7) ~~"Director", the director of the department of economic development or~~
30 ~~a person acting under the supervision of the director;~~

31 (8) ~~"Investor", any insurance company that contributes cash;~~

32 (9) ~~"Liquidating distribution", payments to investors or to the certified~~
33 ~~capital company from earnings;~~

34 (10) ~~"Person", any natural person or entity, including a corporation,~~
35 ~~general or limited partnership, trust, limited liability company, or any charitable~~
36 ~~organization which is exempt from federal income tax and whose Missouri~~
37 ~~unrelated business taxable income, if any, would be subject to the state income tax~~
38 ~~imposed under chapter 143;~~

39 (11) ~~"Qualified distribution", any distribution or payment to equity holders~~
40 ~~of a certified capital company in connection with the following:~~

41 (a) ~~Reasonable costs and expenses of forming, syndicating, managing and~~
42 ~~operating the certified capital company;~~

43 (b) ~~Management fees for managing and operating the certified capital~~
44 ~~company; and~~

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

1 (12) "Qualified investing entity", any partnership, corporation, trust, or
 2 limited liability company, whether organized on a for-profit or not-for-profit basis,
 3 that:

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

5 (b) Is a wholly owned subsidiary of a certified capital company or
 6 otherwise affiliated with and under common control with a certified capital
 7 company; and

8 (c) Has been designated as a qualified investing entity by such certified
 9 capital company. Such designation shall be effective upon delivery by the
 10 certified capital company of written notice of the designation to the department. A
 11 qualified investing entity may raise debt or equity capital for investment, but such
 12 capital shall not be considered certified capital. Any qualified investment made by
 13 a qualified investing entity after the effective date of this act shall be deemed to
 14 have been made by a certified capital company that designated the qualified
 15 investing entity as such; provided that no qualified investment may be deemed to
 16 have been made by more than one certified capital company;

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

20 (14) "Qualified Missouri business", an independently owned and operated
 21 business, which is headquartered and located in Missouri and which is in need of
 22 venture capital and cannot obtain conventional financing. Such business shall
 23 have no more than two hundred employees, eighty percent of which are employed
 24 in Missouri. Such business shall be involved in commerce for the purpose of
 25 manufacturing, processing or assembling products, conducting research and
 26 development, or providing services in interstate commerce, but excluding retail,
 27 real estate, real estate development, insurance and professional services provided
 28 by accountants, lawyers or physicians. At the time a certified capital company or
 29 qualified investing entity makes an initial investment in a business, such business
 30 shall be a small business concern that meets the requirements of the United States
 31 Small Business Administration's qualification size standards for its venture capital
 32 program, as defined in Section 13 CFR 121.301(c) of the Small Business
 33 Investment Act of 1958, as amended. Any business which is classified as a
 34 qualified Missouri business at the time of the first investment in such business by a
 35 Missouri certified capital company or qualified investing entity shall, for a period
 36 of seven years from the date of such first investment, remain classified as a
 37 qualified Missouri business and may receive follow-on investments from any
 38 Missouri certified capital company or qualified investing entity and such follow-
 39 on investments shall be qualified investments even though such business may not
 40 meet the other qualifications of this subsection at the time of such follow-on
 41 investments;

42 (15) "State premium tax liability", any liability incurred by an insurance
 43 company pursuant to the provisions of section 148.320, 148.340, 148.370 or
 44 148.376, and any other related provisions, which may impose a tax upon the
 45 premium income of insurance companies after January 1, 1997.]

46
 47 [135.503. 1. Any investor that makes an investment of certified capital
 48 shall, in the year of investment, earn a vested credit against state premium tax
 49 liability equal to the applicable percentage of the investor's investment of certified

capital. An investor shall be entitled to take up to ten percent of the vested credit in any taxable year of the investor. Any time after three years after August 28, 1996, the director, with the approval of the commissioner of administration, may reduce the applicable percentage on a prospective basis. Any such reduction in the applicable percentage by the director shall not have any effect on credits against state premium tax liability which have been claimed or will be claimed by any investor with respect to credits which have been earned and vested pursuant to an investment of certified capital prior to the effective date of any such change.

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

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

4. Except as provided in subsection 5 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for all persons pursuant to sections 135.500 to 135.529 shall not exceed the following amounts: for calendar year 1996, \$0.00; for calendar year 1997, an amount which would entitle all Missouri certified capital company investors to take aggregate credits of five million dollars; and for any year thereafter, an additional amount to be determined by the director but not to exceed aggregate credits of ten million dollars for any year with the approval of the commissioner of administration and reported to the general assembly as provided in subsection 2 of section 33.282, provided that the amount so determined shall not impair the ability of an investor with earned and vested credits which have been allowed in previous years to take them, pursuant to subsection 1 of this section. During any calendar year in which the limitation described in this subsection will limit the amount of certified capital for which earned and vested credits against state premium tax liability are allowed, certified capital for which credits are allowed will be allocated in order of priority based upon the date of filing of information described in subdivision (1) of subsection 5 of section 135.516. Certified capital limited in any calendar year by the application of the provisions of this subsection shall be allowed and allocated in the immediately succeeding calendar year in the order of priority set forth in this subsection. The department shall make separate allocations of certified capital for which credits are allowed under the limitations described in this subsection and under the limitations described in subsection 5 of this section.

5. In addition to the maximum amount pursuant to subsection 4 of this section, the aggregate amount of certified capital for which earned and vested credits against state premium tax liability are allowed for persons pursuant to sections 135.500 to 135.529 shall be the following: for calendar year 1999 and for any year thereafter, an amount to be determined by the director which would entitle all Missouri certified capital company investors to take aggregate credits not to exceed four million dollars for any year with the approval of the

1 commissioner of administration and reported to the general assembly as provided
 2 in subsection 2 of section 33.282, provided that the amount so determined shall not
 3 impair the ability of an investor with earned and vested credits which have been
 4 allowed in previous years or pursuant to the provisions of subsection 4 of this
 5 section to take them, pursuant to subsection 1 of this section. For purposes of any
 6 requirement regarding the schedule of qualified investments for certified capital
 7 for which earned and vested credits against state premium tax liability are allowed
 8 pursuant to this subsection only, the definition of a "qualified Missouri business"
 9 as set forth in subdivision (14) of subsection 2 of section 135.500 means a
 10 Missouri business that is located in a distressed community as defined in section
 11 135.530, and meets all of the requirements of subdivision (14) of subsection 2 of
 12 section 135.500. During any calendar year in which the limitation described in
 13 this subsection limits the amount of additional certified capital for which earned
 14 and vested credits against state premium tax liability are allowed, additional
 15 certified capital for which credits are allowed shall be allocated in order of priority
 16 based upon the date of filing of information described in subdivision (1) of
 17 subsection 5 of section 135.516 with respect to such additional certified capital.
 18 The department shall make separate allocations of certified capital for which
 19 credits are allowed under the limitations described in this subsection and under the
 20 limitations described in subsection 4 of this section. No limitation applicable to
 21 any certified capital company with respect to certified capital for which credits are
 22 allowed pursuant to subsection 4 of this section shall limit the amount of certified
 23 capital for which credits are allowed pursuant to this subsection. No limitation
 24 applicable to any certified capital company with respect to certified capital for
 25 which credits are allowed pursuant to this subsection shall limit the amount of
 26 certified capital for which credits are allowed pursuant to subsection 4 of this
 27 section.

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

33
 34 [135.505. A Missouri certified capital company shall have a funding
 35 period of one year from the date of receiving certification from the director. All
 36 investments in the Missouri certified capital company shall be made within such
 37 three hundred sixty five day funding period.]

38
 39 [135.508. The department may certify profit or not for profit entities
 40 which submit an application to be designated as a Missouri certified capital
 41 company. The department shall review the organizational documents for each
 42 applicant for certification and the business history of the applicant, determine that
 43 the Missouri certified capital company's cash, marketable securities and other
 44 liquid assets are at least five hundred thousand dollars, determine that the liquid
 45 asset base for certified companies is at least five hundred thousand dollars at all
 46 times during the company's participation in the program authorized by sections
 47 135.500 to 135.529, and determine that the officers and the board of directors,
 48 partners, trustees or managers are thoroughly acquainted with the requirements of
 49 sections 135.500 to 135.529. No insurance company which receives tax credits

permitted under sections 135.500 to 135.529 for an investment in a Missouri certified capital company shall, individually or with or through one or more affiliates, be a managing general partner of or control the direction of investments of that Missouri certified capital company. Within seventy-five days of application, the department shall either issue the certification and notify the department of revenue and the director of the department of commerce and insurance of such certification or shall refuse the certification and communicate in detail to the applicant the grounds for the refusal, including the suggestions for the removal of those grounds. The department shall be responsible for the administration of the tax credits authorized by sections 135.500 to 135.529. No rule or portion of a rule promulgated under the authority of sections 135.500 to 135.529 shall become effective unless it has been promulgated pursuant to the provisions of chapter 536. All rulemaking authority delegated prior to June 27, 1997, is of no force and effect and repealed; however, nothing in this section shall be interpreted to repeal or affect the validity of any rule filed or adopted prior to June 27, 1997, if such rule complied with the provisions of chapter 536. The provisions of this section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, including the ability to review, to delay the effective date, or to disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then the purported grant of rulemaking authority and any rule so proposed and contained in the order of rulemaking shall be invalid and void.]

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

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

(2) Within three years after the date on which a Missouri certified capital company is designated as a Missouri certified capital company at least forty percent of its certified capital shall be, or have been, placed in qualified investments;

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

(4) A certified capital company, at least fifteen working days prior to making what it determines to be an initial qualified investment in a specific qualified Missouri business, shall certify to the department that the company in which it or a qualified investing entity proposes to invest is a qualified Missouri business. The certified capital company shall state the amount of capital it or a qualified investing entity intends to invest and the name of the business in which it or a qualified investing entity intends to invest. The certified capital company shall also provide to the department an explanation of its determination that the

business meets the definition of a qualified Missouri business. If the department determines that the business does not meet the definition of a qualified Missouri business, it shall, within the fifteen-working-day period prior to the making of the proposed investment, notify the certified capital company of its determination and an explanation thereof. If the department fails to notify the certified capital company with respect to the proposed investment within the fifteen-working-day period prior to the making of the proposed investment, the company in which the certified capital company or a qualified investing entity proposes to invest shall be deemed to be a qualified Missouri business. If a certified capital company fails to notify the department prior to making an initial investment in a business, the department may subsequently determine that the business in which the certified capital company or a qualified investing entity invested was not a qualified Missouri business even though the business, at the time of the investment, met the requirements of subdivision (15) of subsection 2 of section 135.500;

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

2. A certified capital company may make qualified distributions at any time. In order to make distributions, other than qualified distributions, a certified capital company must have made cumulative qualified investments, including those made through a qualified investing entity, in an amount cumulatively equal to at least one hundred percent of its certified capital. Cumulative distributions to equity holders, other than qualified distributions, in excess of the certified capital company's original certified capital and any additional capital contributions to the certified capital company shall be subject to audit by a nationally recognized certified public accounting firm acceptable to the department, at the expense of the certified capital company. The audit shall determine whether aggregate cumulative distributions to all investors and equity holders, other than qualified distributions, when combined with all tax credits utilized by investors pursuant to sections 135.500 to 135.529, have resulted in an annual internal rate of return of fifteen percent computed on the sum of total original certified capital of the certified capital company and any additional capital contributions to the certified capital company. Twenty-five percent of distributions made, other than qualified distributions, in excess of the amount required to produce a fifteen percent annual internal rate of return, as determined by the audit, shall be payable by the certified capital company to the Missouri development finance board. Distributions or payments to debt holders of a certified capital company, however, may be made without restriction with respect to debt owed to them by a certified capital company. A debt holder that is also an investor or equity holder of a certified capital company may receive distributions or payments with respect to such debt without restriction.

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

1 4. Documents and other materials submitted by Missouri certified capital
2 companies or by businesses for purposes of the continuance of certification may
3 be deemed "closed records" pursuant to the provisions of section 620.014.

4 5. Each Missouri certified capital company shall report the following to
5 the department:

6 (1) As soon as practicable after the receipt of certified capital, the name of
7 each investor from which the certified capital was received, the amount of each
8 investor's investment of certified capital and tax credits computed without regard
9 to any limitations under subsection 3 of section 135.503, and the date on which the
10 certified capital was received;

11 (2) On a quarterly basis, the amount of the Missouri certified capital
12 company's certified capital at the end of the quarter, whether or not the Missouri
13 certified capital company has invested, together with any investments made by a
14 qualified investing entity that are deemed to have been made by the certified
15 capital company, more than fifteen percent of the total certified capital under
16 management in any one company, and all qualified investments that the Missouri
17 certified capital company has made or has been deemed to have been made
18 through a qualified investing entity;

19 (3) Each Missouri certified capital company shall provide annual audited
20 financial statements to the department which include an opinion of an independent
21 certified public accountant to the department within ninety days of the close of the
22 fiscal year. At the same time, the certified capital company shall also provide
23 audited financial statements for any qualified investing entity that has made
24 qualified investments on its behalf, unless the financial results of such qualified
25 investing entity are included in the consolidated financial statements of the
26 certified capital company. The audit shall address the methods of operation and
27 conduct of the business of the Missouri certified capital company to determine if
28 the Missouri certified capital company is complying with the statutes and program
29 rules and that the funds received by the Missouri certified capital company have
30 been invested as required within the time limits provided by sections 135.500 to
31 135.529.]

32
33 [135.517. In order for investments of a qualifying investing entity to be
34 counted as qualified investments pursuant to sections 135.500 to 135.529, each
35 such investment of a qualifying investing entity must have received prior approval
36 from the department.]

37
38 [135.520. 1. The division of finance shall conduct an annual review of
39 each Missouri certified capital company and any qualified investing entities
40 designated by it to determine if the Missouri certified capital company is abiding
41 by the requirements of certifications, to advise the Missouri certified capital
42 company as to the certification status of its qualified investments and to ensure
43 that no investment has been made in violation of sections 135.500 to 135.529. The
44 cost of the annual review shall be paid by each Missouri certified capital company
45 according to a reasonable fee schedule adopted by the department. The division of
46 finance shall report its findings to the department as soon as practicable following
47 completion of the audit.

48 2. Any material violation of sections 135.500 to 135.529 shall be grounds
49 for decertification under this section. If the department determines that a company

1 is not in compliance with any requirements for continuing in certification, it shall,
 2 by written notice, inform the officers of the company and the board of directors,
 3 managers, trustees or general partners that they may be decertified in one hundred
 4 twenty days from the date of mailing of the notice, unless they correct the
 5 deficiencies and are again in compliance with the requirements for certification.

6 3. At the end of the one hundred twenty-day grace period, if the Missouri
 7 certified capital company is still not in compliance, the department may send a
 8 notice of decertification to the company and to the directors of the department of
 9 revenue and department of commerce and insurance. Decertification of a Missouri
 10 certified capital company prior to the certified capital company meeting all
 11 requirements of subdivisions (1) to (3) of subsection 1 of section 135.516 shall
 12 cause the recapture of all premium tax credits previously claimed by an investor
 13 and the forfeiture of all future credits to be claimed by an investor with respect to
 14 its investment in the certified capital company. Decertification of a Missouri
 15 certified capital company after it has met all requirements of subdivisions (1) to
 16 (3) of subsection 1 of section 135.516 shall cause the forfeiture of premium tax
 17 credits for the taxable year of the investor in which the decertification arose and
 18 for future taxable years with no recapture of tax credits obtained by an investor
 19 with respect to the investor's tax years which ended before the decertification
 20 occurred. Once a certified capital company has made cumulative qualified
 21 investments, including those made through a qualified investing entity and deemed
 22 to have been made by the certified capital company, in an amount equal to at least
 23 one hundred percent of its certified capital, all future premium tax credits to be
 24 claimed by investors with respect to said certified capital company pursuant to
 25 sections 135.500 to 135.529 shall be nonforfeitable. Once a certified capital
 26 company has made cumulative qualified investments, including those made
 27 through a qualified investing entity and deemed to have been made by the certified
 28 capital company, in an amount equal to at least one hundred percent of its certified
 29 capital and has met all other requirements under sections 135.500 to 135.529, it
 30 shall no longer be subject to regulation by the department except with respect to
 31 the payment of distributions to the Missouri development finance board.]

32
 33 [135.523. The department may revoke the certification of a Missouri
 34 certified capital company if any material representation to the department in
 35 connection with the application process proves to have been falsely made or if the
 36 application materially violates any requirement established by the department
 37 pursuant to sections 135.500 to 135.529.]

38
 39 [135.526. All investments for which tax credits are claimed under the
 40 provisions of sections 135.500 to 135.529 shall satisfy the conditions of being
 41 registered or specifically exempt from registration by provisions or regulations
 42 under chapter 409.]

43
 44 [135.529. 1. The tax credit established pursuant to sections 135.500 to
 45 135.529 may be sold or transferred in accordance with regulations adopted by the
 46 department. Any such sale or transfer shall not affect the time schedule for taking
 47 the tax credit, as provided in sections 135.500 to 135.529. Any premium tax
 48 credits recaptured pursuant to section 135.520 shall be the liability of the taxpayer
 49 which actually claimed the credit. In approving the sale or transfer of the credit

1 pursuant to this section, the department may require the transferor or the transferee
 2 or both the transferor and the transferee to execute guarantees or post bonds with
 3 respect to any potential credit recapture.

4 2. No rule or portion of a rule promulgated under the authority of sections
 5 135.500 to 135.529 shall become effective unless it has been promulgated
 6 pursuant to the provisions of chapter 536. The department shall make and
 7 promulgate emergency rules and regulations consistent with the provisions of
 8 sections 135.500 to 135.529 as are necessary or useful to carry out the provisions
 9 of sections 135.500 to 135.529, pursuant to section 536.025.

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

13
 14 [135.535. 1. A corporation, limited liability corporation, partnership or
 15 sole proprietorship, which moves its operations from outside Missouri or outside a
 16 distressed community into a distressed community, or which commences
 17 operations in a distressed community on or after January 1, 1999, and in either
 18 case has more than seventy-five percent of its employees at the facility in the
 19 distressed community, and which has fewer than one hundred employees for
 20 whom payroll taxes are paid, and which is a manufacturing, biomedical, medical
 21 devices, scientific research, animal research, computer software design or
 22 development, computer programming, including internet, web hosting, and other
 23 information technology, wireless or wired or other telecommunications or a
 24 professional firm shall receive a forty percent credit against income taxes owed
 25 pursuant to chapter 143, 147 or 148, other than taxes withheld pursuant to sections
 26 143.191 to 143.265, for each of the three years after such move, if approved by the
 27 department of economic development, which shall issue a certificate of eligibility
 28 if the department determines that the taxpayer is eligible for such credit. The
 29 maximum amount of credits per taxpayer set forth in this subsection shall not
 30 exceed one hundred twenty-five thousand dollars for each of the three years for
 31 which the credit is claimed. The department of economic development, by means
 32 of rule or regulation promulgated pursuant to the provisions of chapter 536, shall
 33 assign appropriate North American Industry Classification System numbers to the
 34 companies which are eligible for the tax credits provided for in this section. Such
 35 three-year credits shall be awarded only one time to any company which moves its
 36 operations from outside of Missouri or outside of a distressed community into a
 37 distressed community or to a company which commences operations within a
 38 distressed community. A taxpayer shall file an application for certification of the
 39 tax credits for the first year in which credits are claimed and for each of the two
 40 succeeding taxable years for which credits are claimed.

41 2. Employees of such facilities physically working and earning wages for
 42 that work within a distressed community whose employers have been approved for
 43 tax credits pursuant to subsection 1 of this section by the department of economic
 44 development for whom payroll taxes are paid shall also be eligible to receive a tax
 45 credit against individual income tax, imposed pursuant to chapter 143, equal to
 46 one and one-half percent of their gross salary paid at such facility earned for each
 47 of the three years that the facility receives the tax credit provided by this section,
 48 so long as they were qualified employees of such entity. The employer shall

1 calculate the amount of such credit and shall report the amount to the employee
2 and the department of revenue.

3 3. A tax credit against income taxes owed pursuant to chapter 143, 147 or
4 148, other than the taxes withheld pursuant to sections 143.191 to 143.265, in lieu
5 of the credit against income taxes as provided in subsection 1 of this section, may
6 be taken by such an entity in a distressed community in an amount of forty percent
7 of the amount of funds expended for computer equipment and its maintenance,
8 medical laboratories and equipment, research laboratory equipment,
9 manufacturing equipment, fiber optic equipment, high-speed telecommunications,
10 wiring or software development expense up to a maximum of seventy-five
11 thousand dollars in tax credits for such equipment or expense per year per entity
12 and for each of three years after commencement in or moving operations into a
13 distressed community.

14 4. A corporation, partnership or sole partnership, which has no more than
15 one hundred employees for whom payroll taxes are paid, which is already located
16 in a distressed community and which expends funds for such equipment pursuant
17 to subsection 3 of this section in an amount exceeding its average of the prior two
18 years for such equipment, shall be eligible to receive a tax credit against income
19 taxes owed pursuant to chapters 143, 147 and 148 in an amount equal to the lesser
20 of seventy-five thousand dollars or twenty-five percent of the funds expended for
21 such additional equipment per such entity. Tax credits allowed pursuant to this
22 subsection or subsection 1 of this section may be carried back to any of the three
23 prior tax years and carried forward to any of the next five tax years.

24 5. An existing corporation, partnership or sole proprietorship that is
25 located within a distressed community and that relocates employees from another
26 facility outside of the distressed community to its facility within the distressed
27 community, and an existing business located within a distressed community that
28 hires new employees for that facility may both be eligible for the tax credits
29 allowed by subsections 1 and 3 of this section. To be eligible for such tax credits,
30 such a business, during one of its tax years, shall employ within a distressed
31 community at least twice as many employees as were employed at the beginning
32 of that tax year. A business hiring employees shall have no more than one
33 hundred employees before the addition of the new employees. This subsection
34 shall only apply to a business which is a manufacturing, biomedical, medical
35 devices, scientific research, animal research, computer software design or
36 development, computer programming or telecommunications business, or a
37 professional firm.

38 6. Tax credits shall be approved for applicants meeting the requirements of
39 this section in the order that such applications are received. Certificates of tax
40 credits issued in accordance with this section may be transferred, sold or assigned
41 by notarized endorsement which names the transferee.

42 7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this
43 section shall be for an amount of no more than ten million dollars for each year
44 beginning in 1999. The total maximum credit for all entities already located in
45 distressed communities and claiming credits pursuant to subsection 4 of this
46 section shall be seven hundred and fifty thousand dollars. The department of
47 economic development in approving taxpayers for the credit as provided for in
48 subsection 6 of this section shall use information provided by the department of
49 revenue regarding taxes paid in the previous year, or projected taxes for those

1 entities newly established in the state, as the method of determining when this
 2 maximum will be reached and shall maintain a record of the order of approval.
 3 Any tax credit not used in the period for which the credit was approved may be
 4 carried over until the full credit has been allowed.

5 8. A Missouri employer relocating into a distressed community and having
 6 employees covered by a collective bargaining agreement at the facility from which
 7 it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this
 8 section, and its employees shall not be eligible for the credit in subsection 2 of this
 9 section if the relocation violates or terminates a collective bargaining agreement
 10 covering employees at the facility, unless the affected collective bargaining unit
 11 concurs with the move.

12 9. Notwithstanding any provision of law to the contrary, no taxpayer shall
 13 earn the tax credits allowed in this section and the tax credits otherwise allowed in
 14 section 135.110, or the tax credits, exemptions, and refund otherwise allowed in
 15 sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same
 16 business for the same tax period.]

17
 18 [135.545. A taxpayer shall be allowed a credit for taxes paid pursuant to
 19 chapter 143, 147 or 148 in an amount equal to fifty percent of a qualified
 20 investment in transportation development for aviation, mass transportation,
 21 including parking facilities for users of mass transportation, railroads, ports,
 22 including parking facilities and limited access roads within ports, waterborne
 23 transportation, bicycle and pedestrian paths, or rolling stock located in a distressed
 24 community as defined in section 135.530, and which are part of a development
 25 plan approved by the appropriate local agency. If the department of economic
 26 development determines the investment has been so approved, the department
 27 shall grant the tax credit in order of date received. A taxpayer may carry forward
 28 any unused tax credit for up to ten years and may carry it back for the previous
 29 three years until such credit has been fully claimed. Certificates of tax credit
 30 issued in accordance with this section may be transferred, sold or assigned by
 31 notarized endorsement which names the transferee. The tax credits allowed
 32 pursuant to this section shall be for an amount of no more than ten million dollars
 33 for each year. This credit shall apply to returns filed for all taxable years
 34 beginning on or after January 1, 1999. Any unused portion of the tax credit
 35 authorized pursuant to this section shall be available for use in the future by those
 36 entities until fully claimed. For purposes of this section, a "taxpayer" shall include
 37 any charitable organization that is exempt from federal income tax and whose
 38 Missouri unrelated business taxable income, if any, would be subject to the state
 39 income tax imposed under chapter 143.]

40
 41 [135.546. For all tax years beginning on or after January 1, 2005, no tax
 42 credits shall be approved, awarded, or issued to any person or entity claiming any
 43 tax credit under section 135.545; if an organization has been allocated credits for
 44 contribution-based credits prior to January 1, 2005, the organization may issue
 45 such credits prior to January 1, 2007, for qualified contributions.]

46
 47 [135.679. 1. This section shall be known and may be cited as the
 48 "Qualified Beef Tax Credit Act".

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

(1) "Agricultural property", any real and personal property, including but not limited to buildings, structures, improvements, equipment, and livestock, that is used in or is to be used in this state by residents of this state for:

(a) The operation of a farm or ranch; and

(b) Grazing, feeding, or the care of livestock;

(2) "Authority", the agricultural and small business development authority established in chapter 348;

(3) "Backgrounded", any additional weight at the time of the first qualifying sale, before being finished, above the established baseline weight;

(4) "Baseline weight", the average weight in the immediate past two years of all beef animals sold that are thirty months of age or younger, categorized by sex. Baseline weight for qualified beef animals that are physically out-of-state but whose ownership is retained by a resident of this state shall be established by the average transfer weight in the immediate past two years of all beef animals that are thirty months of age or younger and that are transferred out-of-state but whose ownership is retained by a resident of this state, categorized by sex. The established baseline weight shall be effective for a period of three years. If the taxpayer is a qualifying beef animal producer with fewer than two years of production, the baseline weight shall be established by the available average weight in the immediate past year of all beef animals sold that are thirty months of age or younger, categorized by sex. If the qualifying beef animal producer has no previous production, the baseline weight shall be established by the authority;

(5) "Finished", the period from backgrounded to harvest;

(6) "Qualifying beef animal", any beef animal that is certified by the authority, that was born in this state after August 28, 2008, that was raised and backgrounded or finished in this state by the taxpayer, excluding any beef animal more than thirty months of age as verified by certified written birth records;

(7) "Qualifying sale", the first time a qualifying beef animal is sold in this state after the qualifying beef animal is backgrounded, and a subsequent sale if the weight of the qualifying beef animal at the time of the subsequent sale is greater than the weight of the qualifying beef animal at the time of the first qualifying sale of such beef animal;

(8) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 147;

(9) "Taxpayer", any individual or entity who:

(a) Is subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 147;

(b) In the case of an individual, is a resident of this state as verified by a 911 address or in the absence of a 911 system, a physical address; and

(c) Owns or rents agricultural property and principal place of business is located in this state.

3. (1) For all tax years beginning on or after January 1, 2009, but ending on or before December 31, 2021, a taxpayer shall be allowed a tax credit for the first qualifying sale and for a subsequent qualifying sale of all qualifying beef animals.

(2) The tax credit amount for the first qualifying sale shall be ten cents per pound for qualifying sale weights under six hundred pounds and twenty-five cents per pound for qualifying sale weights of six hundred pounds or greater, shall be

1 based on the backgrounded weight of all qualifying beef animals at the time of the
2 first qualifying sale, and shall be calculated as follows:

3 (a) If the qualifying sale weight is under six hundred pounds, the
4 qualifying sale weight minus the baseline weight multiplied by ten cents, as long
5 as the qualifying sale weight is equal to or greater than one hundred pounds above
6 the baseline weight; or

7 (b) If the qualifying sale weight is six hundred pounds or greater, the
8 qualifying sale weight minus the baseline weight multiplied by twenty-five cents,
9 as long as the qualifying sale weight is equal to or greater than one hundred
10 pounds above the baseline weight.

11 (3) The tax credit amount for each subsequent qualifying sale shall be ten
12 cents per pound for qualifying sale weights under six hundred pounds and twenty-
13 five cents per pound for qualifying sale weights of six hundred pounds or greater,
14 shall be based on the backgrounded weight of all qualifying beef animals at the
15 time of the subsequent qualifying sale, and shall be calculated as follows:

16 (a) If the qualifying sale weight is under six hundred pounds, the
17 qualifying sale weight minus the baseline weight multiplied by ten cents, as long
18 as the qualifying sale weight is equal to or greater than one hundred pounds above
19 the baseline weight; or

20 (b) If the qualifying sale weight is six hundred pounds or greater, the
21 qualifying sale weight minus the baseline weight multiplied by twenty-five cents,
22 as long as the qualifying sale weight is equal to or greater than one hundred
23 pounds above the baseline weight.

24
25 The authority may waive no more than twenty-five percent of the one hundred-
26 pound weight gain requirement, but any such waiver shall be based on a disaster
27 declaration issued by the U.S. Department of Agriculture.

28 4. The amount of the tax credit claimed shall not exceed the amount of the
29 taxpayer's state tax liability for the tax year for which the credit is claimed. No tax
30 credit claimed under this section shall be refundable. The tax credit shall be
31 claimed in the tax year in which the qualifying sale of the qualifying beef
32 occurred, but any amount of credit that the taxpayer is prohibited by this section
33 from claiming in a tax year may be carried forward to any of the taxpayer's four
34 subsequent tax years. The total amount of tax credits that any taxpayer may claim
35 shall not exceed fifteen thousand dollars per year. No taxpayer shall be allowed to
36 claim tax credits under this section for more than three years. The amount of tax
37 credits that may be issued to all eligible applicants claiming tax credits authorized
38 in this section and section 135.686 in a calendar year shall not exceed two million
39 dollars. Tax credits shall be issued on an as-received application basis until the
40 calendar year limit is reached. Any credits not issued in any calendar year shall
41 expire and shall not be issued in any subsequent years.

42 5. To claim the tax credit allowed under this section, the taxpayer shall
43 submit to the authority an application for the tax credit on a form provided by the
44 authority and any application fee imposed by the authority. The application shall
45 be filed with the authority at the end of each calendar year in which a qualified
46 sale was made and for which a tax credit is claimed under this section. The
47 application shall include any certified documentation and information required by
48 the authority. All required information obtained by the authority shall be

confidential and not disclosed except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the qualified sale meet all criteria required by this section and approval is granted by the authority, the authority shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax credit certificate shall have the same rights in the tax credit as the original taxpayer. Whenever a tax credit certificate is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall be filed with the authority specifying the name and address of the new owner of the tax credit certificate or the value of the tax credit.

6. Any information provided under this section shall be confidential information, to be shared with no one except state and federal animal health officials, except as provided in subsection 5 of this section.

7. The authority shall, at least annually, submit a report to the Missouri general assembly reviewing the costs and benefits of the program established under this section.

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

9. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.]

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

(1) "Adjusted purchase price", the product of:

(a) The amount paid to the issuer of a qualified equity investment for such qualified equity investment; and

(b) The following fraction:

a. The numerator shall be the dollar amount of qualified low-income community investments held by the issuer in this state as of the credit allowance date during the applicable tax year; and

b. The denominator shall be the total dollar amount of qualified low-income community investments held by the issuer in all states as of the credit allowance date during the applicable tax year;

c. For purposes of calculating the amount of qualified low-income community investments held by an issuer, an investment shall be considered held by an issuer even if the investment has been sold or repaid; provided that the issuer reinvests an amount equal to the capital returned to or recovered by the issuer from the original investment, exclusive of any profits realized, in another qualified low-income community investment within twelve months of the receipt of such capital. An issuer shall not be required to reinvest capital returned from qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income

community investment shall be considered held by the issuer through the seventh anniversary of the qualified equity investment's issuance;

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

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

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

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

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

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

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

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

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

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

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

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

1 calculation of any numerator described in subparagraph a. of paragraph (b) of
 2 subdivision (1) of this subsection shall be ten million dollars whether issued to one
 3 or several qualified community development entities;

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

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

10 2. A taxpayer that makes a qualified equity investment earns a vested right
 11 to tax credits under this section. On each credit allowance date of such qualified
 12 equity investment the taxpayer, or subsequent holder of the qualified equity
 13 investment, shall be entitled to a tax credit during the taxable year including such
 14 credit allowance date. The tax credit amount shall be equal to the applicable
 15 percentage of the adjusted purchase price paid to the issuer of such qualified
 16 equity investment. The amount of the tax credit claimed shall not exceed the
 17 amount of the taxpayer's state tax liability for the tax year for which the tax credit
 18 is claimed. No tax credit claimed under this section shall be refundable or
 19 transferable. Tax credits earned by a partnership, limited liability company, S-
 20 corporation, or other pass-through entity may be allocated to the partners,
 21 members, or shareholders of such entity for their direct use in accordance with the
 22 provisions of any agreement among such partners, members, or shareholders. Any
 23 amount of tax credit that the taxpayer is prohibited by this section from claiming
 24 in a taxable year may be carried forward to any of the taxpayer's five subsequent
 25 taxable years. The department of economic development shall limit the monetary
 26 amount of qualified equity investments permitted under this section to a level
 27 necessary to limit tax credit utilization at no more than twenty-five million dollars
 28 of tax credits in any fiscal year. Such limitation on qualified equity investments
 29 shall be based on the anticipated utilization of credits without regard to the
 30 potential for taxpayers to carry forward tax credits to later tax years.

31 3. The issuer of the qualified equity investment shall certify to the
 32 department of economic development the anticipated dollar amount of such
 33 investments to be made in this state during the first twelve-month period following
 34 the initial credit allowance date. If on the second credit allowance date, the actual
 35 dollar amount of such investments is different than the amount estimated, the
 36 department of economic development shall adjust the credits arising on the second
 37 allowance date to account for such difference.

38 4. The department of economic development shall recapture the tax credit
 39 allowed under this section with respect to such qualified equity investment under
 40 this section if:

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

45 (2) The issuer redeems or makes principal repayment with respect to a
 46 qualified equity investment prior to the seventh anniversary of the issuance of such
 47 qualified equity investment. Any tax credit that is subject to recapture shall be
 48 recaptured from the taxpayer that claimed the tax credit on a return.

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

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

7. Under section 23.253 of the Missouri sunset act:

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

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

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which the program authorized under this section is sunset. However, nothing in this subsection shall preclude a taxpayer who makes a qualified equity investment prior to sunset of this section under the provisions of section 23.253 from claiming tax credits 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 program authorized under section 135.680, subject to the terms and conditions set forth in this section. The director of the department of economic development may impose additional terms and conditions consistent with this section to requests for letter rulings by regulation promulgated under chapter 536. For the purposes of

1 this section, the term "letter ruling" means a written interpretation of law to a
 2 specific set of facts provided by the applicant requesting a letter ruling.

3 2. The director or director's designee shall respond to a request for a letter
 4 ruling within sixty days of receipt of such request. The applicant may provide a
 5 draft letter ruling for the department's consideration. The applicant may withdraw
 6 the request for a letter ruling, in writing, prior to the issuance of the letter ruling.
 7 The director or the director's designee may refuse to issue a letter ruling for good
 8 cause, but must list the specific reasons for refusing to issue the letter ruling.
 9 Good cause includes, but is not limited to:

10 (1) The applicant requests the director to determine whether a statute is
 11 constitutional or a regulation is lawful;

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

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

16 (4) The issue is currently being considered in a rulemaking procedure,
 17 contested case, or other agency or judicial proceeding that may definitely resolve
 18 the issue.

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

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

29 5. Information in letter ruling requests as described in section 620.014
 30 shall be closed to the public. Copies of letter rulings shall be available to the
 31 public provided that the applicant identifying information and otherwise protected
 32 information is redacted from the letter ruling as provided in subsection 1 of section
 33 610.024.]

34
 35 [135.700. For all tax years beginning on or after January 1, 1999, a grape
 36 grower or wine producer shall be allowed a tax credit against the state tax liability
 37 incurred pursuant to chapter 143, exclusive of the provisions relating to the
 38 withholding of tax as provided in sections 143.191 to 143.265, in an amount equal
 39 to twenty-five percent of the purchase price of all new equipment and materials
 40 used directly in the growing of grapes or the production of wine in the state. Each
 41 grower or producer shall apply to the department of economic development and
 42 specify the total amount of such new equipment and materials purchased during
 43 the calendar year. The department of economic development shall certify to the
 44 department of revenue the amount of such tax credit to which a grape grower or
 45 wine producer is entitled pursuant to this section. The provisions of this section
 46 notwithstanding, a grower or producer may only apply for and receive the credit
 47 authorized by this section for five tax periods.]

48
 49 [135.710. 1. As used in this section, the following terms mean:

(1) "Alternative fuel vehicle refueling property", property in this state owned by an eligible applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private citizens;

(2) "Alternative fuels", any motor fuel at least seventy percent of the volume of which consists of one or more of the following:

- (a) Ethanol;
- (b) Natural gas;
- (c) Compressed natural gas, or CNG;
- (d) Liquified natural gas, or LNG;
- (e) Liquified petroleum gas, or LP gas, propane, or autogas;
- (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;

(g) Hydrogen;

(3) "Department", the department of economic development;

(4) "Electric vehicle recharging property", property in this state owned by an eligible applicant and used for recharging electric motor vehicles owned by such eligible applicant or private citizens;

(5) "Eligible applicant", a business entity or private citizen that is the owner of an electric vehicle recharging property or an alternative fuel vehicle refueling property;

(6) "Qualified Missouri contractor", a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years;

(7) "Qualified property", an electric vehicle recharging property or an alternative fuel vehicle refueling property which, if constructed after August 28, 2014, was constructed with at least fifty-one percent of the costs being paid to qualified Missouri contractors for the:

- (a) Fabrication of premanufactured equipment or process piping used in the construction of such facility;
- (b) Construction of such facility; and
- (c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section.

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

2. For all tax years beginning on or after January 1, 2015, but before January 1, 2018, any eligible applicant who installs and operates a qualified property shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the applicant is constructing the qualified property. The credit allowed in this section per eligible applicant who is a private citizen shall not exceed fifteen hundred dollars or per eligible applicant that is a business entity shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment or any

1 recharging equipment on any qualified property, which shall not include the
2 following:

3 (1) Costs associated with the purchase of land upon which to place a
4 qualified property;

5 (2) Costs associated with the purchase of an existing qualified property; or

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

7 3. Tax credits allowed by this section shall be claimed by the eligible
8 applicant at the time such applicant files a return for the tax year in which the
9 storage and dispensing or recharging facilities were placed in service at a qualified
10 property, and shall be applied against the income tax liability imposed by chapter
11 143, chapter 147, or chapter 148 after all other credits provided by law have been
12 applied. The cumulative amount of tax credits which may be claimed by eligible
13 applicants claiming all credits authorized in this section shall not exceed one
14 million dollars in any calendar year, subject to appropriations.

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

21 5. Any qualified property, for which an eligible applicant receives tax
22 credits under this section, which ceases to sell alternative fuel or recharge electric
23 vehicles shall cause the forfeiture of such eligible applicant's tax credits provided
24 under this section for the taxable year in which the qualified property ceased to
25 sell alternative fuel or recharge electric vehicles and for future taxable years with
26 no recapture of tax credits obtained by an eligible applicant with respect to such
27 applicant's tax years which ended before the sale of alternative fuel or recharging
28 of electric vehicles ceased.

29 6. The director of revenue shall establish the procedure by which the tax
30 credits in this section may be claimed, and shall establish a procedure by which
31 the cumulative amount of tax credits is apportioned equally among all eligible
32 applicants claiming the credit. To the maximum extent possible, the director of
33 revenue shall establish the procedure described in this subsection in such a manner
34 as to ensure that eligible applicants can claim all the tax credits possible up to the
35 cumulative amount of tax credits available for the taxable year. No eligible
36 applicant claiming a tax credit under this section shall be liable for any interest or
37 penalty for filing a tax return after the date fixed for filing such return as a result
38 of the apportionment procedure under this subsection.

39 7. Any eligible applicant desiring to claim a tax credit under this section
40 shall submit the appropriate application for such credit with the department. The
41 application for a tax credit under this section shall include any information
42 required by the department. The department shall review the applications and
43 certify to the department of revenue each eligible applicant that qualifies for the
44 tax credit.

45 8. The department and the department of revenue may promulgate rules to
46 implement the provisions of this section. Any rule or portion of a rule, as that
47 term is defined in section 536.010, that is created under the authority delegated in
48 this section shall become effective only if it complies with and is subject to all of
49 the provisions of chapter 536 and, if applicable, section 536.028. This section and

chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2008, shall be invalid and void.

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

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

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

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

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

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

[135.950. The following terms, whenever used in sections 135.950 to 135.970 mean:

(1) "Average wage", the new payroll divided by the number of new jobs;

(2) "Blighted area", the same meaning as defined pursuant to section 99.805;

(3) "Board", an enhanced enterprise zone board established pursuant to section 135.957;

(4) "Commencement of commercial operations" shall be deemed to occur during the first taxable year for which the new business facility is first put into use by the taxpayer in the enhanced business enterprise in which the taxpayer intends to use the new business facility;

(5) "County average wage", the average wages in each county as determined by the department for the most recently completed full calendar year. However, if the computed county average wage is above the statewide average wage, the statewide average wage shall be deemed the county average wage for

such county for the purpose of determining eligibility. The department shall publish the county average wage for each county at least annually. Notwithstanding the provisions of this subdivision to the contrary, for any taxpayer that in conjunction with their project is relocating employees from a Missouri county with a higher county average wage, such taxpayer shall obtain the endorsement of the governing body of the community from which jobs are being relocated or the county average wage for their project shall be the county average wage for the county from which the employees are being relocated;

(6) "Department", the department of economic development;

(7) "Director", the director of the department of economic development;

(8) "Employee", a person employed by the enhanced business enterprise that is scheduled to work an average of at least one thousand hours per year, and such person at all times has health insurance offered to him or her, which is partially paid for by the employer;

(9) "Enhanced business enterprise", an industry or one of a cluster of industries that is either:

(a) Identified by the department as critical to the state's economic security and growth; or

(b) Will have an impact on industry cluster development, as identified by the governing authority in its application for designation of an enhanced enterprise zone and approved by the department; but excluding gambling establishments (NAICS industry group 7132), retail trade (NAICS sectors 44 and 45), educational services (NAICS sector 61), religious organizations (NAICS industry group 8131), public administration (NAICS sector 92), and food and drinking places (NAICS subsector 722), however, notwithstanding provisions of this section to the contrary, headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied. Service industries may be eligible only if a majority of its annual revenues will be derived from out of the state;

(10) "Existing business facility", any facility in this state which was employed by the taxpayer claiming the credit in the operation of an enhanced business enterprise immediately prior to an expansion, acquisition, addition, or replacement;

(11) "Facility", any building used as an enhanced business enterprise located within an enhanced enterprise zone, including the land on which the facility is located and all machinery, equipment, and other real and depreciable tangible personal property acquired for use at and located at or within such facility and used in connection with the operation of such facility;

(12) "Facility base employment", the greater of the number of employees located at the facility on the date of the notice of intent, or for the twelve-month period prior to the date of the notice of intent, the average number of employees located at the facility, or in the event the project facility has not been in operation for a full twelve-month period, the average number of employees for the number of months the facility has been in operation prior to the date of the notice of intent;

(13) "Facility base payroll", the total amount of taxable wages paid by the enhanced business enterprise to employees of the enhanced business enterprise

located at the facility in the twelve months prior to the notice of intent, not including the payroll of owners of the enhanced business enterprise unless the enhanced business enterprise is participating in an employee stock ownership plan. For the purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on the consumer price index or other comparable measure, as determined by the department;

(14) "Governing authority", the body holding primary legislative authority over a county or incorporated municipality;

(15) "Megaproject", any manufacturing or assembling facility, approved by the department for construction and operation within an enhanced enterprise zone, which satisfies the following:

(a) The new capital investment is projected to exceed three hundred million dollars over a period of eight years from the date of approval by the department;

(b) The number of new jobs is projected to exceed one thousand over a period of eight years beginning on the date of approval by the department;

(c) The average wage of new jobs to be created shall exceed the county average wage;

(d) The taxpayer shall offer health insurance to all new jobs and pay at least eighty percent of such insurance premiums; and

(e) An acceptable plan of repayment, to the state, of the tax credits provided for the megaproject has been provided by the taxpayer;

(16) "NAICS", the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;

(17) "New business facility", a facility that does not produce or generate electrical energy from a renewable energy resource and satisfies the following requirements:

(a) Such facility is employed by the taxpayer in the operation of an enhanced business enterprise. Such facility shall not be considered a new business facility in the hands of the taxpayer if the taxpayer's only activity with respect to such facility is to lease it to another person or persons. If the taxpayer employs only a portion of such facility in the operation of an enhanced business enterprise, and leases another portion of such facility to another person or persons or does not otherwise use such other portions in the operation of an enhanced business enterprise, the portion employed by the taxpayer in the operation of an enhanced business enterprise shall be considered a new business facility, if the requirements of paragraphs (b), (c), and (d) of this subdivision are satisfied;

(b) Such facility is acquired by, or leased to, the taxpayer after December 31, 2004. A facility shall be deemed to have been acquired by, or leased to, the taxpayer after December 31, 2004, if the transfer of title to the taxpayer, the transfer of possession pursuant to a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs after December 31, 2004;

(c) If such facility was acquired by the taxpayer from another taxpayer and such facility was employed immediately prior to the acquisition by another taxpayer in the operation of an enhanced business enterprise, the operation of the

1 same or a substantially similar enhanced business enterprise is not continued by
2 the taxpayer at such facility; and

3 (d) Such facility is not a replacement business facility, as defined in
4 subdivision (27) of this section;

5 (18) "New business facility employee", an employee of the taxpayer in the
6 operation of a new business facility during the taxable year for which the credit
7 allowed by section 135.967 is claimed, except that truck drivers and rail and barge
8 vehicle operators and other operators of rolling stock for hire shall not constitute
9 new business facility employees;

10 (19) "New business facility investment", the value of real and depreciable
11 tangible personal property, acquired by the taxpayer as part of the new business
12 facility, which is used by the taxpayer in the operation of the new business facility,
13 during the taxable year for which the credit allowed by 135.967 is claimed, except
14 that trucks, truck trailers, truck semitrailers, rail vehicles, barge vehicles, aircraft
15 and other rolling stock for hire, track, switches, barges, bridges, tunnels, and rail
16 yards and spurs shall not constitute new business facility investments. The total
17 value of such property during such taxable year shall be:

18 (a) Its original cost if owned by the taxpayer; or

19 (b) Eight times the net annual rental rate, if leased by the taxpayer. The
20 net annual rental rate shall be the annual rental rate paid by the taxpayer less any
21 annual rental rate received by the taxpayer from subrentals. The new business
22 facility investment shall be determined by dividing by twelve the sum of the total
23 value of such property on the last business day of each calendar month of the
24 taxable year. If the new business facility is in operation for less than an entire
25 taxable year, the new business facility investment shall be determined by dividing
26 the sum of the total value of such property on the last business day of each full
27 calendar month during the portion of such taxable year during which the new
28 business facility was in operation by the number of full calendar months during
29 such period;

30 (20) "New job", the number of employees located at the facility that
31 exceeds the facility base employment less any decrease in the number of the
32 employees at related facilities below the related facility base employment. No job
33 that was created prior to the date of the notice of intent shall be deemed a new job;

34 (21) "Notice of intent", a form developed by the department which is
35 completed by the enhanced business enterprise and submitted to the department
36 which states the enhanced business enterprise's intent to hire new jobs and request
37 benefits under such program;

38 (22) "Related facility", a facility operated by the enhanced business
39 enterprise or a related company in this state that is directly related to the operation
40 of the project facility;

41 (23) "Related facility base employment", the greater of:

42 (a) The number of employees located at all related facilities on the date of
43 the notice of intent; or

44 (b) For the twelve-month period prior to the date of the notice of intent,
45 the average number of employees located at all related facilities of the enhanced
46 business enterprise or a related company located in this state;

47 (24) "Related taxpayer":

48 (a) A corporation, partnership, trust, or association controlled by the
49 taxpayer;

1 (b) ~~An individual, corporation, partnership, trust, or association in control~~
2 ~~of the taxpayer; or~~

3 (c) ~~A corporation, partnership, trust or association controlled by an~~
4 ~~individual, corporation, partnership, trust or association in control of the taxpayer.~~
5 ~~"Control of a corporation" shall mean ownership, directly or indirectly, of stock~~
6 ~~possessing at least fifty percent of the total combined voting power of all classes~~
7 ~~of stock entitled to vote, "control of a partnership or association" shall mean~~
8 ~~ownership of at least fifty percent of the capital or profits interest in such~~
9 ~~partnership or association, and "control of a trust" shall mean ownership, directly~~
10 ~~or indirectly, of at least fifty percent of the beneficial interest in the principal or~~
11 ~~income of such trust; ownership shall be determined as provided in Section 318 of~~
12 ~~the Internal Revenue Code of 1986, as amended;~~

13 (25) ~~"Renewable energy generation zone", an area which has been found,~~
14 ~~by a resolution or ordinance adopted by the governing authority having~~
15 ~~jurisdiction of such area, to be a blighted area and which contains land,~~
16 ~~improvements, or a lock and dam site which is unutilized or underutilized for the~~
17 ~~production, generation, conversion, and conveyance of electrical energy from a~~
18 ~~renewable energy resource;~~

19 (26) ~~"Renewable energy resource", shall include:~~

20 (a) ~~Wind;~~

21 (b) ~~Solar thermal sources or photovoltaic cells and panels;~~

22 (c) ~~Dedicated crops grown for energy production;~~

23 (d) ~~Cellulosic agricultural residues;~~

24 (e) ~~Plant residues;~~

25 (f) ~~Methane from landfills, agricultural operations, or wastewater~~
26 ~~treatment;~~

27 (g) ~~Thermal depolymerization or pyrolysis for converting waste material~~
28 ~~to energy;~~

29 (h) ~~Clean and untreated wood such as pallets;~~

30 (i) ~~Hydroelectric power, which shall include electrical energy produced or~~
31 ~~generated by hydroelectric power generating equipment, as such term is defined in~~
32 ~~section 137.010;~~

33 (j) ~~Fuel cells using hydrogen produced by one or more of the renewable~~
34 ~~resources provided in paragraphs (a) to (i) of this subdivision; or~~

35 (k) ~~Any other sources of energy, not including nuclear energy, that are~~
36 ~~certified as renewable by rule by the department of economic development;~~

37 (27) ~~"Replacement business facility", a facility otherwise described in~~
38 ~~subdivision (17) of this section, hereafter referred to in this subdivision as "new~~
39 ~~facility", which replaces another facility, hereafter referred to in this subdivision as~~
40 ~~"old facility", located within the state, which the taxpayer or a related taxpayer~~
41 ~~previously operated but discontinued operating on or before the close of the first~~
42 ~~taxable year for which the credit allowed by this section is claimed. A new facility~~
43 ~~shall be deemed to replace an old facility if the following conditions are met:~~

44 (a) ~~The old facility was operated by the taxpayer or a related taxpayer~~
45 ~~during the taxpayer's or related taxpayer's taxable period immediately preceding~~
46 ~~the taxable year in which commencement of commercial operations occurs at the~~
47 ~~new facility; and~~

48 (b) ~~The old facility was employed by the taxpayer or a related taxpayer in~~
49 ~~the operation of an enhanced business enterprise and the taxpayer continues the~~

operation of the same or substantially similar enhanced business enterprise at the new facility. Notwithstanding the preceding provisions of this subdivision, a facility shall not be considered a replacement business facility if the taxpayer's new business facility investment, as computed in subdivision (19) of this section, in the new facility during the tax period for which the credits allowed in section 135.967 are claimed exceed one million dollars and if the total number of employees at the new facility exceeds the total number of employees at the old facility by at least two;

(28) ~~"Same or substantially similar enhanced business enterprise", an enhanced business enterprise in which the nature of the products produced or sold, or activities conducted, are similar in character and use or are produced, sold, performed, or conducted in the same or similar manner as in another enhanced business enterprise.]~~

[135.953. 1. For purposes of sections 135.950 to 135.970, an area shall meet the following criteria in order to qualify as an enhanced enterprise zone:

(1) The area shall be a blighted area, have pervasive poverty, unemployment and general distress; and

(2) At least sixty percent of the residents living in the area have incomes below ninety percent of the median income of all residents:

(a) Within the state of Missouri, according to the last decennial census or other appropriate source as approved by the director; or

(b) Within the county or city not within a county in which the area is located, according to the last decennial census or other appropriate source as approved by the director; and

(3) The resident population of the area shall be at least five hundred but not more than one hundred thousand at the time of designation as an enhanced enterprise zone if the area lies within a metropolitan statistical area, as established by the United States Census Bureau, or if the area does not lie within a metropolitan statistical area, the resident population of the area at the time of designation shall be at least five hundred but not more than forty thousand inhabitants. If the population of the jurisdiction of the governing authority does not meet the minimum population requirements set forth in this subdivision, the population of the area must be at least fifty percent of the population of the jurisdiction. However, no enhanced enterprise zone shall be created which consists of the total area within the political boundaries of a county;

(4) The level of unemployment of persons, according to the most recent data available from the United States Bureau of Census and approved by the director, within the area is equal to or exceeds the average rate of unemployment for:

(a) The state of Missouri over the previous twelve months; or

(b) The county or city not within a county over the previous twelve months; and

(5) No finding of blight under this chapter shall be used to meet the conditions for blight under any other statute of this state.

2. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be established in an area located within a county for which public and individual assistance has been requested by the governor pursuant to Section 401 of the Robert T. Stafford Disaster Relief and

Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an emergency proclaimed by the governor pursuant to section 44.100 due to a natural disaster of major proportions, if the area to be designated is blighted and sustained severe damage as a result of such natural disaster, as determined by the state emergency management agency. An application for designation as an enhanced enterprise zone pursuant to this subsection shall be made before the expiration of one year from the date the governor requested federal relief for the area sought to be designated.

3. Notwithstanding the requirements of subsection 1 of this section to the contrary, an enhanced enterprise zone may be designated in a county of declining population if it meets the requirements of subdivisions (1), (3) and either (2) or (4) of subsection 1 of this section. For the purposes of this subsection, a "county of declining population" is one that has lost one percent or more of its population as demonstrated by comparing the most recent decennial census population to the next most recent decennial census population for the county.

4. In addition to meeting the requirements of subsection 1, 2, or 3 of this section, an area, to qualify as an enhanced enterprise zone, shall be demonstrated by the governing authority to have either:

- (1) The potential to create sustainable jobs in a targeted industry; or
- (2) A demonstrated impact on local industry cluster development.

5. Notwithstanding the requirements of subsections 1 and 4 of this section to the contrary, a renewable energy generation zone may be designated as an enhanced enterprise zone if the renewable energy generation zone meets the criteria set forth in subdivision (25) of section 135.950.]

[135.957. 1. A governing authority planning to seek designation of an enhanced enterprise zone shall establish an enhanced enterprise zone board. The number of members on the board shall be seven. One member of the board shall be appointed by the school district or districts located within the area proposed for designation as an enhanced enterprise zone. One member of the board shall be appointed by other affected taxing districts. The remaining five members shall be chosen by the chief elected official of the county or municipality.

2. The school district member and the affected taxing district member shall each have initial terms of five years. Of the five members appointed by the chief elected official, two shall have initial terms of four years, two shall have initial terms of three years, and one shall have an initial term of two years. Thereafter, members shall serve terms of five years. Each commissioner shall hold office until a successor has been appointed. All vacancies shall be filled in the same manner as the original appointment. For inefficiency or neglect of duty or misconduct in office, a member of the board may be removed by the applicable appointing authority.

3. A majority of the members shall constitute a quorum of such board for the purpose of conducting business and exercising the powers of the board and for all other purposes. Action may be taken by the board upon a vote of a majority of the members present.

4. The members of the board annually shall elect a chair from among the members.

5. The role of the board shall be to conduct the activities necessary to advise the governing authority on the designation of an enhanced enterprise zone

1 and any other advisory duties as determined by the governing authority. The role
 2 of the board after the designation of an enhanced enterprise zone shall be review
 3 and assessment of zone activities as it relates to the annual reports as set forth in
 4 section 135.960.]

5
 6 [135.960. 1. Any governing authority that desires to have any portion of a
 7 city or unincorporated area of a county under its control designated as an enhanced
 8 enterprise zone shall hold a public hearing for the purpose of obtaining the opinion
 9 and suggestions of those persons who will be affected by such designation.

10 2. After a public hearing is held as required in subsection 1 of this section,
 11 the governing authority may, by a majority vote of the members of the governing
 12 authority, adopt an ordinance or resolution designating a specific area as an
 13 enhanced enterprise zone. Such ordinance shall include, in addition to a
 14 description of the physical, social, and economic characteristics of the area:

15 (1) A plan to provide adequate police protection within the area;

16 (2) A specific and practical process for individual businesses to obtain
 17 waivers from burdensome local regulations, ordinances, and orders which serve to
 18 discourage economic development within the area to be designated an enhanced
 19 enterprise zone, except that such waivers shall not substantially endanger the
 20 health or safety of the employees of any such business or the residents of the area;

21 (3) A description of what other specific actions will be taken to support
 22 and encourage private investment within the area;

23 (4) A plan to ensure that resources are available to assist area residents to
 24 participate in increased development through self-help efforts and in ameliorating
 25 any negative effects of designation of the area as an enhanced enterprise zone;

26 (5) A statement describing the projected positive and negative effects of
 27 designation of the area as an enhanced enterprise zone;

28 (6) A specific plan to provide assistance to any person or business
 29 dislocated as a result of activities within the enhanced enterprise zone. Such plan
 30 shall determine the need of dislocated persons for relocation assistance; provide,
 31 prior to displacement, information about the type, location, and price of
 32 comparable housing or commercial property; provide information concerning state
 33 and federal programs for relocation assistance and provide other advisory services
 34 to displaced persons. Public agencies may choose to provide assistance under the
 35 Uniform Relocation and Real Property Acquisition Act, 42 U.S.C. Section 4601,
 36 et seq., to meet the requirements of this subdivision; and

37 (7) A description or plan that demonstrates the requirements of subsection
 38 4 of section 135.953.

39 3. An enhanced enterprise zone designation shall expire in twenty-five
 40 years.

41 4. Each designated enhanced enterprise zone board shall report to the
 42 director on an annual basis regarding the status of the zone and business activity
 43 within the zone.]

44
 45 [135.963. 1. Improvements made to real property as such term is defined
 46 in section 137.010 which are made in an enhanced enterprise zone subsequent to
 47 the date such zone or expansion thereto was designated may, upon approval of an
 48 authorizing resolution or ordinance by the governing authority having jurisdiction
 49 of the area in which the improvements are made, be exempt, in whole or in part,

1 from assessment and payment of ad valorem taxes of one or more affected
 2 political subdivisions. Improvements made to real property, as such term is
 3 defined in section 137.010, which are locally assessed and in a renewable energy
 4 generation zone designated as an enhanced enterprise zone, subsequent to the date
 5 such enhanced enterprise zone or expansion thereto was designated, may, upon
 6 approval of an authorizing resolution or ordinance by the governing authority
 7 having jurisdiction of the area in which the improvements are made, be exempt, in
 8 whole or in part, from assessment and payment of ad valorem taxes of one or more
 9 affected political subdivisions. In addition to enhanced business enterprises, a
 10 speculative industrial or warehouse building constructed by a public entity or a
 11 private entity if the land is leased by a public entity may be subject to such
 12 exemption.

13 2. Such authorizing resolution shall specify the percent of the exemption
 14 to be granted, the duration of the exemption to be granted, and the political
 15 subdivisions to which such exemption is to apply and any other terms, conditions,
 16 or stipulations otherwise required. A copy of the resolution shall be provided to
 17 the director within thirty calendar days following adoption of the resolution by the
 18 governing authority.

19 3. No exemption shall be granted until the governing authority holds a
 20 public hearing for the purpose of obtaining the opinions and suggestions of
 21 residents of political subdivisions to be affected by the exemption from property
 22 taxes. The governing authority shall send, by certified mail, a notice of such
 23 hearing to each political subdivision in the area to be affected and shall publish
 24 notice of such hearing in a newspaper of general circulation in the area to be
 25 affected by the exemption at least twenty days prior to the hearing but not more
 26 than thirty days prior to the hearing. Such notice shall state the time, location,
 27 date, and purpose of the hearing.

28 4. Notwithstanding subsection 1 of this section, at least one-half of the ad
 29 valorem taxes otherwise imposed on subsequent improvements to real property
 30 located in an enhanced enterprise zone of enhanced business enterprises or
 31 speculative industrial or warehouse buildings as indicated in subsection 1 of this
 32 section shall become and remain exempt from assessment and payment of ad
 33 valorem taxes of any political subdivision of this state or municipality thereof, if
 34 said political subdivision or municipality levies ad valorem taxes, for a period of
 35 not less than ten years following the date such improvements were assessed,
 36 provided the improved properties are used for enhanced business enterprises. The
 37 exemption for speculative buildings is subject to the approval of the governing
 38 authority for a period not to exceed two years if the building is owned by a private
 39 entity and five years if the building is owned or ground leased by a public entity.
 40 This shall not preclude the building receiving an exemption for the remaining time
 41 period established by the governing authority if it was occupied by an enhanced
 42 business enterprise. The two and five year time periods indicated for speculative
 43 buildings shall not be an addition to the local abatement time period for such
 44 facility.

45 5. No exemption shall be granted for a period more than twenty-five years,
 46 provided, however, that during the ten years prior to the expiration of an enhanced
 47 enterprise zone no exemption shall be granted for a period of more than ten years.

48 6. The provisions of subsection 1 of this section shall not apply to
 49 improvements made to real property begun prior to August 28, 2004.

7. The abatement referred to in this section shall not relieve the assessor or other responsible official from ascertaining the amount of the equalized assessed value of all taxable property annually as required by section 99.855, 99.957, or 99.1042 and shall not have the effect of reducing the payments in lieu of taxes referred to in subdivision (2) of subsection 1 of section 99.845, subdivision (2) of subsection 3 of section 99.957, or subdivision (2) of subsection 3 of section 99.1042 unless such reduction is set forth in the plan approved by the governing body of the municipality pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942, or section 99.1027.]

~~[135.967. 1. A taxpayer who establishes a new business facility may, upon approval by the department, be allowed a credit, each tax year for up to ten tax years, in an amount determined as set forth in this section, against the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265. No taxpayer shall receive multiple ten-year periods for subsequent expansions at the same facility.~~

~~2. Notwithstanding any provision of law to the contrary, any taxpayer who establishes a new business facility in an enhanced enterprise zone and is awarded state tax credits under this section may not also receive tax credits under sections 135.100 to 135.150, sections 135.200 to 135.286, or section 135.535, and may not simultaneously receive tax credits under sections 620.1875 to 620.1890 at the same facility.~~

~~3. No credit shall be issued pursuant to this section unless:~~

~~(1) The number of new business facility employees engaged or maintained in employment at the new business facility for the taxable year for which the credit is claimed equals or exceeds two; and~~

~~(2) The new business facility investment for the taxable year for which the credit is claimed equals or exceeds one hundred thousand dollars.~~

~~4. The annual amount of credits allowed for an approved enhanced business enterprise shall be the lesser of:~~

~~(1) The annual amount authorized by the department for the enhanced business enterprise, which shall be limited to the projected state economic benefit, as determined by the department; or~~

~~(2) The sum calculated based upon the following:~~

~~(a) A credit of four hundred dollars for each new business facility employee employed within an enhanced enterprise zone;~~

~~(b) An additional credit of four hundred dollars for each new business facility employee who is a resident of an enhanced enterprise zone;~~

~~(c) An additional credit of four hundred dollars for each new business facility employee who is paid by the enhanced business enterprise a wage that exceeds the average wage paid within the county in which the facility is located, as determined by the department; and~~

~~(d) A credit equal to two percent of new business facility investment within an enhanced enterprise zone.~~

~~5. Prior to January 1, 2007, in no event shall the department authorize more than four million dollars annually to be issued for all enhanced business enterprises. After December 31, 2006, in no event shall the department authorize more than twenty-four million dollars annually to be issued for all enhanced business enterprises.~~

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

4 (1) The taxpayer's new business facility investment in the expansion
5 during the tax period in which the credits allowed in this section are claimed
6 exceeds one hundred thousand dollars and if the number of new business facility
7 employees engaged or maintained in employment at the expansion facility for the
8 taxable year for which credit is claimed equals or exceeds two, and the total
9 number of employees at the facility after the expansion is at least two greater than
10 the total number of employees before the expansion; and

11 (2) The taxpayer's investment in the expansion and in the original facility
12 prior to expansion shall be determined in the manner provided in subdivision (19)
13 of section 135.950.

14 7. The number of new business facility employees during any taxable year
15 shall be determined by dividing by twelve the sum of the number of individuals
16 employed on the last business day of each month of such taxable year. If the new
17 business facility is in operation for less than the entire taxable year, the number of
18 new business facility employees shall be determined by dividing the sum of the
19 number of individuals employed on the last business day of each full calendar
20 month during the portion of such taxable year during which the new business
21 facility was in operation by the number of full calendar months during such
22 period. For the purpose of computing the credit allowed by this section in the case
23 of a facility which qualifies as a new business facility under subsection 6 of this
24 section, and in the case of a new business facility which satisfies the requirements
25 of paragraph (c) of subdivision (17) of section 135.950, or subdivision (25) of
26 section 135.950, the number of new business facility employees at such facility
27 shall be reduced by the average number of individuals employed, computed as
28 provided in this subsection, at the facility during the taxable year immediately
29 preceding the taxable year in which such expansion, acquisition, or replacement
30 occurred and shall further be reduced by the number of individuals employed by
31 the taxpayer or related taxpayer that was subsequently transferred to the new
32 business facility from another Missouri facility and for which credits authorized in
33 this section are not being earned, whether such credits are earned because of an
34 expansion, acquisition, relocation, or the establishment of a new facility.

35 8. In the case where a new business facility employee who is a resident of
36 an enhanced enterprise zone for less than a twelve-month period is employed for
37 less than a twelve-month period, the credits allowed by paragraph (b) of
38 subdivision (2) of subsection 4 of this section shall be determined by multiplying
39 four hundred dollars by a fraction, the numerator of which is the number of
40 calendar days during the taxpayer's tax year for which such credits are claimed, in
41 which the employee was a resident of an enhanced enterprise zone, and the
42 denominator of which is three hundred sixty-five.

43 9. For the purpose of computing the credit allowed by this section in the
44 case of a facility which qualifies as a new business facility pursuant to subsection
45 6 of this section, and in the case of a new business facility which satisfies the
46 requirements of paragraph (c) of subdivision (17) of section 135.950 or
47 subdivision (25) of section 135.950, the amount of the taxpayer's new business
48 facility investment in such facility shall be reduced by the average amount,
49 computed as provided in subdivision (19) of section 135.950 for new business

1 facility investment, of the investment of the taxpayer, or related taxpayer
 2 immediately preceding such expansion or replacement or at the time of
 3 acquisition. Furthermore, the amount of the taxpayer's new business facility
 4 investment shall also be reduced by the amount of investment employed by the
 5 taxpayer or related taxpayer which was subsequently transferred to the new
 6 business facility from another Missouri facility and for which credits authorized in
 7 this section are not being earned, whether such credits are earned because of an
 8 expansion, acquisition, relocation, or the establishment of a new facility.

9 10. For a taxpayer with flow-through tax treatment to its members,
 10 partners, or shareholders, the credit shall be allowed to members, partners, or
 11 shareholders in proportion to their share of ownership on the last day of the
 12 taxpayer's tax period.

13 11. Credits may not be carried forward but shall be claimed for the taxable
 14 year during which commencement of commercial operations occurs at such new
 15 business facility, and for each of the nine succeeding taxable years for which the
 16 credit is issued.

17 12. Certificates of tax credit authorized by this section may be transferred,
 18 sold, or assigned by filing a notarized endorsement thereof with the department
 19 that names the transferee, the amount of tax credit transferred, and the value
 20 received for the credit, as well as any other information reasonably requested by
 21 the department. The sale price cannot be less than seventy-five percent of the par
 22 value of such credits.

23 13. The director of revenue shall issue a refund to the taxpayer to the
 24 extent that the amount of credits allowed in this section exceeds the amount of the
 25 taxpayer's income tax.

26 14. Prior to the issuance of tax credits, the department shall verify through
 27 the department of revenue, or any other state department, that the tax credit
 28 applicant does not owe any delinquent income, sales, or use tax or interest or
 29 penalties on such taxes, or any delinquent fees or assessments levied by any state
 30 department and through the department of commerce and insurance that the
 31 applicant does not owe any delinquent insurance taxes. Such delinquency shall
 32 not affect the authorization of the application for such tax credits, except that the
 33 amount of credits issued shall be reduced by the applicant's tax delinquency. If the
 34 department of revenue or the department of commerce and insurance, or any other
 35 state department, concludes that a taxpayer is delinquent after June fifteenth but
 36 before July first of any year and the application of tax credits to such delinquency
 37 causes a tax deficiency on behalf of the taxpayer to arise, then the taxpayer shall
 38 be granted thirty days to satisfy the deficiency in which interest, penalties, and
 39 additions to tax shall be tolled. After applying all available credits toward a tax
 40 delinquency, the administering agency shall notify the appropriate department, and
 41 that department shall update the amount of outstanding delinquent tax owed by the
 42 applicant. If any credits remain after satisfying all insurance, income, sales, and
 43 use tax delinquencies, the remaining credits shall be issued to the applicant,
 44 subject to the restrictions of other provisions of law.]

45
 46 [135.968. 1. A taxpayer who establishes a megaproject, approved by the
 47 department, within an enhanced enterprise zone shall, in exchange for the
 48 consideration provided by new tax revenues and other economic stimuli that will
 49 be generated from the new jobs created by the megaproject, be allowed an income

1 tax credit equal to the percentage of actual new annual payroll of the taxpayer
 2 attributable to employees directly related to the manufacturing and assembly
 3 process and administration, as provided under subsection 4 of this section. A
 4 taxpayer seeking approval of a megaproject shall submit an application to the
 5 department. The department shall not approve any megaproject after December
 6 31, 2008. The department shall not approve any credits for megaprojects to be
 7 issued prior to January 1, 2013, and in no event shall the department authorize
 8 more than forty million dollars to be issued annually for all megaprojects. The
 9 total amount of credits issued under this section shall not exceed two hundred forty
 10 million dollars.

11 2. In considering applications for approval of megaprojects, the
 12 department may approve an application if:

13 (1) The taxpayer's project is financially sound and the taxpayer has
 14 adequately demonstrated an ability to successfully undertake and complete the
 15 megaproject. This determination shall be supported by a professional third-party
 16 market feasibility analysis conducted on behalf of the state by a firm with direct
 17 experience with the industry of the proposed megaproject, and by a professional
 18 third-party financial analysis of the taxpayer's ability to complete the project;

19 (2) The taxpayer's plan of repayment to the state of the amount of tax
 20 credits provided is reasonable and sound;

21 (3) The taxpayer's megaproject will create new jobs that were not jobs
 22 previously performed by employees of the taxpayer or a related taxpayer in
 23 Missouri;

24 (4) Local taxing entities are providing a significant level of incentives for
 25 the megaproject relative to the projected new local tax revenues created by the
 26 megaproject;

27 (5) There is at least one other state or foreign country that the taxpayer
 28 verifies is being considered for the project, and receiving megaproject tax credits
 29 is a major factor in the taxpayer's decision to go forward with the project and not
 30 receiving the credit will result in the taxpayer not creating new jobs in Missouri;

31 (6) The megaproject will be located in an enhanced enterprise zone which
 32 constitutes an economic or social liability and a detriment to the public health,
 33 safety, morals, or welfare in its present condition and use;

34 (7) The completion of the megaproject will serve an essential public
 35 municipal purpose by creating a substantial number of new jobs for citizens,
 36 increasing their purchasing power, improving their living conditions, and relieving
 37 the demand for unemployment and welfare assistance thereby promoting the
 38 economic development of the enhanced enterprise zone, the municipality, and the
 39 state; and

40 (8) The creation of new jobs will assist the state in providing the services
 41 needed to protect the health, safety, and social and economic well-being of the
 42 citizens of the state.

43 3. Prior to final approval of an application, a binding contract shall be
 44 executed between the taxpayer and the department of economic development
 45 which shall include, but not be limited to:

46 (1) A repayment plan providing for cash payment to the state general
 47 revenue fund which shall result in a positive internal rate of return to the state and
 48 fully comply with the provisions of the World Trade Organization Agreement on
 49 Subsidies and Countervailing Measures. The rate of return shall be commercially

reasonable and, over the life of the project, exceed one hundred and fifty percent of the state's borrowing costs based on the AAA-rated twenty-year tax-exempt bond rate average over a twenty-year borrowing period. The rate shall be verified by a professional third-party financial analysis;

(2) The taxpayer's obligation to construct a facility of at least one million square feet within five years from the date of approval;

(3) A requirement that the issuance of tax credits authorized under this section shall cease and the taxpayer shall immediately submit payment, to the state general revenue fund, in an amount equal to all credits previously issued less any amounts previously repaid, increased by an additional amount that shall provide the state a reasonable rate of return, in the event the taxpayer:

(a) Fails to construct a facility of at least one million square feet within five years of the date of approval;

(b) Fails to make a scheduled payment as required by the repayment plan; or

(c) Fails to compensate new jobs at rate equal to or in excess of the county average wage or fails to offer health insurance to all such new jobs and pay at least eighty percent of such premiums; and

(4) A requirement that the department shall suspend issuance of tax credits authorized under this section if, at any point, the total amount of tax credits issued less the total amount of repayments received equals one hundred and fifty-five million dollars.

4. Upon approval of an application by the department, tax credits shall be issued annually for a period not to exceed eight years from the commencement of commercial operations of the megaproject. The eight-year period for the issuance of megaproject tax credits may extend beyond the expiration of the enhanced enterprise zone. The maximum percentage of the annual payroll of the taxpayer for new jobs located at the megaproject which may be approved or issued by the department for tax credits shall not exceed:

(1) Eighty percent for the first three years that tax credits will be issued for the megaproject;

(2) Sixty percent for the next two subsequent years;

(3) Fifty percent for the next two subsequent years; and

(4) Thirty percent for the remaining year.

In no event shall the department issue more than forty million dollars annually in megaproject tax credits to any taxpayer. In any given year, the amount of tax credits issued shall be the lesser of forty million dollars, the applicable annual payroll percentage, or the amount of tax credits remaining unissued under the two hundred forty million dollar limitation on megaproject tax credit issuance provided under subsection 1 of this section.

5. Tax credits issued under this section may be claimed against the tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265. For taxpayers with flow-through tax treatment of its members, partners, or shareholders, the credit shall be allowed to members, partners, or shareholders in proportion to their share of ownership on the last day of the taxpayer's tax period. The director of revenue shall issue a refund to a taxpayer to the extent the amount of credits allowed in this section exceeds the amount of the

1 taxpayer's income tax liability in the year redemption is authorized. An owner of
 2 tax credits issued under this section shall not be required to have any Missouri
 3 income tax liability in order to redeem such tax credits and receive a refund. The
 4 director of revenue shall prepare a form to permit the owner of such tax credits to
 5 obtain a refund.

6 ~~6. Certificates of tax credits authorized under this section may be~~
 7 ~~transferred, sold, or assigned by filing a notarized endorsement thereof with the~~
 8 ~~department that names the transferee, the amount of tax credit transferred, and the~~
 9 ~~value received for the credit, as well as any other information reasonably~~
 10 ~~requested by the department. Upon such transfer, sale, or assignment, the~~
 11 ~~transferee shall be the owner of such tax credits entitled to claim the tax credits or~~
 12 ~~any refunds with respect thereto issued to the taxpayer. Tax credits may not be~~
 13 ~~carried forward past the year of issuance. Tax credits authorized by this section~~
 14 ~~may not be pledged or used to secure any bonds or other indebtedness issued by~~
 15 ~~the state or any political subdivision of the state. Once such tax credits have been~~
 16 ~~issued, nothing shall prohibit the owner of the tax credits from pledging the tax~~
 17 ~~credits to any lender or other third party.~~

18 ~~7. Any taxpayer issued tax credits under this section shall provide an~~
 19 ~~annual report to the department and the house and senate appropriations~~
 20 ~~committees of the number of new jobs located at the megaproject, the new annual~~
 21 ~~payroll of such new jobs, and such other information as may be required by the~~
 22 ~~department to document the basis for benefits under this section. The department~~
 23 ~~may withhold the approval of the annual issuance of any tax credits until it is~~
 24 ~~satisfied that proper documentation has been provided, and shall reduce the tax~~
 25 ~~credits to reflect any reduction in new payroll. If the department determines the~~
 26 ~~average wage is below the county average wage, or the taxpayer has not~~
 27 ~~maintained employee health insurance as required, the taxpayer shall not receive~~
 28 ~~tax credits for that year.~~

29 ~~8. Notwithstanding any provision of law to the contrary, any taxpayer who~~
 30 ~~is awarded tax credits under this section shall not also receive tax credits under~~
 31 ~~sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or~~
 32 ~~sections 620.1875 to 620.1890.~~

33 ~~9. Any action brought in any court contesting the approval of a~~
 34 ~~megaproject and the issuance of the tax credits, or any other action undertaken~~
 35 ~~pursuant to this section related to such megaproject, shall be filed within ninety~~
 36 ~~days following approval of the megaproject by the department.~~

37 ~~10. Records and documents relating to a proposed megaproject shall be~~
 38 ~~deemed closed records until such time as the application has been approved.~~
 39 ~~Provisions of this subsection to the contrary notwithstanding, records containing~~
 40 ~~business plan information which may endanger the competitiveness of the~~
 41 ~~business shall remain closed.~~

42 ~~11. Notwithstanding any provision of this section to the contrary, no~~
 43 ~~taxpayer who receives megaproject tax credits authorized under this section or any~~
 44 ~~related taxpayer shall employ, prior to January 1, 2022, directly:~~

45 ~~(1) Any elected public official of this state holding office as of January 1,~~
 46 ~~2008;~~

47 ~~(2) Any director, deputy director, division director, or employee directly~~
 48 ~~involved in negotiations between the department of economic development and a~~

1 taxpayer relative to the megaproject who was employed as of January 1, 2008, by
2 the department.]

3
4 ~~[135.970. The department may adopt such rules, statements of policy,~~
5 ~~procedures, forms, and guidelines as may be necessary to carry out the provisions~~
6 ~~of sections 135.950 to 135.970. Any rule or portion of a rule, as that term is~~
7 ~~defined in section 536.010, that is created under the authority delegated in this~~
8 ~~section shall become effective only if it complies with and is subject to all of the~~
9 ~~provisions of chapter 536 and, if applicable, section 536.028. This section and~~
10 ~~chapter 536 are nonseverable and if any of the powers vested with the general~~
11 ~~assembly pursuant to chapter 536 to review, to delay the effective date, or to~~
12 ~~disapprove and annul a rule are subsequently held unconstitutional, then the grant~~
13 ~~of rulemaking authority and any rule proposed or adopted after August 28, 2004,~~
14 ~~shall be invalid and void.]~~

15
16 ~~[135.973. After January 1, 2007, all enterprise zones designated before~~
17 ~~January 1, 2006, shall be eligible to receive the tax benefits under sections 135.950~~
18 ~~to 135.970.]~~

19
20 ~~[135.1125. 1. As used in this section, the following terms shall mean:~~

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

35 ~~2. For all taxable years beginning on or after January 1, 2019, any~~
36 ~~taxpayer shall be allowed a credit against the taxes otherwise due under chapter~~
37 ~~143 or 148, excluding withholding tax under sections 143.191 to 143.265, in an~~
38 ~~amount equal to fifty percent of the amount of an eligible donation. The amount~~
39 ~~of the tax credit claimed shall not exceed the amount of the taxpayer's state~~
40 ~~income tax liability in the tax year for which the credit is claimed. Any amount of~~
41 ~~credit that the taxpayer is prohibited by this section from claiming in a tax year~~
42 ~~shall not be refundable, but may be carried forward to any of the taxpayer's four~~
43 ~~subsequent taxable years.~~

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

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

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

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

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

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

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

6. ~~Pursuant to section 23.253 of the Missouri sunset act:~~

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

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

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

[173.196. 1. Any business firm, as defined in section 32.105, may make a donation to the "Missouri Higher Education Scholarship Donation Fund", which is hereby created in the state treasury. A donating business firm shall receive a tax credit as provided in this section equal to fifty percent of the amount of the donation, except that tax credits shall be awarded each fiscal year in the order donations are received and the amount of tax credits authorized shall total no more than two hundred and fifty thousand dollars for each fiscal year.

2. The department of revenue shall grant tax credits approved under this section which shall be applied in the order specified in subsection 1 of section 32.115 until used. The tax credits provided under this section shall be refundable, and any tax credit not used in the fiscal year in which approved may be carried over the next five succeeding calendar or fiscal years until the full credit has been claimed. Notwithstanding any other law to the contrary, any tax credits granted under this section may be assigned, transferred, sold, or otherwise conveyed

without consent or approval. Such taxpayer, hereinafter the assignor for purposes of this section, may sell, assign, exchange, or otherwise transfer earned tax credits:

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

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

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

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

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

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

2. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed 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 appropriate forms shall be filed with the Missouri department of revenue and the department of economic development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[348.302. 1. Any person who makes a qualified contribution to a qualified fund shall be entitled to receive a tax credit equal to fifty percent of the amount of the qualified contribution. The tax credit shall be evidenced by a tax credit

1 certificate in accordance with the provisions of sections 348.300 to 348.318 and
 2 may be used to satisfy the state tax liability of the owner of such certificate that
 3 becomes due in the tax year in which the qualified contribution is made, or in any
 4 of the ten tax years thereafter. No person may receive a tax credit pursuant to
 5 sections 348.300 to 348.318 unless that person presents a tax credit certificate to
 6 the department of revenue for payment of such state tax liability.

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

12
 13 [348.304. The total amount of credit evidenced by certificates of tax credit
 14 issued to taxpayers at the request of any one qualified economic development
 15 organization shall not exceed two million dollars; except that, this two-million-
 16 dollar limitation shall not apply to certificates of tax credit issued after January 1,
 17 1996. Prior to January 1, 1996, any qualified economic development organization
 18 may enter into a contractual agreement with any other qualified economic
 19 development organization to allocate to the latter any portion of the two million
 20 dollars of tax credits which it is authorized to issue to taxpayers under the
 21 provisions of this section. The certificate of tax credit may be issued in one
 22 aggregate certificate or in a reasonable number of multiple certificates in regard to
 23 one qualified contribution. Any issued certificate may be surrendered in exchange
 24 for new certificates not to exceed in value the value of the issued certificate. The
 25 number and denomination of multiple certificates, if issued, shall be determined
 26 by the director of the department of economic development.]

27
 28 [348.306. No person shall receive, by issuance, transfer or assignment,
 29 certificates of tax credit issued under the provisions of sections 348.300 to 348.318
 30 in an amount in excess of one million dollars. Subject to the provisions of this
 31 section, certificates of tax credit issued in accordance with sections 348.300 to
 32 348.318 may be transferred or assigned by notarized endorsement thereof which
 33 names the transferee.]

34
 35 [348.308. 1. The director of the department of economic development
 36 shall be responsible for the administration and issuance of the certificate of tax
 37 credits authorized by sections 348.300 to 348.318. The director of the department
 38 of economic development shall issue a certificate of tax credit at the request of any
 39 qualified economic development organization. Each request shall include a true
 40 copy of the documents creating the qualified fund and the interest of the qualified
 41 economic development organization in the qualified fund, the name of the person
 42 who is to receive a certificate of tax credit, the type of state tax liability, as
 43 specified in subdivision (10) of section 348.300, against which the tax credit is to
 44 be used, and the amount of the certificate of tax credit to be issued to the person
 45 making the qualified contribution. Each request shall be acknowledged under oath
 46 by the person making the qualified contribution and the president of the qualified
 47 economic development organization.

48 2. In the event that two or more qualified economic development
 49 organizations have an interest in a qualified fund, either or both of such qualified

1 economic development organizations may request issuance of certificates of tax
 2 credit in accordance with the provisions of sections 348.300 to 348.318 to persons
 3 contributing to qualified funds.]

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

14
 15 [348.312. No provision of sections 348.300 to 348.318 shall be construed
 16 to require a qualified economic development organization to accept an interest in
 17 any fund, nor shall any provision of sections 348.300 to 348.318 be construed to
 18 limit or restrict the terms and conditions on which a qualified economic
 19 development organization may agree to accept an interest in any fund.]

20
 21 [348.316. 1. Each qualified fund, on or before the due date of its federal
 22 income tax return, shall make a report for a period corresponding to the qualified
 23 fund's federal income tax year. The report shall be made on a form required by the
 24 department of economic development. It shall be verified by the affidavit of the
 25 fund's president, or another authorized officer, to the department of economic
 26 development. It shall state the amount of all uninvested capital, whether
 27 distributions of equity or funds not invested in qualified investments, and it shall
 28 contain other such information as may be required by the director of the
 29 department of economic development.

30 2. Upon the receipt of such returns, the director of the department of
 31 economic development shall verify the same and certify the amount of tax due
 32 from the various funds to the director of revenue within sixty days from the date of
 33 the return. The director of revenue shall send each qualified fund a notice of tax
 34 due within thirty days of the date of certification by the department of economic
 35 development. The qualified fund shall pay the tax as provided in the notice within
 36 thirty days of the date of such notice.]

37
 38 [348.318. Except as otherwise specifically provided in sections 348.300 to
 39 348.318, interest and penalty provisions and procedural matters under the
 40 provisions of sections 348.300 to 348.318 shall be determined pursuant to and in
 41 the manner prescribed in the following sections of the revised statutes of Missouri;
 42 the state income tax law, governing similar procedures thereunder: sections
 43 143.271 to 143.301, 143.511, 143.551 to 143.571, 143.611 to 143.751, 143.771,
 44 143.791 to 143.861, 143.881 to 143.971, and 143.986.]

45
 46 [620.635. Sections 620.635 to 620.653 shall be known and may be cited as
 47 the "Missouri New Enterprise Creation Act".]
 48

1 [620.638. As used in sections 620.635 to 620.653, the following terms
2 mean:

3 (1) "Committed contributions", the total amount of qualified contributions
4 that are committed to a qualifying fund by contractual agreement;

5 (2) "Corporation", the Missouri technology corporation as established
6 pursuant to section 348.251;

7 (3) "Department", the department of economic development;

8 (4) "Director", the director of the department of economic development;

9 (5) "Follow-up capital", capital provided to a qualified business in which a
10 qualified fund has previously invested seed capital or start-up capital. No more
11 than forty percent of the qualified contributions to a qualified fund may be used
12 for follow-up capital, and no qualified contributions which generate tax credits
13 before the second round of allocations as authorized by section 620.650 shall be
14 used for follow-up capital investments;

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

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

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

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

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

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

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

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

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

(15) "Uninvested capital", that portion of any qualified contribution to a qualified fund, other than management fees not to exceed three percent per year of committed contributions, qualified investments and other expenses or fees authorized by the corporation, that is not invested as a qualified investment within ten years of its receipt.]

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

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

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

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

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

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

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

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

(3) On a quarterly basis, verification that the investment of seed capital, start-up capital, or follow-up capital in a qualified business does not direct more

1 than ten percent of all the qualified contributions to a qualified fund to be invested
2 in a single qualifying business.

3 6. Each qualified fund shall provide annual audited financial statements,
4 including the opinion of an independent certified public accountant, to the
5 department within ninety days of the close of the state fiscal year. The audit shall
6 address the methods of operation and conduct of the business of the qualified
7 economic development organization to determine compliance with the statutes and
8 program and program rules and that the qualified contributions received by the
9 qualified fund have been invested as required by this section.]

10
11 [620.647. 1. The corporation may authorize each qualified economic
12 development organization to enter into contractual agreements with any qualified
13 fund allowing such qualified fund to offer tax credits authorized pursuant to the
14 provisions of sections 620.635 to 620.653 to those persons making qualified
15 contributions to the qualified fund. The corporation shall establish policies and
16 procedures requiring each authorized qualified economic development
17 organization to secure from each qualified fund and its investors the maximum
18 fund equity interest possible, as dictated by market conditions, in exchange for the
19 use of the tax credits. All tax credits authorized pursuant to sections 620.635 to
20 620.653 shall be administered by the department.

21 2. Each qualified fund shall enter into a contract with one or more
22 qualified economic development organizations which shall entitle all qualified
23 economic development organizations in existence at that time to receive and share
24 equally all distributions of equity and dividends or other earnings of the fund that
25 are generated as a result of any equity interest secured as a result of actions taken
26 to comply with subsection 1 of this section. Such contracts shall require the
27 qualified funds to transfer to the corporation all distributions of dividends or other
28 earnings of the fund that are owed to any qualified economic development
29 organization that has dissolved or has ceased doing business for a period of one
30 year or more.

31 3. All distributions of dividends, earnings, equity or the like owed
32 pursuant to the provisions of sections 620.635 to 620.653 to a qualified economic
33 development organization by any qualified fund shall be paid to the qualified
34 economic development organization. The qualified economic development
35 organization shall use such payments solely for reinvestment in qualified funds in
36 order to provide ongoing seed capital, start-up capital and follow-up capital for
37 Missouri businesses. No qualified economic development organization may
38 transfer any dividends, earnings, equity or the like owed it pursuant to sections
39 620.635 to 620.653 to any other person or entity without the approval of the
40 corporation.]

41
42 [620.650. 1. The sole purpose of each qualified fund is to make
43 investments. One hundred percent of investments made from qualified
44 contributions shall be qualified investments.

45 2. Any person who makes a qualified contribution to a qualified fund shall
46 receive a tax credit against the tax otherwise due pursuant to chapter 143, chapter
47 147, or chapter 148, other than taxes withheld pursuant to sections 143.191 to
48 143.265, in an amount equal to one hundred percent of such person's qualified
49 contribution.

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

7 4. There is hereby imposed on each qualified fund a tax equal to fifteen
8 percent of the qualified fund's uninvested capital at the close of such qualified
9 fund's tax year. For purposes of tax computation, any distribution made by a
10 qualified fund during a tax year is deemed made at the end of such tax year. Each
11 tax year, every qualified fund shall remit the tax imposed by this section to the
12 director of the department of revenue for deposit in the state treasury to the credit
13 of the general revenue fund.]

14
15 [620.653. The provisions of sections 620.635 to 620.650 to the contrary
16 notwithstanding, one qualified fund shall be approved by the corporation as soon
17 as practicable after July 8, 1999. Such fund need not be initially incorporated into
18 the seed capital and commercialization strategy until after the appointment of the
19 board. After the appointment of the board, all powers exercised by the corporation
20 in relation to that fund shall be transferred to the board. After the dissolution of
21 the board, all powers exercised by the board shall be transferred to the corporation.
22 The corporation shall approve the professional fund manager employed by the
23 qualified fund established by this section.]

24
25 [620.1875. Sections 620.1875 to 620.1890 shall be known and may be
26 cited as the "Missouri Quality Jobs Act".]

27
28 [620.1878. For the purposes of sections 620.1875 to 620.1890, the
29 following terms shall mean:

30 (1) "Approval", a document submitted by the department to the qualified
31 company that states the benefits that may be provided by this program;

32 (2) "Average wage", the new payroll divided by the number of new jobs;

33 (3) "Commencement of operations", the starting date for the qualified
34 company's first new employee, which must be no later than twelve months from
35 the date of the approval;

36 (4) "County average wage", the average wages in each county as
37 determined by the department for the most recently completed full calendar year.
38 However, if the computed county average wage is above the statewide average
39 wage, the statewide average wage shall be deemed the county average wage for
40 such county for the purpose of determining eligibility. The department shall
41 publish the county average wage for each county at least annually.
42 Notwithstanding the provisions of this subdivision to the contrary, for any
43 qualified company that in conjunction with their project is relocating employees
44 from a Missouri county with a higher county average wage, the company shall
45 obtain the endorsement of the governing body of the community from which jobs
46 are being relocated or the county average wage for their project shall be the county
47 average wage for the county from which the employees are being relocated;

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

49 (6) "Director", the director of the department of economic development;

- (7) "Employee", a person employed by a qualified company;
- (8) "Full-time employee", an employee of the qualified company that is scheduled to work an average of at least thirty-five hours per week for a twelve-month period, and one for which the qualified company offers health insurance and pays at least fifty percent of such insurance premiums;
- (9) "High-impact project", a qualified company that, within two years from commencement of operations, creates one hundred or more new jobs;
- (10) "Local incentives", the present value of the dollar amount of direct benefit received by a qualified company for a project facility from one or more local political subdivisions, but shall not include loans or other funds provided to the qualified company that must be repaid by the qualified company to the political subdivision;
- (11) "NAICS", the 1997 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group or industry identified in this section shall include its corresponding classification in subsequent federal industry classification systems;
- (12) "New direct local revenue", the present value of the dollar amount of direct net new tax revenues of the local political subdivisions likely to be produced by the project over a ten-year period as calculated by the department, excluding local earnings tax, and net new utility revenues, provided the local incentives include a discount or other direct incentives from utilities owned or operated by the political subdivision;
- (13) "New investment", the purchase or leasing of new tangible assets to be placed in operation at the project facility, which will be directly related to the new jobs;
- (14) "New job", the number of full-time employees located at the project facility that exceeds the project facility base employment less any decrease in the number of full-time employees at related facilities below the related facility base employment. No job that was created prior to the date of the notice of intent shall be deemed a new job. An employee that spends less than fifty percent of the employee's work time at the facility is still considered to be located at a facility if the employee receives his or her directions and control from that facility, is on the facility's payroll, one hundred percent of the employee's income from such employment is Missouri income, and the employee is paid at or above the state average wage;
- (15) "New payroll", the amount of taxable wages of full-time employees, excluding owners, located at the project facility that exceeds the project facility base payroll. If full-time employment at related facilities is below the related facility base employment, any decrease in payroll for full-time employees at the related facilities below that related facility base payroll shall also be subtracted to determine new payroll;
- (16) "Notice of intent", a form developed by the department, completed by the qualified company and submitted to the department which states the qualified company's intent to hire new jobs and request benefits under this program;
- (17) "Percent of local incentives", the amount of local incentives divided by the amount of new direct local revenue;
- (18) "Program", the Missouri quality jobs program provided in sections 620.1875 to 620.1890;

(19) "Project facility", the building used by a qualified company at which the new jobs and new investment will be located. A project facility may include separate buildings that are located within fifteen miles of each other or within the same county such that their purpose and operations are interrelated;

(20) "Project facility base employment", the greater of the number of full-time employees located at the project facility on the date of the notice of intent or for the twelve-month period prior to the date of the notice of intent, the average number of full-time employees located at the project facility. In the event the project facility has not been in operation for a full twelve-month period, the average number of full-time employees for the number of months the project facility has been in operation prior to the date of the notice of intent;

(21) "Project facility base payroll", the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at the project facility in the twelve months prior to the notice of intent, not including the payroll of the owners of the qualified company unless the qualified company is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of base payroll shall increase each year based on an appropriate measure, as determined by the department;

(22) "Project period", the time period that the benefits are provided to a qualified company;

(23) "Qualified company", a firm, partnership, joint venture, association, private or public corporation whether organized for profit or not, or headquarters of such entity registered to do business in Missouri that is the owner or operator of a project facility, offers health insurance to all full-time employees of all facilities located in this state, and pays at least fifty percent of such insurance premiums. For the purposes of sections 620.1875 to 620.1890, the term "qualified company" shall not include:

- (a) Gambling establishments (NAICS industry group 7132);
- (b) Retail trade establishments (NAICS sectors 44 and 45);
- (c) Food and drinking places (NAICS subsector 722);
- (d) Public utilities (NAICS 221 including water and sewer services);
- (e) Any company that is delinquent in the payment of any nonprotested taxes or any other amounts due the state or federal government or any other political subdivision of this state;
- (f) Any company that has filed for or has publicly announced its intention to file for bankruptcy protection. However, a company that has filed for or has publicly announced its intention to file for bankruptcy between January 1, 2009, and December 31, 2009, may be a qualified company provided that such company:
 - a. Certifies to the department that it plans to reorganize and not to liquidate; and
 - b. After its bankruptcy petition has been filed, it produces proof, in a form and at times satisfactory to the department, that it is not delinquent in filing any tax returns or making any payment due to the state of Missouri, including but not limited to all tax payments due after the filing of the bankruptcy petition and under the terms of the plan of reorganization.

Any taxpayer who is awarded benefits under this subsection and who files for

bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and shall forfeit such benefits and shall repay the state an amount equal to any state tax credits already redeemed and any withholding taxes already retained;

- (g) Educational services (NAICS sector 61);
- (h) Religious organizations (NAICS industry group 8131);
- (i) Public administration (NAICS sector 92);
- (j) Ethanol distillation or production; or
- (k) Biodiesel production.

Notwithstanding any provision of this section to the contrary, the headquarters or administrative offices of an otherwise excluded business may qualify for benefits if the offices serve a multistate territory. In the event a national, state, or regional headquarters operation is not the predominant activity of a project facility, the new jobs and investment of such headquarters operation is considered eligible for benefits under this section if the other requirements are satisfied;

(24) "Qualified renewable energy sources" shall not be construed to include ethanol distillation or production or biodiesel production; however, it shall include:

- (a) Open-looped biomass;
- (b) Close-looped biomass;
- (c) Solar;
- (d) Wind;
- (e) Geothermal; and
- (f) Hydropower;

(25) "Related company" means:

- (a) A corporation, partnership, trust, or association controlled by the qualified company;
- (b) An individual, corporation, partnership, trust, or association in control of the qualified company; or
- (c) Corporations, partnerships, trusts or associations controlled by an individual, corporation, partnership, trust or association in control of the qualified company. As used in this subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock possessing at least fifty percent of the total combined voting power of all classes of stock entitled to vote, "control of a partnership or association" shall mean ownership of at least fifty percent of the capital or profits interest in such partnership or association, "control of a trust" shall mean ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal or income of such trust, and ownership shall be determined as provided in Section 318 of the Internal Revenue Code of 1986, as amended;

(26) "Related facility", a facility operated by the qualified company or a related company located in this state that is directly related to the operations of the project facility;

(27) "Related facility base employment", the greater of the number of full-time employees located at all related facilities on the date of the notice of intent or for the twelve-month period prior to the date of the notice of intent, the average

number of full-time employees located at all related facilities of the qualified company or a related company located in this state;

(28) "Related facility base payroll", the total amount of taxable wages paid by the qualified company to full-time employees of the qualified company located at a related facility in the twelve months prior to the filing of the notice of intent, not including the payroll of the owners of the qualified company unless the qualified company is participating in an employee stock ownership plan. For purposes of calculating the benefits under this program, the amount of related facility base payroll shall increase each year based on an appropriate measure, as determined by the department;

(29) "Rural area", a county in Missouri with a population less than seventy-five thousand or that does not contain an individual city with a population greater than fifty thousand according to the most recent federal decennial census;

(30) "Small and expanding business project", a qualified company that within two years of the date of the approval creates a minimum of twenty new jobs if the project facility is located in a rural area or a minimum of forty new jobs if the project facility is not located in a rural area and creates fewer than one hundred new jobs regardless of the location of the project facility;

(31) "Tax credits", tax credits issued by the department to offset the state income taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this program;

(32) "Technology business project", a qualified company that within two years of the date of the approval creates a minimum of ten new jobs involved in the operations of a company:

(a) Which is a technology company, as determined by a regulation promulgated by the department under the provisions of section 620.1884 or classified by NAICS codes;

(b) Which owns or leases a facility which produces electricity derived from qualified renewable energy sources, or produces fuel for the generation of electricity from qualified renewable energy sources, but does not include any company that has received the alcohol mixture credit, alcohol credit, or small ethanol producer credit pursuant to 26 U.S.C. Section 40 of the tax code in the previous tax year;

(c) Which researches, develops, or manufactures power system technology for: aerospace; space; defense; hybrid vehicles; or implantable or wearable medical devices; or

(d) Which is a clinical molecular diagnostic laboratory focused on detecting and monitoring infections in immunocompromised patient populations;

(33) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For purposes of this program, the withholding tax shall be computed using a schedule as determined by the department based on average wages.}]

[620.1881. 1. The department of economic development shall respond within thirty days to a company who provides a notice of intent with either an approval or a rejection of the notice of intent. The department shall give preference to qualified companies and projects targeted at an area of the state which has recently been classified as a disaster area by the federal government. Failure to respond on behalf of the department of economic development shall result in the notice of intent being deemed an approval for the purposes of this

1 section. A qualified company who is provided an approval for a project shall be
 2 allowed a benefit as provided in this program in the amount and duration provided
 3 in this section. A qualified company may receive additional periods for
 4 subsequent new jobs at the same facility after the full initial period if the minimum
 5 thresholds are met as set forth in sections 620.1875 to 620.1890. There is no limit
 6 on the number of periods a qualified company may participate in the program, as
 7 long as the minimum thresholds are achieved and the qualified company provides
 8 the department with the required reporting and is in proper compliance for this
 9 program or other state programs. A qualified company may elect to file a notice
 10 of intent to start a new project period concurrent with an existing project period if
 11 the minimum thresholds are achieved and the qualified company provides the
 12 department with the required reporting and is in proper compliance for this
 13 program and other state programs; however, the qualified company may not
 14 receive any further benefit under the original approval for jobs created after the
 15 date of the new notice of intent, and any jobs created before the new notice of
 16 intent may not be included as new jobs for the purpose of benefit calculation in
 17 relation to the new approval. When a qualified company has filed and received
 18 approval of a notice of intent and subsequently files another notice of intent, the
 19 department shall apply the definition of project facility under subdivision (19) of
 20 section 620.1878 to the new notice of intent as well as all previously approved
 21 notices of intent and shall determine the application of the definitions of new job,
 22 new payroll, project facility base employment, and project facility base payroll
 23 accordingly.

24 2. Notwithstanding any provision of law to the contrary, any qualified
 25 company that is awarded benefits under this program may not simultaneously
 26 receive tax credits or exemptions under sections 135.100 to 135.150, sections
 27 135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 at the same
 28 project facility. The benefits available to the company under any other state
 29 programs for which the company is eligible and which utilize withholding tax
 30 from the new jobs of the company must first be credited to the other state program
 31 before the withholding retention level applicable under the Missouri quality jobs
 32 act will begin to accrue. These other state programs include, but are not limited to,
 33 the Missouri works jobs training program under sections 620.800 to 620.809, the
 34 real property tax increment allocation redevelopment act, sections 99.800 to
 35 99.865, or the Missouri downtown and rural economic stimulus act under sections
 36 99.915 to 99.980. If any qualified company also participates in the Missouri
 37 works jobs training program in sections 620.800 to 620.809, the company shall
 38 retain no withholding tax, but the department shall issue a refundable tax credit for
 39 the full amount of benefit allowed under this subdivision. The calendar year
 40 annual maximum amount of tax credits which may be issued to a qualifying
 41 company that also participates in the new job training program shall be increased
 42 by an amount equivalent to the withholding tax retained by that company under
 43 the new jobs training program. However, if the combined benefits of the quality
 44 jobs program and the new jobs training program exceed the projected state benefit
 45 of the project, as determined by the department of economic development through
 46 a cost-benefit analysis, the increase in the maximum tax credits shall be limited to
 47 the amount that would not cause the combined benefits to exceed the projected
 48 state benefit. Any taxpayer who is awarded benefits under this program who
 49 knowingly hires individuals who are not allowed to work legally in the United

1 States shall immediately forfeit such benefits and shall repay the state an amount
 2 equal to any state tax credits already redeemed and any withholding taxes already
 3 retained.

4 3. The types of projects and the amount of benefits to be provided are:

5 (1) Small and expanding business projects: in exchange for the
 6 consideration provided by the new tax revenues and other economic stimuli that
 7 will be generated by the new jobs created by the program, a qualified company
 8 may retain an amount equal to the withholding tax as calculated under subdivision
 9 (33) of section 620.1878 from the new jobs that would otherwise be withheld and
 10 remitted by the qualified company under the provisions of sections 143.191 to
 11 143.265 for a period of three years from the date the required number of new jobs
 12 were created if the average wage of the new payroll equals or exceeds the county
 13 average wage or for a period of five years from the date the required number of
 14 new jobs were created if the average wage of the new payroll equals or exceeds
 15 one hundred twenty percent of the county average wage;

16 (2) Technology business projects: in exchange for the consideration
 17 provided by the new tax revenues and other economic stimuli that will be
 18 generated by the new jobs created by the program, a qualified company may retain
 19 an amount equal to a maximum of five percent of new payroll for a period of five
 20 years from the date the required number of jobs were created from the withholding
 21 tax of the new jobs that would otherwise be withheld and remitted by the qualified
 22 company under the provisions of sections 143.191 to 143.265 if the average wage
 23 of the new payroll equals or exceeds the county average wage. An additional one-
 24 half percent of new payroll may be added to the five percent maximum if the
 25 average wage of the new payroll in any year exceeds one hundred twenty percent
 26 of the county average wage in the county in which the project facility is located,
 27 plus an additional one-half percent of new payroll may be added if the average
 28 wage of the new payroll in any year exceeds one hundred forty percent of the
 29 average wage in the county in which the project facility is located. The
 30 department shall issue a refundable tax credit for any difference between the
 31 amount of benefit allowed under this subdivision and the amount of withholding
 32 tax retained by the company, in the event the withholding tax is not sufficient to
 33 provide the entire amount of benefit due to the qualified company under this
 34 subdivision;

35 (3) High impact projects: in exchange for the consideration provided by
 36 the new tax revenues and other economic stimuli that will be generated by the new
 37 jobs created by the program, a qualified company may retain an amount from the
 38 withholding tax of the new jobs that would otherwise be withheld and remitted by
 39 the qualified company under the provisions of sections 143.191 to 143.265, equal
 40 to three percent of new payroll for a period of five years from the date the required
 41 number of jobs were created if the average wage of the new payroll equals or
 42 exceeds the county average wage of the county in which the project facility is
 43 located. For high-impact projects in a facility located within two adjacent
 44 counties, the new payroll shall equal or exceed the higher county average wage of
 45 the adjacent counties. The percentage of payroll allowed under this subdivision
 46 shall be three and one-half percent of new payroll if the average wage of the new
 47 payroll in any year exceeds one hundred twenty percent of the county average
 48 wage in the county in which the project facility is located. The percentage of
 49 payroll allowed under this subdivision shall be four percent of new payroll if the

average wage of the new payroll in any year exceeds one hundred forty percent of the county average wage in the county in which the project facility is located. An additional one percent of new payroll may be added to these percentages if local incentives equal between ten percent and twenty-four percent of the new direct local revenue; an additional two percent of new payroll is added to these percentages if the local incentives equal between twenty-five percent and forty-nine percent of the new direct local revenue; or an additional three percent of payroll is added to these percentages if the local incentives equal fifty percent or more of the new direct local revenue. The department shall issue a refundable tax credit for any difference between the amount of benefit allowed under this subdivision and the amount of withholding tax retained by the company, in the event the withholding tax is not sufficient to provide the entire amount of benefit due to the qualified company under this subdivision;

(4) Job retention projects: a qualified company may receive a tax credit for the retention of jobs in this state, provided the qualified company and the project meets all of the following conditions:

(a) For each of the twenty-four months preceding the year in which application for the program is made the qualified company must have maintained at least one thousand full-time employees at the employer's site in the state at which the jobs are based, and the average wage of such employees must meet or exceed the county average wage;

(b) The qualified company retained at the project facility the level of full-time employees that existed in the taxable year immediately preceding the year in which application for the program is made;

(c) The qualified company is considered to have a significant statewide effect on the economy, and has been determined to represent a substantial risk of relocation from the state by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development;

(d) The qualified company in the project facility will cause to be invested a minimum of seventy million dollars in new investment prior to the end of two years or will cause to be invested a minimum of thirty million dollars in new investment prior to the end of two years and maintain an annual payroll of at least seventy million dollars during each of the years for which a credit is claimed; and

(e) The local taxing entities shall provide local incentives of at least fifty percent of the new direct local revenues created by the project over a ten-year period.

The quality jobs advisory task force may recommend to the department of economic development that appropriate penalties be applied to the company for violating the agreement. The amount of the job retention credit granted may be equal to up to fifty percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of five years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a job retention project or combination of job retention projects shall be seven hundred fifty thousand dollars per year, but the maximum amount may be increased up to one million dollars if such action is proposed by the department

and approved by the quality jobs advisory task force established in section 620.1887; provided, however, until such time as the initial at-large members of the quality jobs advisory task force are appointed, this determination shall be made by the director of the department of economic development. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting the increased limit on behalf of the job retention project. In no event shall the total amount of all tax credits issued for the entire job retention program under this subdivision exceed three million dollars annually. Notwithstanding the above, no tax credits shall be issued for job retention projects approved by the department after August 30, 2013;

(5) ~~Small business job retention and flood survivor relief: a qualified company may receive a tax credit under sections 620.1875 to 620.1890 for the retention of jobs and flood survivor relief in this state for each job retained over a three-year period, provided that:~~

~~(a) The qualified company did not receive any state or federal benefits, incentives, or tax relief or abatement in locating its facility in a flood plain;~~

~~(b) The qualified company and related companies have fewer than one hundred employees at the time application for the program is made;~~

~~(c) The average wage of the qualified company's and related companies' employees must meet or exceed the county average wage;~~

~~(d) All of the qualified company's and related companies' facilities are located in this state;~~

~~(e) The facilities at the primary business site in this state have been directly damaged by floodwater rising above the level of a five hundred year flood at least two years, but fewer than eight years, prior to the time application is made;~~

~~(f) The qualified company made significant efforts to protect the facilities prior to any impending danger from rising floodwaters;~~

~~(g) For each year it receives tax credits under sections 620.1875 to 620.1890, the qualified company and related companies retained, at the company's facilities in this state, at least the level of full-time, year-round employees that existed in the taxable year immediately preceding the year in which application for the program is made; and~~

~~(h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company cumulatively invests at least two million dollars in capital improvements in facilities and equipment located at such facilities that are not located within a five hundred year flood plain as designated by the Federal Emergency Management Agency, and amended from time to time. The amount of the small business job retention and flood survivor relief credit granted may be equal to up to one hundred percent of the amount of withholding tax generated by the full-time jobs at the project facility for a period of three years. The calendar year annual maximum amount of tax credit that may be issued to any qualified company for a small business job retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the maximum amount may be increased up to five hundred thousand dollars if such action is proposed by the department and approved by the quality jobs advisory task force established in section 620.1887. In considering such a request, the task force shall rely on economic modeling and other information supplied by the department when requesting an increase in the limit on behalf of the small business job retention and~~

1 flood survivor relief project. In no event shall the total amount of all tax credits
 2 issued for the entire small business job retention and flood survivor relief program
 3 under this subdivision exceed five hundred thousand dollars annually.
 4 Notwithstanding the provisions of this subdivision to the contrary, no tax credits
 5 shall be issued for small business job retention and flood survivor relief projects
 6 approved by the department after August 30, 2010.

7 4. The qualified company shall provide an annual report of the number of
 8 jobs and such other information as may be required by the department to
 9 document the basis for the benefits of this program. The department may withhold
 10 the approval of any benefits until it is satisfied that proper documentation has been
 11 provided, and shall reduce the benefits to reflect any reduction in full-time
 12 employees or new payroll. Upon approval by the department, the qualified
 13 company may begin the retention of the withholding taxes when it reaches the
 14 minimum number of new jobs and the average wage exceeds the county average
 15 wage. Tax credits, if any, may be issued upon satisfaction by the department that
 16 the qualified company has exceeded the county average wage and the minimum
 17 number of new jobs. In such annual report, if the average wage is below the
 18 county average wage, the qualified company has not maintained the employee
 19 insurance as required, or if the number of new jobs is below the minimum, the
 20 qualified company shall not receive tax credits or retain the withholding tax for the
 21 balance of the benefit period. In the case of a qualified company that initially filed
 22 a notice of intent and received an approval from the department for high-impact
 23 benefits and the minimum number of new jobs in an annual report is below the
 24 minimum for high-impact projects, the company shall not receive tax credits for
 25 the balance of the benefit period but may continue to retain the withholding taxes
 26 if it otherwise meets the requirements of a small and expanding business under this
 27 program.

28 5. The maximum calendar year annual tax credits issued for the entire
 29 program shall not exceed eighty million dollars. Notwithstanding any provision of
 30 law to the contrary, the maximum annual tax credits authorized under section
 31 135.535 are hereby reduced from ten million dollars to eight million dollars, with
 32 the balance of two million dollars transferred to this program. There shall be no
 33 limit on the amount of withholding taxes that may be retained by approved
 34 companies under this program.

35 6. The department shall allocate the annual tax credits based on the date of
 36 the approval, reserving such tax credits based on the department's best estimate of
 37 new jobs and new payroll of the project, and the other factors in the determination
 38 of benefits of this program. However, the annual issuance of tax credits is subject
 39 to the annual verification of the actual new payroll. The allocation of tax credits
 40 for the period assigned to a project shall expire if, within two years from the date
 41 of commencement of operations, or approval if applicable, the minimum
 42 thresholds have not been achieved. The qualified company may retain authorized
 43 amounts from the withholding tax under this section once the minimum new jobs
 44 thresholds are met for the duration of the project period. No benefits shall be
 45 provided under this program until the qualified company meets the minimum new
 46 jobs thresholds. In the event the qualified company does not meet the minimum
 47 new job threshold, the qualified company may submit a new notice of intent or the
 48 department may provide a new approval for a new project of the qualified
 49 company at the project facility or other facilities.

1 7. For a qualified company with flow-through tax treatment to its
2 members, partners, or shareholders, the tax credit shall be allowed to members,
3 partners, or shareholders in proportion to their share of ownership on the last day
4 of the qualified company's tax period.

5 8. Tax credits may be claimed against taxes otherwise imposed by chapters
6 143 and 148, and may not be carried forward but shall be claimed within one year
7 of the close of the taxable year for which they were issued, except as provided
8 under subdivision (4) of subsection 3 of this section.

9 9. Tax credits authorized by this section may be transferred, sold, or
10 assigned by filing a notarized endorsement thereof with the department that names
11 the transferee, the amount of tax credit transferred, and the value received for the
12 credit, as well as any other information reasonably requested by the department.

13 10. Prior to the issuance of tax credits, the department shall verify through
14 the department of revenue, or any other state department, that the tax credit
15 applicant does not owe any delinquent income, sales, or use tax or interest or
16 penalties on such taxes, or any delinquent fees or assessments levied by any state
17 department and through the department of commerce and insurance that the
18 applicant does not owe any delinquent insurance taxes. Such delinquency shall
19 not affect the authorization of the application for such tax credits, except that at
20 issuance credits shall be first applied to the delinquency and any amount issued
21 shall be reduced by the applicant's tax delinquency. If the department of revenue
22 or the department of commerce and insurance, or any other state department,
23 concludes that a taxpayer is delinquent after June fifteenth but before July first of
24 any year and the application of tax credits to such delinquency causes a tax
25 deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted
26 thirty days to satisfy the deficiency in which interest, penalties, and additions to
27 tax shall be tolled. After applying all available credits toward a tax delinquency,
28 the administering agency shall notify the appropriate department and that
29 department shall update the amount of outstanding delinquent tax owed by the
30 applicant. If any credits remain after satisfying all insurance, income, sales, and
31 use tax delinquencies, the remaining credits shall be issued to the applicant,
32 subject to the restrictions of other provisions of law.

33 11. Except as provided under subdivision (4) of subsection 3 of this
34 section, the director of revenue shall issue a refund to the qualified company to the
35 extent that the amount of credits allowed in this section exceeds the amount of the
36 qualified company's income tax.

37 12. An employee of a qualified company will receive full credit for the
38 amount of tax withheld as provided in section 143.211.

39 13. If any provision of sections 620.1875 to 620.1890 or application
40 thereof to any person or circumstance is held invalid, the invalidity shall not affect
41 other provisions or application of these sections which can be given effect without
42 the invalid provisions or application, and to this end, the provisions of sections
43 620.1875 to 620.1890 are hereby declared severable.]

44
45 [620.1884. The department may adopt such rules, statements of policy,
46 procedures, forms, and guidelines as may be necessary to carry out the provisions
47 of sections 620.1875 to 620.1890. Any rule or portion of a rule, as that term is
48 defined in section 536.010, that is created under the authority delegated in this
49 section shall become effective only if it complies with and is subject to all of the

1 provisions of chapter 536 and, if applicable, section 536.028. This section and
 2 chapter 536 are nonseverable and if any of the powers vested with the general
 3 assembly pursuant to chapter 536 to review, to delay the effective date, or to
 4 disapprove and annul a rule are subsequently held unconstitutional, then the grant
 5 of rulemaking authority and any rule proposed or adopted after August 28, 2005,
 6 shall be invalid and void.]

7
 8 [620.1887. There is hereby created a volunteer task force, to be known as
 9 the "Quality Jobs Advisory Task Force", which shall consist of the chairperson of
 10 the economic development committee of the Missouri senate or his or her
 11 designee, a member of the economic development committee of the Missouri
 12 senate appointed by the minority leader of the Missouri senate, the chairperson of
 13 the economic development committee of the Missouri house of representatives or
 14 his or her designee, a member of the economic development committee of the
 15 Missouri house of representatives appointed by the minority leader of the Missouri
 16 house of representatives, the director of the department of economic development
 17 or his or her designee, and two members to be appointed by the governor with the
 18 advice and consent of the senate.]

19
 20 [620.1890. Prior to March first each year, the department will provide a
 21 report on the program to the general assembly including the names of participating
 22 companies, location of such companies, the annual amount of benefits provided,
 23 the estimated net state fiscal impact (direct and indirect new state taxes derived
 24 from the project), the number of new jobs created or jobs retained, the average
 25 wages of each project, and the types of qualified companies using the program.]

26
 27 [620.2600. 1. This section shall be known and may be cited as the
 28 "Innovation Campus Tax Credit Act".

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

30 (1) "Certificate", a tax credit certificate issued under this section;
 31 (2) "Department", the Missouri department of economic development;
 32 (3) "Eligible donation", donations received from a taxpayer by innovation
 33 campuses that are to be used solely for projects that advance learning in the areas
 34 of science, technology, engineering, and mathematics. Eligible donations may
 35 include cash, publicly traded stocks and bonds, and real estate that shall and will
 36 be valued and documented according to the rules promulgated by the department
 37 of economic development;

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

41 (a) A local Missouri high school or K-12 school district;
 42 (b) A Missouri four-year public or private higher education institution;
 43 (c) A Missouri-based business or businesses; and
 44 (d) A Missouri two-year public higher education institution or state
 45 technical college of Missouri;

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

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

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

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

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

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

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

14 3. For all taxable years beginning on or after January 1, 2015, any
15 taxpayer shall be allowed a credit against the taxes otherwise due under chapters
16 147, 148, or 143, excluding withholding tax imposed by sections 143.191 to
17 143.265, in an amount equal to fifty percent of the amount of an eligible donation,
18 subject to the restrictions in this section. The amount of the tax credit claimed
19 shall not exceed the amount of the taxpayer's state income tax liability in the tax
20 year for which the credit is claimed. Any amount of credit that the taxpayer is
21 prohibited by this section from claiming in a tax year shall not be refundable, but
22 may be carried forward to any of the taxpayer's four subsequent taxable years.

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

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

28 (2) A statement attesting to the eligible donation received, which shall
29 include the name and taxpayer identification number of the individual or taxpayer
30 making the eligible donation, the amount of the eligible donation, and the date the
31 eligible donation was received by the innovation campus; and

32 (3) Payment from the innovation campus equal to the value of the tax
33 credit for which application is made.

34
35 If the innovation campus applying for the tax credit meets all criteria required by
36 this subsection, the department shall issue a certificate in the appropriate amount.

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

43 6. The department may promulgate rules to implement the provisions of
44 this section. Any rule or portion of a rule, as that term is defined in section
45 536.010, that is created under the authority delegated in this section shall become
46 effective only if it complies with and is subject to all of the provisions of chapter
47 536 and, if applicable, section 536.028. This section and chapter 536 are
48 nonseverable and if any of the powers vested with the general assembly under and

1 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and
2 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
3 authority and any rule proposed or adopted after August 28, 2014, shall be invalid
4 and void.

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

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

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

10 (3) This section shall terminate on September first of the calendar year immediately
11 following the calendar year in which the program authorized under this section is sunset.];
12 and
13

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