

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 67, Page 4, Section
2 32.115, Line 121, by inserting after all of 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
7 motion media production project as any type of producer, principal cast that is at a Screen Actors
8 Guild Schedule F and above payment rate, screenwriter, and the director;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 6. (1) For all tax years beginning on or after January 1, 2023, but ending December 31,
21 2025, the total amount of tax credits authorized by this section for film production shall not exceed
22 a total of eight million dollars per year, and the total amount of all tax credits authorized by this
23 section for series production shall not exceed a total of eight million dollars per year. Taxpayers
24 may carry forward unused credits for up to five tax periods, provided all such credits shall be
25 claimed within ten tax periods following the tax period in which the qualified motion media
26 production or production-related activities for which the credits are certified by the department
27 occurred.

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

34 7. Notwithstanding any provision of law to the contrary, any taxpayer may sell, assign,
35 exchange, convey or otherwise transfer tax credits allowed in subsection 3 of this section. The
36 taxpayer acquiring the tax credits may use the acquired credits to offset the tax liabilities otherwise
37 imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or
38 chapter 148. Unused acquired credits may be carried forward for up to five tax periods, provided all
39 such credits shall be claimed within ten tax periods following the tax period in which the qualified

1 motion media production or production-related activities for which the credits are certified by the
2 department occurred.

3 8. The tax credit authorized by this section shall be considered a business recruitment tax
4 credit, as defined in section 135.800, and shall be subject to the provisions of sections 135.800 to
5 135.830.

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

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

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

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

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 the
24 department's ability to redeem tax credits authorized on or before the date the program authorized
25 pursuant to this section expires, or a taxpayer's ability to redeem such tax credits.

26 11. (1) Notwithstanding the provisions of subsection 10 of this section to the contrary, the
27 provisions of this section shall automatically terminate and expire one year after the department of
28 economic development determines that all other state and local governments in the United States of
29 America have terminated or let lapse their tax credit or other governmental incentive program for
30 the film production industry, regardless of whether such credits or programs are now in effect or first
31 commence after August 28, 2023. The department of economic development shall notify the revisor
32 of statutes upon the department's determination that the tax credit authorized by this section shall
33 terminate pursuant to this subsection.

34 (2) The provisions of this subsection shall not be construed to limit or in any way impair the
35 ability of any taxpayer that has met the requirements in this section prior to the termination of this
36 section to participate in the program authorized under this section. The provisions of this section
37 shall not be construed to limit or in any way impair the department of revenue's ability to redeem tax
38 credits qualified for on or before the date the program authorized pursuant to this section expires.";
39 and
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- 1 Further amend said bill by amending the title, enacting clause, and intersectional references
- 2 accordingly.