

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 163, Page 5,
2 Section 135.030, Line 58, by inserting after said section and line the following:
3

4 "135.750. 1. This section shall be known and may be referred to as the "Show MO Act".

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

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

9 (2) "Qualified motion media production project", any film or series production, including videos,
10 commercials, video games, webisodes, music videos, content-based mobile applications, virtual reality,
11 augmented reality, multi-media, and new media, as well as standalone visual effects and postproduction for
12 such motion media production project, as approved by the department of economic development and the
13 office of the Missouri film commission, that features a statement and logo designated by the department of
14 economic development in the credits of the completed production indicating that the project was filmed in
15 Missouri and that is under thirty minutes in length with expected qualifying expenses in excess of fifty
16 thousand dollars or is over thirty minutes in length with expected qualifying expenses in excess of one
17 hundred thousand dollars. Regardless of the production costs, qualified motion media project shall not
18 include any:

19 (a) News or current events programming;

20 (b) Talk show;

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

23 (d) Sports event or sports program;

24 (e) Gala presentation or awards show;

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

26 (g) Political ad;

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

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

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

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

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

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

15 3. (1) For all tax years beginning on or after January 1, 2023, a taxpayer shall be allowed a tax credit
16 equal to twenty percent of qualifying expenses.

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

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

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

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

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

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

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

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

- 1 (2) If the qualifying expenses are at least five million dollars but less than ten million dollars, three;
2 (3) If the qualifying expenses are at least ten million dollars but less than fifteen million dollars, six;
3 or
4 (4) If the qualifying expenses are at least fifteen million dollars, eight.

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

14 6. (1) For all tax years beginning on or after January 1, 2023, but ending December 31, 2025, the
15 total amount of tax credits authorized by this section for film production shall not exceed a total of eight
16 million dollars per year, and the total amount of all tax credits authorized by this section for series production
17 shall not exceed a total of eight million dollars per year. Taxpayers may carry forward unused credits for up
18 to five tax periods, provided all such credits shall be claimed within ten tax periods following the tax period
19 in which the qualified motion media production or production-related activities for which the credits are
20 certified by the department occurred.

21 (2) For all tax years beginning on or after January 1, 2026, the total amount of tax credits authorized
22 by this section for film or series production shall not exceed a total of sixteen million dollars per year.
23 Taxpayers may carry forward unused credits for up to five tax periods, provided all such credits shall be
24 claimed within ten tax periods following the tax period in which the qualified motion media production or
25 production-related activities for which the credits are certified by the department occurred.

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

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

35 9. The department of economic development may adopt such rules, statements of policy, procedures,
36 forms, and guidelines as may be necessary to implement the provisions of this section. Any rule or portion of
37 a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section
38 shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if
39 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested

1 with the general assembly 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 authority and any rule
3 proposed or adopted after August 28, 2023, shall be invalid and void.

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

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

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

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

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

14 11. (1) Notwithstanding the provisions of subsection 10 of this section to the contrary, the provisions
15 of this section shall automatically terminate and expire one year after the department of economic
16 development determines that all other state and local governments in the United States of America have
17 terminated or let lapse their tax credit or other governmental incentive program for the film production
18 industry, regardless of whether such credits or programs are now in effect or first commence after August 28,
19 2023. The department of economic development shall notify the revisor of statutes upon the department's
20 determination that the tax credit authorized by this section shall terminate pursuant to this subsection.

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

26
27 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.