

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1007
103RD GENERAL ASSEMBLY

0763H.03C

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal sections 32.125, 99.1205, 100.260, 100.270, 100.286, 100.293, 100.297, 100.850, 135.090, 135.110, 135.313, 135.326, 135.339, 135.341, 135.432, 135.460, 135.487, 135.490, 135.500, 135.503, 135.505, 135.508, 135.516, 135.517, 135.520, 135.523, 135.526, 135.529, 135.530, 135.535, 135.545, 135.546, 135.562, 135.647, 135.679, 135.680, 135.682, 135.690, 135.700, 135.710, 135.719, 135.750, 135.766, 135.772, 135.775, 135.778, 135.800, 135.950, 135.953, 135.957, 135.960, 135.963, 135.967, 135.968, 135.970, 135.973, 135.1125, 135.1150, 135.1180, 137.123, 143.119, 143.177, 143.436, 143.471, 148.030, 148.330, 148.350, 173.196, 190.465, 192.2015, 208.770, 320.092, 320.093, 348.302, 348.304, 348.306, 348.308, 348.310, 348.312, 348.316, 348.318, 348.505, 447.708, 620.635, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 620.1875, 620.1878, 620.1881, 620.1884, 620.1887, 620.1890, 620.1910, 620.2010, 620.2020, and 620.2600, RSMo, and section 348.300 as enacted by senate bill no. 7, ninety-sixth general assembly, first extraordinary session, and section 348.300 as enacted by house bill no. 1, ninety-fourth general assembly, first extraordinary session, and to enact in lieu thereof forty-six new sections relating to tax credits.

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

Section A. Sections 32.125, 99.1205, 100.260, 100.270, 100.286, 100.293, 100.297,
2 100.850, 135.090, 135.110, 135.313, 135.326, 135.339, 135.341, 135.432, 135.460, 135.487,
3 135.490, 135.500, 135.503, 135.505, 135.508, 135.516, 135.517, 135.520, 135.523, 135.526,
4 135.529, 135.530, 135.535, 135.545, 135.546, 135.562, 135.647, 135.679, 135.680, 135.682,
5 135.690, 135.700, 135.710, 135.719, 135.750, 135.766, 135.772, 135.775, 135.778, 135.800,
6 135.950, 135.953, 135.957, 135.960, 135.963, 135.967, 135.968, 135.970, 135.973,

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

7 135.1125, 135.1150, 135.1180, 137.123, 143.119, 143.177, 143.436, 143.471, 148.030,
8 148.330, 148.350, 173.196, 190.465, 192.2015, 208.770, 320.092, 320.093, 348.302,
9 348.304, 348.306, 348.308, 348.310, 348.312, 348.316, 348.318, 348.505, 447.708,
10 620.635, 620.638, 620.641, 620.644, 620.647, 620.650, 620.653, 620.1875, 620.1878,
11 620.1881, 620.1884, 620.1887, 620.1890, 620.1910, 620.2010, 620.2020, and 620.2600,
12 RSMo, and section 348.300 as enacted by senate bill no. 7, ninety-sixth general assembly,
13 first extraordinary session, and section 348.300 as enacted by house bill no. 1, ninety-fourth
14 general assembly, first extraordinary session, are repealed and forty-six new sections enacted
15 in lieu thereof, to be known as sections 32.125, 100.260, 100.270, 100.286, 100.293, 100.297,
16 100.850, 135.090, 135.110, 135.326, 135.339, 135.341, 135.432, 135.460, 135.487, 135.490,
17 135.530, 135.562, 135.647, 135.690, 135.719, 135.750, 135.772, 135.775, 135.778, 135.800,
18 135.835, 135.1150, 135.1180, 137.123, 143.119, 143.177, 143.436, 143.471, 148.030,
19 148.330, 148.350, 190.465, 192.2015, 208.770, 320.092, 348.505, 447.708, 620.1910,
20 620.2010, and 620.2020, to read as follows:

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

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

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

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

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

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

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

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

7 (2) Any moneys made available through the issuance of revenue bonds under the
8 provisions of sections 100.250 to ~~[100.295]~~ **100.297**;

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

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

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

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

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

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

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

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

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

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

100.270. The board shall have the power to:

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

3 (2) Adopt and use an official seal;

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

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

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

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

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

24 (8) Apply for and accept gifts, grants, appropriations, loans or contributions to the
25 development and reserve fund, the guarantee fund, the export finance fund, the infrastructure
26 development fund, and the jobs now fund from any source, public or private, and enter into
27 contracts or other transactions with any federal or state agency, any development agency,
28 private organization, or any other source in furtherance of the purposes of sections 100.250 to
29 100.297, and do any and all things necessary in order to avail itself of such aid and
30 cooperation;

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

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

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

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

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

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

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

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

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

53 (18) Assess or charge a fee for each application it receives for funding for a project or
54 a jobs now project and assess or charge other fees as the board determines to be reasonable to
55 carry out its purposes, including, but not limited to, fees or premiums for loans made from the
56 development and reserve fund and the export finance fund and for loans, bonds or notes
57 secured by the development and reserve fund, the guarantee fund, the export finance fund or
58 the infrastructure development fund or the jobs now fund;

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

61 (20) Take such action, enter into such agreements and exercise all other powers and
62 functions necessary or appropriate to carry out the duties and purposes set forth in sections
63 100.250 to 100.297;

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

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

71 (23) Receive funds from the federal government for deposit into the infrastructure
72 development fund or the jobs now fund and authorize disbursements therefrom. The board
73 may enter into agreements with agencies of the federal government and may, on behalf of the
74 state of Missouri, do all things necessary to ensure full participation by the state of Missouri

75 in any federal program which may relate to the repair, replacement or further development of
76 the infrastructure of the state and its political subdivisions;

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

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

87 (26) Make investments in Missouri certified capital companies, as defined ~~by~~ **under**
88 **this** subdivision ~~[(5) of subsection 2 of section 135.500]~~, or other investment companies for
89 investment in qualified Missouri businesses, as defined ~~by~~ **under this** subdivision ~~[(14) of~~
90 ~~subsection 2 of section 135.500]~~. All investments made by the board for the eventual
91 investment in qualified Missouri businesses shall be matched by an equivalent investment
92 made by the certified capital company or other investment firm for investment into qualified
93 Missouri businesses. All investments made into Missouri qualified businesses under the
94 provisions of this subdivision shall be in the form of equity or unsecured debt financing. No
95 investment shall be made by the board under the provisions of this subdivision without the
96 approval of the director of the department of economic development. **For the purposes of**
97 **this subdivision the following terms mean:**

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

102 (b) **"Qualified Missouri business", an independently owned and operated**
103 **business that is headquartered and located in Missouri and is in need of venture capital**
104 **and cannot obtain conventional financing. Such business shall have no more than two**
105 **hundred employees, at least eighty percent of whom are employed in Missouri. Such**
106 **business shall be involved in commerce for the purpose of manufacturing, processing or**
107 **assembling products, conducting research and development, or providing services in**
108 **interstate commerce, but excluding retail, real estate, real estate development,**
109 **insurance, and professional services provided by accountants, lawyers, or physicians.**
110 **At the time a certified capital company or qualified investing entity makes an initial**
111 **investment in a business, such business shall be a small business concern that meets the**

112 **requirements of the United States Small Business Administration's qualification size**
113 **standards for its venture capital program, as defined in Section 13 CFR 121.301(c) of**
114 **the Small Business Investment Act of 1958, as amended. Any business that is classified**
115 **as a qualified Missouri business at the time of the first investment in such business by a**
116 **Missouri certified capital company or qualified investing entity shall, for a period of**
117 **seven years from the date of such first investment, remain classified as a qualified**
118 **Missouri business and may receive follow-on investments from any Missouri certified**
119 **capital company or qualified investing entity and such follow-on investments shall be**
120 **qualified investments regardless of whether such business meets the other qualifications**
121 **of this subsection at the time of such follow-on investments; and**

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

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

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

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

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

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

12 (5) Does not exceed five million dollars;

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

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

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

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

26 secured by the development and reserve fund, the infrastructure development fund or the
27 export finance fund, the participating lender shall certify the same and forward the application
28 for final approval to the board.

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

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

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

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

62 subsection. Such taxpayer, hereinafter the assignor for the purpose of this subsection, may
63 sell, assign, exchange or otherwise transfer earned tax credits:

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

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

66

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

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

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

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

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

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

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

100.293. 1. This section~~[;] and section 100.277[; and sections 135.950 to 135.973]~~
2 shall be known and may be cited as the "Jobs Now Act".

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

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

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

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

18 (1) The jobs now project:

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

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

21 (c) Demonstrates high levels of job creation;

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

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

100.297. 1. The board may authorize a tax credit, as described in this section, to the
2 owner of any revenue bonds or notes issued by the board pursuant to the provisions of

3 sections 100.250 to 100.297, for infrastructure facilities as defined in subdivision (9) of
4 section 100.255, if, prior to the issuance of such bonds or notes, the board determines that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 reduced by other credits, then the excess shall be considered an overpayment of the income
23 tax. **The department shall prescribe the method for submitting applications for claiming**
24 **the tax credit authorized under this section. After issuance of a tax credit certificate by**
25 **the department of public safety, such tax credit shall be redeemed by filing a copy of the**
26 **tax credit certificate with the taxpayer's income tax return for the tax year for which**
27 **such credit was issued.**

28 **3. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative**
29 **amount of tax credits issued annually to all taxpayers by the department of public safety**
30 **under this section shall not exceed the total cap amount, which shall be an amount equal**
31 **to the highest annual amount of tax credits issued in any one previous fiscal year, from**
32 **fiscal year 2023 to fiscal year 2025, as determined and calculated by the department of**
33 **revenue.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

110 thereof (which shall be deemed to be fifty-one percent or more) in new business facility
111 investment.

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

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

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

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

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

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

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

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

179 (2) The partners of the partnership.

180

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

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

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

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

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

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

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

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

203 (2) "Headquarters" means:

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

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

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

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

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

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

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

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

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

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

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

237

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

254 **15. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative**
255 **amount of tax credits issued annually to all taxpayers under this section shall not exceed**
256 **the total cap amount, which shall be an amount equal to the highest annual amount of**
257 **tax credits issued in any one previous fiscal year, from fiscal year 2023 to fiscal year**
258 **2025, as determined and calculated by the department.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

135.339. 1. **On and after August 28, 2025, the department of social services shall
2 administer the tax credit provided under sections 135.325 to 135.339. The department
3 shall prescribe the method for submitting applications for claiming the tax credit
4 authorized under sections 135.325 to 135.339. After issuance of a tax credit certificate
5 by the department of social services, such tax credit shall be redeemed by filing a copy of
6 the tax credit certificate with the taxpayer's income tax return for the tax year for which
7 such credit was issued.**

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

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

14 (1) **The provisions of the program authorized under sections 135.325 to 135.339
15 shall automatically sunset on August 28, 2031, unless reauthorized by an act of the
16 general assembly;**

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

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

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

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

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

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

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

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

16 (5) "Department", the department of ~~revenue~~ **social services**;

17 (6) "Director", the director of the department of ~~revenue~~ **social services**;

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

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

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

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

41 4. Prior to December thirty-first of each year, each qualified agency shall apply to the
42 department of social services in order to verify their qualified agency status **and apply for**
43 **the champion for children tax credit**. Upon a determination that the agency is eligible to be
44 a qualified agency, the department of social services shall provide a letter of eligibility **and**
45 **the tax credit certificate** to such agency. No later than February first of each year, the
46 department of social services shall provide a list of qualified agencies to the department of
47 revenue. All tax credit applications to claim the champion for children tax credit shall be

48 filed between July first and April fifteenth of each fiscal year. A taxpayer shall ~~[apply for]~~
49 **redeem** the champion for children tax credit by attaching a copy of the contribution
50 verification provided by a qualified agency **and the tax credit certificate** to such taxpayer's
51 income tax return.

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

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

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

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

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

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

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

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

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

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

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

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

3 2. No rule or portion of a rule promulgated under the authority of this chapter shall
4 become effective until it has been approved by the joint committee on administrative rules in
5 accordance with the procedures provided in this section, and the delegation of the legislative
6 authority to enact law by the adoption of such rules is dependent upon the power of the joint
7 committee on administrative rules to review and suspend rules pending ratification by the
8 senate and the house of representatives as provided in this section.

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

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

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

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

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

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

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

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

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

36 8. Upon adoption of a rule as provided in this section, any such rule or portion thereof
37 may be suspended or revoked by the general assembly either by bill or, pursuant to Section 8,

38 Article IV of the Constitution of Missouri, by concurrent resolution upon recommendation of
39 the joint committee on administrative rules. The committee shall be authorized to hold
40 hearings and make recommendations pursuant to the provisions of section 536.037. The
41 secretary of state shall publish in the Missouri Register, as soon as practicable, notice of the
42 suspension or revocation.

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

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

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

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

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

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

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

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

20 1997, if such rule complied with the provisions of chapter 536. The provisions of this section
21 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
22 pursuant to chapter 536, including the ability to review, to delay the effective date, or to
23 disapprove and annul a rule or portion of a rule, are subsequently held unconstitutional, then
24 the purported grant of rulemaking authority and any rule so proposed and contained in the
25 order of rulemaking shall be invalid and void.

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

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

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

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

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

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

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

47 (6) Mentor and role model programs;

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

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

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

55 (10) Nonviolent conflict resolution and mediation programs;

56 (11) Youth outreach and counseling programs.

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

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

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

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

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

72 (2) The partners of the partnership;

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

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

75

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

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

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

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

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

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

135.487. 1. To obtain any credit allowed pursuant to sections 135.475 to 135.487, a
2 taxpayer shall submit to the department, for preliminary approval, an application for tax

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

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

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

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

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

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

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

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

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

135.490. 1. In order to encourage and foster community improvement, an eligible
2 small business, as defined in Section 44 of the Internal Revenue Code, shall be allowed a
3 credit not to exceed five thousand dollars against the tax otherwise due pursuant to chapter
4 143, not including sections 143.191 to 143.265, in an amount equal to fifty percent of all
5 eligible access expenditures exceeding the monetary cap provided by Section 44 of the
6 Internal Revenue Code. For purposes of this section, "eligible access expenditures" means
7 amounts paid or incurred by the taxpayer in order to comply with applicable access
8 requirements provided by the Americans With Disabilities Act of 1990, as further defined in
9 Section 44 of the Internal Revenue Code and federal rulings interpreting Section 44 of the
10 Internal Revenue Code.

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

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

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

28 5. (1) **For all fiscal years beginning on or after July 1, 2026, the cumulative**
29 **amount of tax credits issued annually to all taxpayers by the department of economic**
30 **development under this section shall not exceed the total cap amount, which shall be an**
31 **amount equal to the highest annual amount of tax credits issued in any one previous**
32 **fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and calculated by the**
33 **department.**

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

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

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

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

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

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

135.530. For the purposes of sections [~~100.010,~~] 100.710, 100.850, 135.110,
2 [~~135.200, 135.258, 135.313,~~] 135.403, 135.405, [~~135.503,~~] 135.530, [~~135.545,~~] and 215.030,
3 [~~348.300, 348.302, and 620.1400 to 620.1460,~~] "distressed community" means either a
4 Missouri municipality within a metropolitan statistical area which has a median household
5 income of under seventy percent of the median household income for the metropolitan
6 statistical area, according to the United States Census Bureau's American Community Survey,
7 based on the most recent of five-year period estimate data in which the final year of the
8 estimate ends in either zero or five, or a United States census block group or contiguous group
9 of block groups within a metropolitan statistical area which has a population of at least two
10 thousand five hundred, and each block group having a median household income of under
11 seventy percent of the median household income for the metropolitan area in Missouri,
12 according to the United States Census Bureau's American Community Survey, based on the
13 most recent of five-year period estimate data in which the final year of the estimate ends in
14 either zero or five. In addition the definition shall include municipalities not in a metropolitan
15 statistical area, with a median household income of under seventy percent of the median
16 household income for the nonmetropolitan areas in Missouri according to the United States
17 Census Bureau's American Community Survey, based on the most recent of five-year period
18 estimate data in which the final year of the estimate ends in either zero or five or a census
19 block group or contiguous group of block groups which has a population of at least two
20 thousand five hundred with each block group having a median household income of under
21 seventy percent of the median household income for the nonmetropolitan areas of Missouri,
22 according to the United States Census Bureau's American Community Survey, based on the
23 most recent of five-year period estimate data in which the final year of the estimate ends in
24 either zero or five. In metropolitan statistical areas, the definition shall include areas that
25 were designated as either a federal empowerment zone; or a federal enhanced enterprise

26 community; or a state enterprise zone that was originally designated before January 1, 1986,
27 but shall not include expansions of such state enterprise zones done after March 16, 1988.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (b) Providing temporary living arrangements, in the area in which the taxpayer
13 claiming the tax credit under this section resides, for individuals and families who otherwise

14 lack a fixed, regular, and adequate nighttime residence and lack the resources or support
15 networks to obtain other permanent housing;

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

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

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

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

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

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

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

50 persons who are not authorized to work in the United States under federal law. No taxpayer
51 shall be able to claim more than one credit under this section for a single donation.

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

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

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

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

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

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

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

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

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

- 2 (1) "Community-based faculty preceptor", a physician or physician assistant who is
3 licensed in Missouri and provides preceptorships to Missouri medical students or physician
4 assistant students without direct compensation for the work of precepting;
 - 5 (2) "Department", the Missouri department of health and senior services;
 - 6 (3) "Division", the division of professional registration of the department of
7 commerce and insurance;
 - 8 (4) "Federally Qualified Health Center (FQHC)", a reimbursement designation from
9 the Bureau of Primary Health Care and the Centers for Medicare and Medicaid Services of
10 the United States Department of Health and Human Services;
 - 11 (5) "Medical student", an individual enrolled in a Missouri medical college approved
12 and accredited as reputable by the American Medical Association or the Liaison Committee
13 on Medical Education or enrolled in a Missouri osteopathic college approved and accredited
14 as reputable by the Commission on Osteopathic College Accreditation;
 - 15 (6) "Medical student core preceptorship" or "physician assistant student core
16 preceptorship", a preceptorship for a medical student or physician assistant student that
17 provides a minimum of one hundred twenty hours of community-based instruction in family
18 medicine, internal medicine, pediatrics, psychiatry, or obstetrics and gynecology under the
19 guidance of a community-based faculty preceptor. A community-based faculty preceptor
20 may add together the amounts of preceptorship instruction time separately provided to
21 multiple students in determining whether he or she has reached the minimum hours required
22 under this subdivision, but the total preceptorship instruction time provided shall equal at
23 least one hundred twenty hours in order for such preceptor to be eligible for the tax credit
24 authorized under this section;
 - 25 (7) "Physician assistant student", an individual participating in a Missouri physician
26 assistant program accredited by the Accreditation Review Commission on Education for the
27 Physician Assistant or its successor organization;
 - 28 (8) "Taxpayer", any individual, firm, partner in a firm, corporation, or shareholder in
29 an S corporation doing business in this state and subject to the state income tax imposed
30 under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.
- 31 2. (1) Beginning January 1, 2023, any community-based faculty preceptor who
32 serves as the community-based faculty preceptor for a medical student core preceptorship or a
33 physician assistant student core preceptorship shall be allowed a credit against the tax
34 otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191
35 to 143.265, in an amount equal to one thousand dollars for each preceptorship, up to a
36 maximum of three thousand dollars per tax year, if he or she completes up to three

37 preceptorship rotations during the tax year and did not receive any direct compensation for
38 the preceptorships.

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

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

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

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

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

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

74 moneys in the medical preceptor fund in the same manner as other funds are invested. Any
75 interest and moneys earned on such investments shall be credited to the fund.

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

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

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

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

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

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

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

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

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

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

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

12 **(1) The provisions of the program authorized under** sections 135.712 to 135.719
13 **shall automatically sunset on August 28, 2031, unless reauthorized by an act of the**
14 **general assembly;**

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

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

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

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

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

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

7 (2) "Qualified motion media production project", any film or series production,
8 including videos, commercials, video games, webisodes, music videos, content-based mobile

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

- 18 (a) News or current events programming;
- 19 (b) Talk show;
- 20 (c) Production produced primarily for industrial, corporate, or institutional purposes,
21 and for internal use;
- 22 (d) Sports event or sports program;
- 23 (e) Gala presentation or awards show;
- 24 (f) Infomercial or any production that directly solicits funds;
- 25 (g) Political ad;
- 26 (h) Production that is considered obscene, as defined in section 573.010;
- 27 (3) "Qualifying expenses", the sum of the total amount spent in this state for the
28 following by a production company in connection with a qualified motion media production
29 project:
 - 30 (a) Goods and services leased or purchased by the production company. For goods
31 with a purchase price of twenty-five thousand dollars or more, the amount included in
32 qualifying expenses shall be the purchase price less the fair market value of the goods at the
33 time the production is completed;
 - 34 (b) Compensation and wages paid by the production company on which the
35 production company remitted withholding payments to the department of revenue under
36 chapter 143. For purposes of this section, compensation and wages paid to all above-the-line
37 individuals shall be limited to twenty-five percent of the overall qualifying expenses;
 - 38 (4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding
39 withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 148;
 - 40 (5) "Taxpayer", any individual, partnership, or corporation as described in section
41 143.441, 143.471, or section 148.370 that is subject to the tax imposed in chapter 143,
42 excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in
43 chapter 148 or any charitable organization which is exempt from federal income tax and
44 whose Missouri unrelated business taxable income, if any, would be subject to the state
45 income tax imposed under chapter 143.

46 3. (1) For all tax years beginning on or after January 1, 2023, a taxpayer shall be
47 allowed a tax credit equal to twenty percent of qualifying expenses.

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

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

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

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

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

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

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

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

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

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

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

79 5. Taxpayers shall apply for the motion media production tax credit by submitting an
80 application to the department of economic development, on a form provided by the
81 department. As part of the application, the expected qualifying expenses of the qualified
82 motion media production project shall be documented. In addition, the application shall

83 include an economic impact statement, showing the economic impact from the activities of
84 the qualified motion media production project. Such economic impact statement shall
85 indicate the impact on the region of the state in which the qualified motion media production
86 or production-related activities are located and on the state as a whole. Final applications
87 shall be accompanied by a report by a certified public accountant licensed by the state of
88 Missouri, prepared at the expense of the applicant, attesting that the amounts in the final
89 application are qualifying expenses.

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

98 7. Notwithstanding any provision of law to the contrary, any taxpayer may sell,
99 assign, exchange, convey or otherwise transfer tax credits allowed in subsection 3 of this
100 section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax
101 liabilities otherwise imposed by chapter 143, excluding withholding tax imposed by sections
102 143.191 to 143.265, or chapter 148. Unused acquired credits may be carried forward for up to
103 five tax periods, provided all such credits shall be claimed within ten tax periods following
104 the tax period in which the qualified motion media production or production-related activities
105 for which the credits are certified by the department occurred.

106 8. The tax credit authorized by this section shall be considered a business recruitment
107 tax credit, as defined in section 135.800, and shall be subject to the provisions of sections
108 135.800 to 135.830.

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

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

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

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

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

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

131 11. (1) Notwithstanding the provisions of subsection 10 of this section to the
132 contrary, the provisions of this section shall automatically terminate and expire one year after
133 the department of economic development determines that all other state and local
134 governments in the United States of America have terminated or let lapse their tax credit
135 or other governmental incentive program for the film production industry, regardless of
136 whether such credits or programs are now in effect or first commence after August 28, 2023.
137 The department of economic development shall notify the revisor of statutes upon the
138 department's determination that the tax credit authorized by this section shall terminate
139 pursuant to this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

43 5. The department of **agriculture** shall promulgate rules to implement the provisions
44 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
45 created under the authority delegated in this section shall become effective only if it complies
46 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.

47 This section and chapter 536 are nonseverable and if any of the powers vested with the
48 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
49 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
50 rulemaking authority and any rule proposed or adopted after January 2, 2023, shall be invalid
51 and void.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 that meets the most recent version of the ASTM International D975 Standard Specification
13 for Diesel Fuel;

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

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

20 2. For all tax years beginning on or after January 1, 2023, a Missouri biodiesel
21 producer shall be allowed a tax credit to be taken against the producer's state income tax
22 liability. For any Missouri biodiesel producer with a tax year beginning prior to January 1,
23 2023, but ending during the 2023 calendar year, such Missouri biodiesel producer shall be
24 allowed a tax credit for the amount of biodiesel fuel produced during the portion of such tax
25 year that occurs during the 2023 calendar year. The amount of the tax credit shall be two
26 cents per gallon of biodiesel fuel produced by the Missouri biodiesel producer during the tax
27 year for which the tax credit is claimed.

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

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

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

48 the grant of rulemaking authority and any rule proposed or adopted after January 2, 2023,
49 shall be invalid and void.

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

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

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

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

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

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

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

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

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

12 (3) "Business recruitment tax credits", the business facility tax credit created pursuant
13 to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created
14 pursuant to sections 135.200 to 135.270, the business use incentives for large-scale
15 development programs created pursuant to sections 100.700 to 100.850, ~~[the development tax~~
16 ~~credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit~~
17 ~~created pursuant to section 135.535,]~~ **and** the ~~[film production]~~ **show MO act** tax credit
18 created pursuant to section 135.750~~], the enhanced enterprise zone created pursuant to~~

19 ~~sections 135.950 to 135.970, and the Missouri quality jobs program created pursuant to~~
20 ~~sections 620.1875 to 620.1900];~~

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

26 (5) "Domestic and social tax credits", the youth opportunities tax credit created
27 pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of
28 domestic violence **or rape crisis center** created pursuant to section 135.550, the senior
29 citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035,
30 the adoption tax credit created pursuant to sections 135.325 to 135.339, the champion for
31 children tax credit created pursuant to section 135.341, the maternity home tax credit created
32 pursuant to section 135.600, the surviving spouse tax credit created pursuant to section
33 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the
34 pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax
35 credit created pursuant to section 135.647, the residential dwelling access tax credit created
36 pursuant to section 135.562, the developmental disability care provider tax credit created
37 under section 135.1180, the shared care tax credit created pursuant to section 192.2015, ~~the~~
38 ~~health, hunger, and hygiene tax credit created pursuant to section 135.1125,]~~ **and** the diaper
39 bank tax credit created pursuant to section 135.621;

40 (6) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections
41 135.400 to [135.429] **135.432**, ~~[the certified capital company tax credit created pursuant to~~
42 ~~sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300~~
43 ~~to 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to~~
44 ~~620.653,]~~ the research tax credit created pursuant to section 620.1039, **and** the small business
45 incubator tax credit created pursuant to section 620.495[; ~~the guarantee fee tax credit created~~
46 ~~pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to~~
47 ~~sections 32.105 to 32.125];~~

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

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

56 **association** tax credit created pursuant to section 375.774, and the self-employed health
57 insurance tax credit created pursuant to section 143.119;

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

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

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

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

67 (11) "Redevelopment tax credits", the historic preservation tax credit created pursuant
68 to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created
69 pursuant to sections 447.700 to 447.718, the community development corporations tax credit
70 created pursuant to sections 135.400 to ~~[135.430]~~ **135.432**, the infrastructure tax credit
71 created pursuant to subsection 6 of section 100.286, the bond guarantee tax credit created
72 pursuant to section 100.297, **and** the disabled access tax credit created pursuant to section
73 135.490~~], the new markets tax credit created pursuant to section 135.680, and the distressed~~
74 ~~areas land assemblage tax credit created pursuant to section 99.1205];~~

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

79 (13) "Training and educational tax credits", the Missouri works new jobs tax credit
80 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,
2 to be in addition to existing requirements, duties, or obligations present in other
3 provisions of law with regard to all tax credit programs.**

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

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

13 **4. (1) Except as provided under subdivision (2) of this subsection, for all fiscal**
14 **years beginning on or after July 1, 2026, all tax credits shall be subject to appropriation.**
15 **If no appropriation is made for a tax credit program, such tax credit shall not be issued**
16 **for that fiscal year.**

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

19 **(a) The self-employed health insurance tax credit created under section 143.119;**

20 **(b) The Missouri working family tax credit created under section 143.177;**

21 **(c) The SALT parity tax credits created under section 143.436;**

22 **(d) The bank tax credits for S corporations created under section 143.471; and**

23 **(e) The bank franchise tax credit created under section 148.030.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

56

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

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

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

66 **7. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative**
67 **amount of tax credits issued annually to all taxpayers by the department under this**
68 **section shall not exceed the total cap amount, which shall be an amount equal to the**
69 **highest annual amount of tax credits issued in any one previous fiscal year, from fiscal**
70 **year 2023 to fiscal year 2025, as determined and calculated by the department.**

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

74 ~~[7-]~~ **8.** The department shall promulgate rules to implement the provisions of this
75 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
76 created under the authority delegated in this section shall become effective only if it complies
77 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
78 This section and chapter 536 are nonseverable and if any of the powers vested with the
79 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
80 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
81 rulemaking authority and any rule proposed or adopted after August 28, 2006, shall be invalid
82 and void.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

37 3. For all ~~taxable~~ tax years beginning on or after January 1, 2012, any taxpayer shall
38 be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148 excluding
39 withholding tax imposed by sections 143.191 to 143.265 in an amount equal to fifty percent

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

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

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

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

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

56

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

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

64 **6. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative**
65 **amount of tax credits issued annually to all taxpayers by the department under this**
66 **section shall not exceed the total cap amount, which shall be an amount equal to the**
67 **highest annual amount of tax credits issued in any one previous fiscal year, from fiscal**
68 **year 2023 to fiscal year 2025, as determined and calculated by the department.**

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

72 ~~[6-]~~ 7. The department shall promulgate rules to implement the provisions of this
73 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
74 created under the authority delegated in this section shall become effective only if it complies
75 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
76 This section and chapter 536 are nonseverable and if any of the powers vested with the

77 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
78 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
79 rulemaking authority and any rule proposed or adopted after August 28, 2012, shall be invalid
80 and void.

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

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

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

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

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

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

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

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

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

143.119. 1. A self-employed taxpayer, as such term is used in the federal internal
2 revenue code, who is otherwise ineligible for the federal income tax health insurance
3 deduction under Section 162 of the federal internal revenue code shall be entitled to a credit
4 against the tax otherwise due under this chapter, excluding withholding tax imposed by
5 sections 143.191 to 143.265, in an amount equal to the portion of such taxpayer's federal tax
6 liability incurred due to such taxpayer's inclusion of such payments in federal adjusted gross
7 income. To be eligible for a credit under this section, the self-employed taxpayer shall have a

8 Missouri income tax liability, before any other tax credits, of less than three thousand dollars.
9 The tax credits authorized under this section shall be nontransferable, nonrefundable, and
10 shall not be carried back or forward to any other tax year. A self-employed taxpayer shall not
11 claim both a tax credit under this section and a subtraction under section 143.113 for the same
12 tax year.

13 **2. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative**
14 **amount of tax credits issued annually to all taxpayers by the department under this**
15 **section shall not exceed the total cap amount, which shall be an amount equal to the**
16 **highest annual amount of tax credits issued in any one previous fiscal year, from fiscal**
17 **year 2023 to fiscal year 2025, as determined and calculated by the department.**

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

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

23 ~~[2-]~~ 4. The director of the department of revenue shall promulgate rules and
24 regulations to administer the provisions of this section. Any rule or portion of a rule, as that
25 term is defined in section 536.010, that is created under the authority delegated in this section
26 shall become effective only if it complies with and is subject to all of the provisions of
27 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
28 nonseverable and if any of the powers vested with the general assembly pursuant to chapter
29 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
30 held unconstitutional, then the grant of rulemaking authority and any rule proposed or
31 adopted after August 28, 2007, shall be invalid and void.

32 ~~[3-]~~ 5. Pursuant to section 23.253 of the Missouri sunset act:

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

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

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

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

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

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

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

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

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

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

20 (2) Subject to the provisions of subdivision (3) of this subsection, the percentage of
21 the federal earned income tax credit to be allowed as a tax credit pursuant to subdivision (1)
22 of this subsection shall be ten percent, which may be increased to twenty percent subject to
23 the provisions of subdivision (3) of this subsection. The maximum percentage that may be
24 claimed as a tax credit pursuant to this section shall be twenty percent of the federal earned
25 income tax credit that may be claimed by such taxpayer. Any increase in the percentage that
26 may be claimed as a tax credit shall take effect on January first of a calendar year and such
27 percentage shall continue in effect until the next percentage increase occurs. An increase
28 shall only apply to tax years that begin on or after the increase takes effect.

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

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

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

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

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

55 6. The director of the department may promulgate rules and regulations to administer
56 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
57 536.010, that is created under the authority delegated in this section shall become effective
58 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,
59 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
60 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
61 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
62 of rulemaking authority and any rule proposed or adopted after January 1, 2023, shall be
63 invalid and void.

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

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

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

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

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

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

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

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

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

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

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

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

9 (4) "Member":

10 (a) A shareholder of an S corporation;

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

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

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

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

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

22 3. (1) Notwithstanding any provision of law to the contrary, a tax is hereby imposed
23 on each affected business entity that is a partnership and that is doing business in this state.
24 Such affected business entity shall, at the time that the affected business entity's return is due,
25 pay a tax as determined in this subsection. The sum of the separately and nonseparately
26 computed income and deduction items, as described in 26 U.S.C. Section 702(a), of the
27 affected business entity, to the extent derived from or connected with sources within this state,
28 as determined pursuant to section 143.455, shall be decreased by the percentage deduction
29 that would be allowable to the owners under section 143.022, and increased or decreased by
30 any modification made pursuant to sections 143.121 and 143.141 that relates to an item of the
31 affected business entity's income, gain, loss, or deduction, to the extent derived from or

32 connected with sources within this state, as determined pursuant to section 143.455. The
33 resulting amount shall be the partnership's Missouri net income or loss, which, if greater than
34 zero, shall be multiplied by the highest rate of tax used to determine a Missouri income tax
35 liability for an individual pursuant to section 143.011 to arrive at the tax due. An affected
36 business entity paying the tax pursuant to this subsection shall include with the payment of
37 such taxes each report provided to a member pursuant to subsection 7 of this section.

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

41 4. (1) Notwithstanding any provision of law to the contrary, a tax is hereby imposed
42 on each affected business entity that is an S corporation and that is doing business in this
43 state. Such affected business entity shall, at the time that the affected business entity's tax
44 return is due, pay a tax as determined in this subsection. The sum of the separately and
45 nonseparately computed income and deduction items, as described in 26 U.S.C. Section 1366,
46 of the affected business entity, to the extent derived from or connected with sources within
47 this state, as determined pursuant to section 143.455, shall be decreased by the percentage
48 deduction that would be allowable to the owners under section 143.022, and increased or
49 decreased by any modification made pursuant to sections 143.121 and 143.141 that relates to
50 an item of the affected business entity's income, gain, loss, or deduction, to the extent derived
51 from or connected with sources within this state, as determined pursuant to section 143.455.
52 The resulting amount shall be the S corporation's Missouri net income or loss, which if
53 greater than zero, shall be multiplied by the highest rate of tax used to determine a Missouri
54 income tax liability for an individual pursuant to section 143.011 to arrive at the tax due. An
55 affected business entity paying the tax pursuant to this subsection shall include with the
56 payment of such taxes each report provided to a member pursuant to subsection 7 of this
57 section.

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

61 5. (1) If an affected business entity is a direct or indirect member of another affected
62 business entity, the member affected business entity shall, when calculating its Missouri net
63 income or loss pursuant to subsection 3 or 4 of this section, subtract its distributive share of
64 Missouri net income or add its distributive share of Missouri net loss from the affected
65 business entity in which it is a direct or indirect member.

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

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

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

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

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

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

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

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

104 8. (1) Each member that is subject to the tax imposed pursuant to section 143.011 or
105 143.041 shall be entitled to a credit against the tax imposed pursuant to section 143.011 or

106 143.041. Such credit shall be in an amount equal to such member's direct and indirect pro
107 rata share of the tax paid pursuant to this section by any affected business entity of which
108 such member is directly or indirectly a member.

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

113 9. (1) Each member that is subject to the tax imposed pursuant to section 143.011 as
114 a resident or part-year resident of this state shall be entitled to a credit against the tax imposed
115 pursuant to section 143.011 for such member's direct and indirect pro rata share of taxes paid
116 to another state of the United States or to the District of Columbia, on income of any
117 partnership or S corporation of which such person is a member that is derived therefrom,
118 provided the taxes paid to another state of the United States or to the District of Columbia
119 results from a tax that the director of revenue determines is substantially similar to the tax
120 imposed pursuant to this section. Any such credit shall be calculated in a manner to be
121 prescribed by the director of revenue, provided such calculation is consistent with the
122 provisions of this section, and further provided that the limitations provided in subsection 2 of
123 section 143.081 shall apply to the credit authorized by this subsection.

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

127 10. (1) Each corporation or fiduciary that is subject to the tax imposed pursuant to
128 section 143.061 or 143.071 and that is a member, or, in the case of a fiduciary subject to tax
129 under section 143.061, is the fiduciary of an estate or trust that is a member, shall be entitled
130 to a credit against the tax imposed pursuant to section 143.071. Such credit shall be in an
131 amount equal to such corporation's, estate's, or trust's direct and indirect pro rata share of the
132 tax paid pursuant to this section by any affected business entity of which such corporation,
133 estate, or trust is directly or indirectly a member. Such credit shall be applied after all other
134 credits.

135 (2) If the amount of the credit authorized by this subsection exceeds such
136 corporation's or fiduciary's tax liability for the tax imposed pursuant to section 143.061 or
137 143.071, the excess amount shall not be refunded but may be carried forward to each
138 succeeding tax year until such credit is fully taken.

139 11. A partnership or an S corporation may elect to become an affected business entity
140 that is required to pay the tax pursuant to this section. A separate election shall be made for
141 each tax year. Such election shall be made on such form and in such manner as the director of

142 revenue may prescribe by rule. An election made pursuant to this subsection shall be signed
143 by:

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

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

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

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

152 13. (1) With respect to an action required or permitted to be taken by an affected
153 business entity pursuant to this section, a proceeding under section 143.631 for
154 reconsideration by the director of revenue, an appeal to the administrative hearing
155 commission, or a review by the judiciary with respect to such action, a partnership or S
156 corporation shall designate an affected business entity representative for the tax year, and
157 such affected business entity representative shall have the sole authority to act on behalf of
158 the affected business entity, and the affected business entity's members shall be bound by
159 those actions.

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

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

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

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

170 16. The department of revenue may promulgate rules to implement the provisions of
171 this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
172 created under the authority delegated in this section shall become effective only if it complies
173 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
174 This section and chapter 536 are nonseverable and if any of the powers vested with the
175 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
176 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
177 rulemaking authority and any rule proposed or adopted after August 28, 2022, shall be invalid
178 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

38 revenue in a manner consistent with the division of income provisions of section 143.455 and
39 section 143.461.

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

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

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

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

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

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

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

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

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

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

73

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

152 **13. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative**
153 **amount of tax credits issued annually to all taxpayers by the department under**
154 **subsections 10, 11, and 12 of this section shall not exceed the total cap amount, which**
155 **shall be an amount equal to the highest annual amount of tax credits issued in any one**
156 **previous fiscal year, from fiscal year 2023 to fiscal year 2025, as determined and**
157 **calculated by the department.**

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

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

163 **15. Under section 23.253 of the Missouri sunset act:**

164 **(1) The provisions of the tax credit programs authorized under subsections 10,**
165 **11, and 12 of this section shall automatically sunset on August 28, 2031, unless**
166 **reauthorized by an act of the general assembly;**

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

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

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

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

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

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

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

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

24 **4. The tax credits authorized under this section shall not be subject to**
25 **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
2 year, make a return, verified by the affidavit of its president and secretary, or other authorized
3 officers, to the director of the department of commerce and insurance stating the amount of all
4 premiums received on account of policies issued in this state by the company, whether in cash
5 or in notes, during the year ending on the thirty-first day of December, next preceding. Upon
6 receipt of such returns the director of the department of commerce and insurance shall verify
7 the same and certify the amount of tax due from the various companies on the basis and at the
8 rates provided in section 148.320, and shall certify the same to the director of revenue
9 together with the amount of the quarterly installments to be made as provided in subsection 2
10 of this section, on or before the thirtieth day of April of each year.

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

20 year ending on the thirty-first day of December, next preceding. The director of revenue shall
21 also notify and assess each company the amount of the estimated quarterly installments to be
22 made for the calendar year. If the amount of the actual tax due for any year exceeds the total
23 of the installments made for such year, the balance of the tax due shall be paid on the first day
24 of June of the year following, together with the regular quarterly payment due at that time. If
25 the total amount of the tax actually due is less than the total amount of the installments
26 actually paid, the amount by which the amount paid exceeds the amount due shall be credited
27 against the tax for the following year and deducted from the quarterly installment otherwise
28 due on the first day of June. If the March first quarterly installment made by a company is
29 less than the amount assessed by the director of revenue, the difference will be due on June
30 first, but no interest will accrue to the state on the difference unless the amount paid by the
31 company is less than eighty percent of one-fourth of the total amount of tax assessed by the
32 director of revenue for the immediately preceding ~~taxable~~ tax year. The state treasurer,
33 upon receiving the moneys paid as a tax upon such premiums to the director of revenue, shall
34 place the moneys to the credit of a fund to be known as "The County Stock Insurance Fund",
35 which is hereby created and established. The county stock insurance fund shall be included in
36 the calculation of total state revenue pursuant to Article X, Section 18, of the Missouri
37 Constitution.

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

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

56 distributed and paid in accordance with the provisions of such sections. Whenever the word
57 "county" occurs herein it shall be construed to include the city of St. Louis.

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

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

36 who shall thereafter suspend such delinquent company or companies from the further
37 transaction of business in this state until such taxes shall be paid, and such companies shall be
38 subject to the provisions of sections 148.410 to 148.461.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 **3. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative**
27 **amount of tax credits issued annually to all taxpayers by the department under this**
28 **section shall not exceed the total cap amount, which shall be an amount equal to the**
29 **highest annual amount of tax credits issued in any one previous fiscal year, from fiscal**
30 **year 2023 to fiscal year 2025, as determined and calculated by the department.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

320.092. 1. Tax credits issued pursuant to sections 135.400[7] to 135.432 and section
2 135.750 [~~and 320.093~~] shall be subject to oversight provisions. Effective January 1, 2000,
3 notwithstanding the provisions of section 32.057, the board, department or authority issuing

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

66 (9) In the case where an eligible project replaces a similar facility that closed
67 elsewhere in Missouri prior to the end of the taxpayer's tax period in which the tax credits are
68 earned, the owner and operator of the eligible project shall provide the director with a written
69 statement explaining the reason for discontinuing operations at the closed facility. The
70 statement shall include a comparison of the activities performed at the closed facility prior to
71 the date the facility ceased operating, to the activities performed at the eligible project, and a

72 detailed account describing the need and rationale for relocating to the eligible project. If the
73 director finds the relocation to the eligible project significantly impaired the economic
74 stability of the area in which the closed facility was located, and that such move was
75 detrimental to the overall economic development efforts of the state, the director may deny
76 the taxpayer's request to claim tax benefits;

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

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

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

100 3. (1) The director of the department of economic development, with the approval of
101 the director of the department of natural resources, may, in addition to the tax credits allowed
102 in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one
103 hundred percent of the costs of materials, supplies, equipment, labor, professional
104 engineering, consulting and architectural fees, permitting fees and expenses, demolition,
105 asbestos abatement, and direct utility charges for performing the voluntary remediation
106 activities for the preexisting hazardous substance contamination and releases, including, but
107 not limited to, the costs of performing operation and maintenance of the remediation
108 equipment at the property beyond the year in which the systems and equipment are built and

109 installed at the eligible project and the costs of performing the voluntary remediation
110 activities over a period not in excess of four tax years following the taxpayer's tax year in
111 which the system and equipment were first put into use at the eligible project, provided the
112 remediation activities are the subject of a plan submitted to, and approved by, the director of
113 natural resources pursuant to sections 260.565 to 260.575. The tax credit may also include up
114 to one hundred percent of the costs of demolition that are not directly part of the remediation
115 activities, provided that the demolition is on the property where the voluntary remediation
116 activities are occurring, the demolition is necessary to accomplish the planned use of the
117 facility where the remediation activities are occurring, and the demolition is part of a
118 redevelopment plan approved by the municipal or county government and the department of
119 economic development. The demolition may occur on an adjacent property if the project is
120 located in a municipality which has a population less than twenty thousand and the above
121 conditions are otherwise met. The adjacent property shall independently qualify as
122 abandoned or underutilized. The amount of the credit available for demolition not associated
123 with remediation cannot exceed the total amount of credits approved for remediation
124 including demolition required for remediation.

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

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

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

139 (5) No more than seventy-five percent of earned remediation tax credits may be
140 issued when the remediation costs were paid, and the remaining percentage may be issued
141 when the department of natural resources issues a letter of completion letter or covenant not
142 to sue following completion of the voluntary remediation activities. It shall not include any
143 costs associated with ongoing operational environmental compliance of the facility or
144 remediation costs arising out of spills, leaks, or other releases arising out of the ongoing
145 business operations of the facility. In the event the department of natural resources issues a

146 letter of completion for a portion of a property, an impacted media such as soil or
147 groundwater, or for a site or a portion of a site improvement, a prorated amount of the
148 remaining percentage may be released based on the percentage of the total site receiving a
149 letter of completion.

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

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

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

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

174 (2) One hundred percent of the total business' income tax if the eligible facility does
175 not replace a similar facility that closed elsewhere in Missouri prior to the end of the
176 taxpayer's tax period in which the tax credits are earned, and further provided the taxpayer
177 does not operate any other facilities besides the eligible project in Missouri; fifty percent of
178 the total business' income tax if the eligible facility replaces a similar facility that closed
179 elsewhere in Missouri prior to the end of the taxpayer's tax period in which the credits are
180 earned, and further provided the taxpayer does not operate any other facilities besides the
181 eligible project in Missouri; or twenty-five percent of the total business income if the taxpayer
182 operates, in addition to the eligible facility, any other facilities in Missouri. In no case shall a

183 taxpayer operating more than one eligible project in Missouri be allowed to offset more than
184 twenty-five percent of the taxpayer's business income in any tax period. That portion of the
185 taxpayer's income attributed to the eligible project as referenced in subdivision (1) of this
186 subsection, for which the credits allowed in sections 135.110 and 135.225 and subsection 3 of
187 this section may apply, shall be determined in the same manner as prescribed in subdivision
188 (5) of section 135.100. That portion of the taxpayer's franchise tax attributed to the eligible
189 project for which the remediation tax credit may offset, shall be determined in the same
190 manner as prescribed in paragraph (a) of subdivision (5) of section 135.100.

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

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

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

214 10. In the case where an operator and assignor of an eligible project has been certified
215 to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section,
216 and sells or otherwise transfers title of the eligible project to another taxpayer or assignee who
217 continues the same or substantially similar operations at the eligible project, the director shall
218 allow the assignee to claim the credits for a period of time to be determined by the director;
219 except that, the total number of tax periods the tax credits may be earned by the assignor and

220 the assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written
221 notice to the director of the assignor's intent to transfer the tax credits to the assignee, the date
222 the transfer is effective, the assignee's name, address, and the assignee's tax period, and the
223 amount of tax credits to be transferred.

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

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

228 (2) The partners of the partnership.

229

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

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

247 **13. (1) For all fiscal years beginning on or after July 1, 2026, the cumulative**
248 **amount of tax credits issued annually to all taxpayers by the department under this**
249 **section shall not exceed the total cap amount which shall be an amount, equal to the**
250 **highest annual amount of tax credits issued in any one previous fiscal year, from fiscal**
251 **year 2023 to fiscal year 2025, as determined and calculated by the department.**

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

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

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

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

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

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

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

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

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

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

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

11 ~~[(3)]~~ (4) "County average wage", the ~~[same meaning as such term is defined in~~
12 ~~section 620.1878]~~ **average wages in each county as determined by the department for the**
13 **most recently completed full calendar year. However, if the computed county average**
14 **wage is above the statewide average wage, the statewide average wage shall be deemed**
15 **the county average wage for such county for the purpose of determining eligibility. The**
16 **department shall publish the county average wage for each county at least annually.**
17 **Notwithstanding the provisions of this subdivision to the contrary, for any qualified**
18 **company that in conjunction with its project is relocating employees from a Missouri**
19 **county with a higher county average wage, the company shall obtain the endorsement of**
20 **the governing body of the community from which jobs are being relocated or the county**
21 **average wage for its project shall be the county average wage for the county from which**
22 **the employees are being relocated;**

23 ~~[(4)]~~ (5) "Department", the department of economic development;

24 ~~[(5)]~~ (6) "Facility", a building or buildings located in Missouri at which the qualified
25 manufacturing company manufactures a product;

26 ~~[(6)]~~ (7) "Full-time job", a job for which a person is compensated for an average of at
27 least thirty-five hours per week for a twelve-month period, and one for which the qualified
28 manufacturing company or qualified supplier offers health insurance and pays at least fifty
29 percent of such insurance premiums;

30 ~~[(7)]~~ (8) "NAICS industry classification", the most recent edition of the North
31 American Industry Classification System as prepared by the Executive Office of the
32 President, Office of Management and Budget;

33 ~~[(8)]~~ (9) "New job", the ~~[same meaning as such term is defined in section 620.1878]~~
34 **number of full-time employees located at the project facility that exceeds the project**
35 **facility base employment less any decrease in the number of full-time employees at**
36 **related facilities below the related facility base employment. No job that was created**
37 **prior to the date of the notice of intent shall be deemed a new job. An employee who**
38 **spends less than fifty percent of the employee's work time at the facility is still**
39 **considered to be located at the facility if the employee receives his or her directions and**
40 **control from that facility, is on the facility's payroll, one hundred percent of the**
41 **employee's income from such employment is Missouri income, and the employee is paid**
42 **at or above the state average wage;**

43 ~~[(9)]~~ (10) "New product", a new model or line of a manufactured good that has not
44 been manufactured in Missouri by the qualified manufacturing company at any time prior to
45 the date of the notice of intent, or an existing brand, model, or line of a manufactured good
46 that is redesigned with more than seventy-five percent new exterior body parts and
47 incorporates new powertrain options;

48 ~~[(10)]~~ (11) "Notice of intent", a form developed by the department, completed by the
49 qualified manufacturing company or qualified supplier and submitted to the department
50 which states the qualified manufacturing company's or qualified supplier's intent to create
51 new jobs or retain current jobs and make additional capital investment, as applicable, and
52 request benefits under this section. The notice of intent shall specify the minimum number of
53 such new or retained jobs and the minimum amount of such capital investment;

54 ~~[(11)]~~ (12) "Qualified manufacturing company", a business with a NAICS code of
55 33611 that:

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

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

62 job within no more than two years of the date the qualified manufacturing company begins to
63 retain withholding tax under this section;

64 (c) Manufactures a new product or has commenced making capital improvements to
65 the facility necessary for the manufacturing of such new product, or modifies or expands the
66 manufacture of an existing product or has commenced making capital improvements to the
67 facility necessary for the modification or expansion of the manufacture of such existing
68 product; and

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

71 ~~[(12)]~~ **(13)** "Qualified supplier", a manufacturing company that:

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

74 (b) Adds five or more new jobs;

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

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

81 ~~[(13)]~~ **(14)** "Retained job", the number of full-time jobs of persons employed by the
82 qualified manufacturing company located at the facility that existed as of the last working day
83 of the month immediately preceding the month in which notice of intent is submitted;

84 ~~[(14)]~~ **(15)** "Statewide average wage", an amount equal to the quotient of the sum of
85 the total gross wages paid for the corresponding four calendar quarters divided by the average
86 annual employment for such four calendar quarters, which shall be computed using the
87 Quarterly Census of Employment and Wages Data for All Private Ownership Businesses in
88 Missouri, as published by the Bureau of Labor Statistics of the United States Department of
89 Labor;

90 ~~[(15)]~~ **(16)** "Withholding period", the seven- or ten-year period in which a qualified
91 manufacturing company may receive benefits under this section;

92 ~~[(16)]~~ **(17)** "Withholding tax", the ~~[same meaning as such term is defined in section~~
93 ~~620.1878]~~ **state tax imposed by sections 143.191 to 143.265. For purposes of this**
94 **program, the withholding tax shall be computed using a schedule as determined by the**
95 **department based on average wages.**

96 3. The department shall respond within thirty days to a qualified manufacturing
97 company or a qualified supplier who provides a notice of intent with either an approval or a

98 rejection of the notice of intent. Failure to respond on behalf of the department shall result in
99 the notice of intent being deemed an approval for the purposes of this section.

100 4. A qualified manufacturing company that manufactures a new product may, upon
101 the department's approval of a notice of intent and the execution of an agreement that meets
102 the requirements of subsection 9 of this section, but no earlier than January 1, 2012, retain one
103 hundred percent of the withholding tax from full-time jobs at the facility for a period of ten
104 years. A qualified manufacturing company that modifies or expands the manufacture of an
105 existing product may, upon the department's approval of a notice of intent and the execution
106 of an agreement that meets the requirements of subsection 9 of this section, but no earlier than
107 January 1, 2012, retain fifty percent of the withholding tax from full-time jobs at the facility
108 for a period of seven years. Except as otherwise allowed under subsection 7 of this section,
109 the commencement of the withholding period may be delayed by no more than twenty-four
110 months after execution of the agreement at the option of the qualified manufacturing
111 company. ~~[Such qualified manufacturing company shall be eligible for participation in the~~
112 ~~Missouri quality jobs program in sections 620.1875 to 620.1890 for any new jobs for which it~~
113 ~~does not retain withholding tax under this section, provided all qualifications for such~~
114 ~~program are met.]~~

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

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

129 7. Notwithstanding any other provision of law to the contrary, any qualified
130 manufacturing company that is awarded benefits under this section shall not simultaneously
131 receive tax credits or exemptions under sections 100.700 to 100.850, sections 135.100 to
132 135.150, **or** sections 135.200 to 135.286~~], section 135.535, or sections 135.900 to 135.906]~~
133 for the jobs created or retained or capital improvement which qualified for benefits under this
134 section. The benefits available to the qualified manufacturing company under any other state

135 programs for which the qualified manufacturing company is eligible and which utilize
136 withholding tax from the jobs at the facility shall first be credited to the other state program
137 before the applicable withholding period for benefits provided under this section shall begin.
138 These other state programs include, but are not limited to, the Missouri ~~works~~ **one start** jobs
139 training program under sections 620.800 to 620.809, the real property tax increment
140 allocation redevelopment act under sections 99.800 to 99.865, or the Missouri downtown and
141 rural economic stimulus act under sections 99.915 to 99.980. If any qualified manufacturing
142 company also participates in the Missouri ~~works~~ **one start** jobs training program in sections
143 620.800 to 620.809, such qualified manufacturing company shall not retain any withholding
144 tax that has already been allocated for use in the new jobs training program. Any qualified
145 manufacturing company or qualified supplier that is awarded benefits under this program and
146 knowingly hires individuals who are not allowed to work legally in the United States shall
147 immediately forfeit such benefits and shall repay the state an amount equal to any
148 withholding taxes already retained. Subsection 5 of section 285.530 shall not apply to
149 qualified manufacturing companies or qualified suppliers which are awarded benefits under
150 this program.

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

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

163 (1) If the amount of capital investment made by the qualified manufacturing company
164 is not made within the two-year period provided for such investment, the qualified
165 manufacturing company shall immediately cease retaining any withholding tax with respect
166 to jobs at the facility and it shall forfeit all rights to retain withholding tax for the remainder of
167 the withholding period. In addition, the qualified manufacturing company shall repay any
168 amounts of withholding tax retained plus interest of five percent per annum. However, in the
169 event that such capital investment shortfall is due to economic conditions beyond the control
170 of the qualified manufacturing company, the director may, at the qualified manufacturing
171 company's request, suspend rather than terminate its privilege to retain withholding tax under

172 this section for up to three years. Any such suspension shall extend the withholding period by
173 the same amount of time. No more than one such suspension shall be granted to a qualified
174 manufacturing company;

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

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

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

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

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

193 (3) This section shall terminate on September first of the calendar year immediately
194 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
2 other economic stimuli that will be generated by the new jobs created, a qualified company
3 may, for a period of five years from the date the new jobs are created, or for a period of six
4 years from the date the new jobs are created if the qualified company is an existing Missouri
5 business, retain an amount equal to the withholding tax as calculated under subdivision (38)
6 of section 620.2005 from the new jobs that would otherwise be withheld and remitted by the
7 qualified company under the provisions of sections 143.191 to 143.265 if:

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

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

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

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

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

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

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

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

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

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

43 (7) The percent of local incentives committed.

44 3. (1) The department may award tax credits to a qualified manufacturing company
45 that makes a manufacturing capital investment of at least five hundred million dollars not
46 more than three years following the department's approval of a notice of intent and the
47 execution of an agreement that meets the requirements of subsection 4 of this section. Such
48 tax credits shall be issued no earlier than January 1, 2023, and may be issued each year for a
49 period of five years. A qualified manufacturing company may qualify for an additional five-
50 year period under this subsection if it makes an additional manufacturing capital investment

51 of at least two hundred fifty million dollars within five years of the department's approval of
52 the original notice of intent.

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

57 (3) If, at the project facility at any time during the project period, the qualified
58 manufacturing company discontinues the manufacturing of the new product, or discontinues
59 the modification or expansion of an existing product, and does not replace it with a
60 subsequent or additional new product or with a modification or expansion of an existing
61 product, the company shall immediately cease receiving any benefit awarded under this
62 subsection for the remainder of the project period and shall forfeit all rights to retain or
63 receive any benefit awarded under this subsection for the remainder of such period.

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

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

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

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

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

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

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

85 5. In lieu of the benefits available under subsections 1 and 2 of this section, and in
86 exchange for the consideration provided by the new tax revenues and other economic stimuli
87 that will be generated by the new jobs created by the program, a qualified company may, for a

88 period of five years from the date the new jobs are created, or for a period of six years from
89 the date the new jobs are created if the qualified company is an existing Missouri business,
90 retain an amount equal to the withholding tax as calculated under subdivision (38) of section
91 620.2005 from the new jobs that would otherwise be withheld and remitted by the qualified
92 company under the provisions of sections 143.191 to 143.265 equal to:

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

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

101

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

106 6. In addition to the benefits available under subsection 5 of this section, the
107 department may award a qualified company that satisfies the provisions of subsection 5 of
108 this section additional tax credits, issued each year for a period of five years from the date the
109 new jobs are created, or for a period of six years from the date the new jobs are created if the
110 qualified company is an existing Missouri business, in an amount equal to or less than three
111 percent of new payroll; provided that in no event may the total amount of benefits awarded to
112 a qualified company under this section exceed nine percent of new payroll in any calendar
113 year. The amount of tax credits awarded to a qualified company under this subsection shall
114 not exceed the projected net fiscal benefit to the state, as determined by the department, and
115 shall not exceed the least amount necessary to obtain the qualified company's commitment to
116 initiate the project. In determining the amount of tax credits to award to a qualified company
117 under this subsection, the department shall consider the factors provided under subsection 2
118 of this section.

119 7. In lieu of the benefits available under subsections 1, 2, 5, and 6 of this section, and
120 in exchange for the consideration provided by the new tax revenues and other economic
121 stimuli that will be generated by the new jobs and new capital investment created by the
122 program, the department may award a qualified company that satisfies the provisions of
123 subdivision (1) of subsection 1 of this section tax credits, issued within one year following the
124 qualified company's acceptance of the department's proposal for benefits, in an amount equal

125 to or less than nine percent of new payroll. The amount of tax credits awarded to a qualified
126 company under this subsection shall not exceed the projected net fiscal benefit to the state, as
127 determined by the department, and shall not exceed the least amount necessary to obtain the
128 qualified company's commitment to initiate the project. In determining the amount of tax
129 credits to award to a qualified company under this subsection, the department shall consider
130 the factors provided under subsection 2 of this section and the qualified company's
131 commitment to new capital investment and new job creation within the state for a period of
132 not less than ten years. For the purposes of this subsection, each qualified company shall
133 have an average wage of the new payroll that equals or exceeds one hundred percent of the
134 county average wage. Notwithstanding the provisions of section 620.2020 to the contrary,
135 this subsection shall expire on June 30, 2025.

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

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

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

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

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

152

153 If the amount of the tax credit represents the least amount necessary to accomplish the
154 qualified military project, the tax credits may be issued, but no tax credits shall be issued for a
155 term longer than fifteen years. No qualified military project shall be eligible for tax credits
156 under this subsection unless the department of economic development determines the
157 qualified military project shall 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
2 qualified company or qualified military project, for a proposed benefit award under the
3 provisions of this program within five business days of receipt of such request. The
4 department shall respond to a written request, by or on behalf of a qualified manufacturing

5 company, for a proposed benefit award under the provisions of this program within fifteen
6 business days of receipt of such request. Such response shall contain either a proposal of
7 benefits for the qualified company or qualified military project, or a written response refusing
8 to provide such a proposal and stating the reasons for such refusal. A qualified company or
9 qualified military project that intends to seek benefits under the program shall submit to the
10 department a notice of intent. The department shall respond within thirty days to a notice of
11 intent with an approval or a rejection, provided that the department may withhold approval or
12 provide a contingent approval until it is satisfied that proper documentation of eligibility has
13 been provided. The department shall certify or reject the qualifying company's plan outlined
14 in their notice of intent as satisfying good faith efforts made to employ, at a minimum,
15 commensurate with the percentage of minority populations in the state of Missouri, as
16 reported in the previous decennial census, the following: racial minorities, contractors who
17 are racial minorities, and contractors that, in turn, employ at a minimum racial minorities
18 commensurate with the percentage of minority populations in the state of Missouri, as
19 reported in the previous decennial census. Failure to respond on behalf of the department
20 shall result in the notice of intent being deemed approved. A qualified company receiving
21 approval for program benefits may receive additional benefits for subsequent new jobs at the
22 same facility after the full initial project period if the applicable minimum job requirements
23 are met. There shall be no limit on the number of project periods a qualified company may
24 participate in the program, and a qualified company may elect to file a notice of intent to
25 begin a new project period concurrent with an existing project period if the applicable
26 minimum job requirements are achieved, the qualified company provides the department with
27 the required annual reporting, and the qualified company is in compliance with this program
28 and any other state programs in which the qualified company is currently or has previously
29 participated. However, the qualified company shall not receive any further program benefits
30 under the original approval for any new jobs created after the date of the new notice of intent,
31 and any jobs created before the new notice of intent shall not be included as new jobs for
32 purposes of the benefit calculation for the new approval. When a qualified company has filed
33 and received approval of a notice of intent and subsequently files another notice of intent, the
34 department shall apply the definition of project facility under subdivision (24) of section
35 620.2005 to the new notice of intent as well as all previously approved notices of intent and
36 shall determine the application of the definitions of new job, new payroll, project facility base
37 employment, and project facility base payroll accordingly.

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

42 program will begin to accrue. If any qualified company also participates in a job training
43 program utilizing withholding tax, the company shall retain no withholding tax under this
44 program, but the department shall issue a refundable tax credit for the full amount of benefit
45 allowed under this program. The calendar year annual maximum amount of tax credits which
46 may be issued to a qualifying company that also participates in a job training program shall be
47 increased by an amount equivalent to the withholding tax retained by that company under a
48 jobs training program.

49 3. A qualified company or qualified military project receiving benefits under this
50 program shall provide an annual report of the number of jobs, along with minority jobs
51 created or retained, and such other information as may be required by the department to
52 document the basis for program benefits available no later than ninety days prior to the end of
53 the qualified company's or industrial development authority's tax year immediately following
54 the tax year for which the benefits provided under the program are attributed. In such annual
55 report, if the average wage is below the applicable percentage of the county average wage, the
56 qualified company or qualified military project has not maintained the employee insurance as
57 required, if the department after a review determines the qualifying company fails to satisfy
58 other aspects of their notice of intent, including failure to make good faith efforts to employ,
59 at a minimum, commensurate with the percentage of minority populations in the state of
60 Missouri, as reported in the previous decennial census, the following: racial minorities,
61 contractors who are racial minorities, and contractors that, in turn, employ at a minimum
62 racial minorities commensurate with the percentage of minority populations in the state of
63 Missouri, as reported in the previous decennial census, or if the number of jobs is below the
64 number required, the qualified company or qualified military project shall not receive tax
65 credits or retain the withholding tax for the balance of the project period. If a statewide state
66 of emergency exists for more than sixteen months, a qualified company or industrial
67 development authority shall be entitled to a one-time suspension of program deadlines equal
68 to the number of months such statewide state of emergency existed with any partial month
69 rounded to the next whole. During such suspension, the qualified company or industrial
70 development authority shall not be entitled to retain any withholding tax as calculated under
71 subdivision (38) of section 620.2005 nor shall it earn any awarded tax credit or receive any
72 tax credit under the program for the suspension period. The suspension period shall run
73 consecutively and be available to a qualified company or industrial development authority
74 that, during the statewide state of emergency, submitted notice of intent that was approved or
75 that was in year one or a subsequent year of benefits under a program agreement with the
76 department. The suspension period that runs consecutively and may be available to a
77 qualified company or industrial development authority as provided in this subsection may
78 apply retroactively. Any qualified company or industrial development authority requesting a

79 suspension pursuant to this subsection shall submit notice to the department on its provided
80 form identifying the requested start and end dates of the suspension, not to exceed the
81 maximum number of months available under this subsection. Such notice shall be submitted
82 to the department not later than the end of the twelfth month following the termination of the
83 state of emergency. No suspension period shall start later than the date on which the state of
84 emergency was terminated. The department and the qualified company or the industrial
85 development authority shall enter into a program agreement or shall amend an existing
86 program agreement, as applicable, stating the deadlines following the suspension period and
87 updating the applicable wage requirements. Failure to timely file the annual report required
88 under this section may result in the forfeiture of tax credits attributable to the year for which
89 the reporting was required and a recapture of withholding taxes retained by the qualified
90 company or qualified military project during such year.

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

102 5. Any qualified company or qualified military project approved for benefits under
103 this program shall provide to the department, upon request, any and all information and
104 records reasonably required to monitor compliance with program requirements. This
105 program shall be considered a business recruitment tax credit under subdivision (3) of
106 subsection 2 of section 135.800, and any qualified company or qualified military project
107 approved for benefits under this program shall be subject to the provisions of sections
108 135.800 to 135.830.

109 6. Any taxpayer who is awarded benefits under this program who knowingly hires
110 individuals who are not allowed to work legally in the United States shall immediately forfeit
111 such benefits and shall repay the state an amount equal to any state tax credits already
112 redeemed and any withholding taxes already retained.

113 7. (1) The maximum amount of tax credits that may be authorized under this program
114 for any fiscal year shall be limited as follows, less the amount of any tax credits previously

115 obligated for that fiscal year under any of the tax credit programs referenced in subsection 14
116 of this section:

117 (a) For the fiscal year beginning on July 1, 2013, but ending on or before June 30,
118 2014, no more than one hundred six million dollars in tax credits may be authorized;

119 (b) For the fiscal year beginning on July 1, 2014, but ending on or before June 30,
120 2015, no more than one hundred eleven million dollars in tax credits may be authorized;

121 (c) For fiscal years beginning on or after July 1, 2015, but ending on or before June
122 30, 2020, no more than one hundred sixteen million dollars in tax credits may be authorized
123 for each fiscal year; and

124 (d) For all fiscal years beginning on or after July 1, 2020, no more than one hundred
125 six million dollars in tax credits may be authorized for each fiscal year. The provisions of this
126 paragraph shall not apply to tax credits issued to qualified companies under a notice of intent
127 filed prior to July 1, 2020.

128 (2) For all fiscal years beginning on or after July 1, 2020, in addition to the amount of
129 tax credits that may be authorized under paragraph (d) of subdivision (1) of this subsection,
130 an additional ten million dollars in tax credits may be authorized for each fiscal year for the
131 purpose of the completion of infrastructure projects directly connected with the creation or
132 retention of jobs under the provisions of sections 620.2000 to 620.2020 and an additional ten
133 million dollars in tax credits may be authorized for each fiscal year for a qualified
134 manufacturing company based on a manufacturing capital investment as set forth in section
135 620.2010.

136 8. For all fiscal years beginning on or after July 1, 2020, the maximum total amount
137 of withholding tax that may be authorized for retention for the creation of new jobs under the
138 provisions of sections 620.2000 to 620.2020 by qualified companies with a project facility
139 base employment of at least fifty shall not exceed seventy-five million dollars for each fiscal
140 year. The provisions of this subsection shall not apply to withholding tax authorized for
141 retention for the creation of new jobs by qualified companies with a project facility base
142 employment of less than fifty.

143 9. For tax credits for the creation of new jobs under section 620.2010, the department
144 shall allocate the annual tax credits based on the date of the approval, reserving such tax
145 credits based on the department's best estimate of new jobs and new payroll of the project,
146 and any other applicable factors in determining the amount of benefits available to the
147 qualified company or qualified military project under this program; provided that, the
148 department may reserve up to twenty-one and one-half percent of the maximum annual
149 amount of tax credits that may be authorized under subsection 7 of this section for award
150 under subsection 7 of section 620.2010. However, the annual issuance of tax credits shall be
151 subject to annual verification of actual payroll by the department or, for qualified military

152 projects, annual verification of average salary for the jobs directly created by the qualified
153 military project. Any authorization of tax credits shall expire if, within two years from the
154 date of commencement of operations, or approval if applicable, the qualified company has
155 failed to meet the applicable minimum job requirements. The qualified company may retain
156 authorized amounts from the withholding tax under the project once the applicable minimum
157 job requirements have been met for the duration of the project period. No benefits shall be
158 provided under this program until the qualified company or qualified military project meets
159 the applicable minimum new job requirements or, for benefits awarded under subsection 7 of
160 section 620.2010, until the qualified company has satisfied the requirements set forth in the
161 written agreement between the department and the qualified company under subsection 4 of
162 section 620.2010. In the event the qualified company or qualified military project does not
163 meet the applicable minimum new job requirements, the qualified company or qualified
164 military project may submit a new notice of intent or the department may provide a new
165 approval for a new project of the qualified company or qualified military project at the project
166 facility or other facilities.

167 10. Tax credits provided under this program may be claimed against taxes otherwise
168 imposed by chapters 143 and 148, and may not be carried forward, but shall be claimed
169 within one year of the close of the ~~[taxable]~~ tax year for which they were issued. Tax credits
170 provided under this program may be transferred, sold, or assigned by filing a notarized
171 endorsement thereof with the department that names the transferee, the amount of tax credit
172 transferred, and the value received for the credit, as well as any other information reasonably
173 requested by the department. For a qualified company with flow-through tax treatment to its
174 members, partners, or shareholders, the tax credit shall be allowed to members, partners, or
175 shareholders in proportion to their share of ownership on the last day of the qualified
176 company's tax period.

177 11. Prior to the issuance of tax credits or the qualified company beginning to retain
178 withholding taxes, the department shall verify through the department of revenue and any
179 other applicable state department that the tax credit applicant does not owe any delinquent
180 income, sales, or use tax or interest or penalties on such taxes, or any delinquent fees or
181 assessments levied by any state department and through the department of commerce and
182 insurance that the applicant does not owe any delinquent insurance taxes or other fees. Such
183 delinquency shall not affect the approval, except that any tax credits issued shall be first
184 applied to the delinquency and any amount issued shall be reduced by the applicant's tax
185 delinquency. If the department of revenue, the department of commerce and insurance, or any
186 other state department concludes that a taxpayer is delinquent after June fifteenth but before
187 July first of any year and the application of tax credits to such delinquency causes a tax
188 deficiency on behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to

189 satisfy the deficiency in which interest, penalties, and additions to tax shall be tolled. After
190 applying all available credits toward a tax delinquency, the administering agency shall notify
191 the appropriate department and that department shall update the amount of outstanding
192 delinquent tax owed by the applicant. If any credits remain after satisfying all insurance,
193 income, sales, and use tax delinquencies, the remaining credits shall be issued to the
194 applicant, subject to the restrictions of other provisions of law.

195 12. The director of revenue shall issue a refund to the qualified company to the extent
196 that the amount of tax credits allowed under this program exceeds the amount of the qualified
197 company's tax liability under chapter 143 or 148.

198 13. An employee of a qualified company shall receive full credit for the amount of tax
199 withheld as provided in section 143.211.

200 14. ~~[Notwithstanding any provision of law to the contrary, beginning August 28,~~
201 ~~2013, no new benefits shall be authorized for any project that had not received from the~~
202 ~~department a proposal or approval for such benefits prior to August 28, 2013, under the~~
203 ~~development tax credit program created under sections 32.100 to 32.125, the rebuilding~~
204 ~~communities tax credit program created under section 135.535, the enhanced enterprise zone~~
205 ~~tax credit program created under sections 135.950 to 135.973, and the Missouri quality jobs~~
206 ~~program created under sections 620.1875 to 620.1890. The provisions of this subsection shall~~
207 ~~not be construed to limit or impair the ability of any administering agency to authorize or~~
208 ~~issue benefits for any project that had received an approval or a proposal from the department~~
209 ~~under any of the programs referenced in this subsection prior to August 28, 2013, or the~~
210 ~~ability of any taxpayer to redeem any such tax credits or to retain any withholding tax under~~
211 ~~an approval issued prior to that date. The provisions of this subsection shall not be construed~~
212 ~~to limit or in any way impair the ability of any governing authority to provide any local~~
213 ~~abatement or designate a new zone under the enhanced enterprise zone program created by~~
214 ~~sections 135.950 to 135.963. Notwithstanding any provision of law to the contrary, no~~
215 ~~qualified company that is awarded benefits under this program shall:~~

216 ~~(1) Simultaneously receive benefits under the programs referenced in this subsection~~
217 ~~at the same capital investment; or~~

218 ~~(2) Receive benefits under the provisions of section 620.1910 for the same jobs.~~

219 15.] If any provision of sections 620.2000 to 620.2020 or application thereof to any
220 person or circumstance is held invalid, the invalidity shall not affect other provisions or
221 application of these sections which can be given effect without the invalid provisions or
222 application, and to this end, the provisions of sections 620.2000 to 620.2020 are hereby
223 declared severable.

224 ~~[16.]~~ 15. By no later than January 1, 2014, and the first day of each calendar quarter
225 thereafter, the department shall present a quarterly report to the general assembly detailing the

226 benefits authorized under this program during the immediately preceding calendar quarter to
 227 the extent such information may be disclosed under state and federal law. The report shall
 228 include, at a minimum:

- 229 (1) A list of all approved and disapproved applicants for each tax credit;
 230 (2) A list of the aggregate amount of new or retained jobs that are directly attributable
 231 to the tax credits authorized;
 232 (3) A statement of the aggregate amount of new capital investment directly
 233 attributable to the tax credits authorized;
 234 (4) Documentation of the estimated net state fiscal benefit for each authorized project
 235 and, to the extent available, the actual benefit realized upon completion of such project or
 236 activity; and
 237 (5) The department's response time for each request for a proposed benefit award
 238 under this program.

239 ~~[47.]~~ 16. The department may adopt such rules, statements of policy, procedures,
 240 forms, and guidelines as may be necessary to carry out the provisions of sections 620.2000 to
 241 620.2020. Any rule or portion of a rule, as that term is defined in section 536.010, that is
 242 created under the authority delegated in this section shall become effective only if it complies
 243 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
 244 This section and chapter 536 are nonseverable and if any of the powers vested with the
 245 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
 246 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
 247 rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid
 248 and void.

249 ~~[48.]~~ 17. Under section 23.253 of the Missouri sunset act:

- 250 (1) The provisions of the program authorized under sections 620.2000 to 620.2020
 251 shall be reauthorized as of August 28, 2018, and shall expire on August 28, 2030; and
 252 (2) If such program is reauthorized, the program authorized under this section shall
 253 automatically sunset twelve years after the effective date of the reauthorization of sections
 254 620.2000 to 620.2020; and
 255 (3) Sections 620.2000 to 620.2020 shall terminate on September first of the calendar
 256 year immediately following the calendar year in which the program authorized under sections
 257 620.2000 to 620.2020 is sunset.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2 ~~[135.517. In order for investments of a qualifying investing entity to~~
3 ~~be counted as qualified investments pursuant to sections 135.500 to 135.529,~~
4 ~~each such investment of a qualifying investing entity must have received prior~~
5 ~~approval from the department.]~~

2 ~~[135.520. 1. The division of finance shall conduct an annual review of~~
3 ~~each Missouri certified capital company and any qualified investing entities~~
4 ~~designated by it to determine if the Missouri certified capital company is~~
5 ~~abiding by the requirements of certifications, to advise the Missouri certified~~
6 ~~capital company as to the certification status of its qualified investments and to~~
7 ~~ensure that no investment has been made in violation of sections 135.500 to~~
8 ~~135.529. The cost of the annual review shall be paid by each Missouri~~
9 ~~certified capital company according to a reasonable fee schedule adopted by~~
10 ~~the department. The division of finance shall report its findings to the~~
11 ~~department as soon as practicable following completion of the audit.~~

12 ~~2. Any material violation of sections 135.500 to 135.529 shall be~~
13 ~~grounds for decertification under this section. If the department determines~~
14 ~~that a company is not in compliance with any requirements for continuing in~~
15 ~~certification, it shall, by written notice, inform the officers of the company and~~
16 ~~the board of directors, managers, trustees or general partners that they may be~~
17 ~~decertified in one hundred twenty days from the date of mailing of the notice,~~
18 ~~unless they correct the deficiencies and are again in compliance with the~~
19 ~~requirements for certification.~~

20 ~~3. At the end of the one hundred twenty day grace period, if the~~
21 ~~Missouri certified capital company is still not in compliance, the department~~
22 ~~may send a notice of decertification to the company and to the directors of the~~
23 ~~department of revenue and department of commerce and insurance.~~
24 ~~Decertification of a Missouri certified capital company prior to the certified~~
25 ~~capital company meeting all requirements of subdivisions (1) to (3) of~~
26 ~~subsection 1 of section 135.516 shall cause the recapture of all premium tax~~
27 ~~credits previously claimed by an investor and the forfeiture of all future credits~~
28 ~~to be claimed by an investor with respect to its investment in the certified~~
29 ~~capital company. Decertification of a Missouri certified capital company after~~
30 ~~it has met all requirements of subdivisions (1) to (3) of subsection 1 of section~~
31 ~~135.516 shall cause the forfeiture of premium tax credits for the taxable year~~
32 ~~of the investor in which the decertification arose and for future taxable years~~
33 ~~with no recapture of tax credits obtained by an investor with respect to the~~
34 ~~investor's tax years which ended before the decertification occurred. Once a~~

34 ~~certified capital company has made cumulative qualified investments,~~
35 ~~including those made through a qualified investing entity and deemed to~~
36 ~~have been made by the certified capital company, in an amount equal to at least~~
37 ~~one hundred percent of its certified capital, all future premium tax credits to be~~
38 ~~claimed by investors with respect to said certified capital company pursuant to~~
39 ~~sections 135.500 to 135.529 shall be nonforfeitable. Once a certified capital~~
40 ~~company has made cumulative qualified investments, including those made~~
41 ~~through a qualified investing entity and deemed to have been made by the~~
42 ~~certified capital company, in an amount equal to at least one hundred percent~~
43 ~~of its certified capital and has met all other requirements under sections~~
44 ~~135.500 to 135.529, it shall no longer be subject to regulation by the~~
45 ~~department except with respect to the payment of distributions to the Missouri~~
46 ~~development finance board.]~~

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

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

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

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

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

2 ~~[135.535. 1. A corporation, limited liability corporation, partnership~~
3 ~~or sole proprietorship, which moves its operations from outside Missouri or~~
~~outside a distressed community into a distressed community, or which~~

4 commences operations in a distressed community on or after January 1, 1999,
5 and in either case has more than seventy five percent of its employees at the
6 facility in the distressed community, and which has fewer than one hundred
7 employees for whom payroll taxes are paid, and which is a manufacturing,
8 biomedical, medical devices, scientific research, animal research, computer
9 software design or development, computer programming, including internet,
10 web hosting, and other information technology, wireless or wired or other
11 telecommunications or a professional firm shall receive a forty percent credit
12 against income taxes owed pursuant to chapter 143, 147 or 148, other than
13 taxes withheld pursuant to sections 143.191 to 143.265, for each of the three
14 years after such move, if approved by the department of economic
15 development, which shall issue a certificate of eligibility if the department
16 determines that the taxpayer is eligible for such credit. The maximum amount
17 of credits per taxpayer set forth in this subsection shall not exceed one hundred
18 twenty five thousand dollars for each of the three years for which the credit is
19 claimed. The department of economic development, by means of rule or
20 regulation promulgated pursuant to the provisions of chapter 536, shall assign
21 appropriate North American Industry Classification System numbers to the
22 companies which are eligible for the tax credits provided for in this section.
23 Such three year credits shall be awarded only one time to any company which
24 moves its operations from outside of Missouri or outside of a distressed
25 community into a distressed community or to a company which commences
26 operations within a distressed community. A taxpayer shall file an application
27 for certification of the tax credits for the first year in which credits are claimed
28 and for each of the two succeeding taxable years for which credits are claimed.

29 2. Employees of such facilities physically working and earning wages
30 for that work within a distressed community whose employers have been
31 approved for tax credits pursuant to subsection 1 of this section by the
32 department of economic development for whom payroll taxes are paid shall
33 also be eligible to receive a tax credit against individual income tax, imposed
34 pursuant to chapter 143, equal to one and one half percent of their gross salary
35 paid at such facility earned for each of the three years that the facility receives
36 the tax credit provided by this section, so long as they were qualified
37 employees of such entity. The employer shall calculate the amount of such
38 credit and shall report the amount to the employee and the department of
39 revenue.

40 3. A tax credit against income taxes owed pursuant to chapter 143, 147
41 or 148, other than the taxes withheld pursuant to sections 143.191 to 143.265,
42 in lieu of the credit against income taxes as provided in subsection 1 of this
43 section, may be taken by such an entity in a distressed community in an
44 amount of forty percent of the amount of funds expended for computer
45 equipment and its maintenance, medical laboratories and equipment, research
46 laboratory equipment, manufacturing equipment, fiber optic equipment, high
47 speed telecommunications, wiring or software development expense up to a
48 maximum of seventy five thousand dollars in tax credits for such equipment or
49 expense per year per entity and for each of three years after commencement in
50 or moving operations into a distressed community.

51 ~~4. A corporation, partnership or sole partnership, which has no more~~
52 ~~than one hundred employees for whom payroll taxes are paid, which is already~~
53 ~~located in a distressed community and which expends funds for such~~
54 ~~equipment pursuant to subsection 3 of this section in an amount exceeding its~~
55 ~~average of the prior two years for such equipment, shall be eligible to receive a~~
56 ~~tax credit against income taxes owed pursuant to chapters 143, 147 and 148 in~~
57 ~~an amount equal to the lesser of seventy-five thousand dollars or twenty-five~~
58 ~~percent of the funds expended for such additional equipment per such entity.~~
59 ~~Tax credits allowed pursuant to this subsection or subsection 1 of this section~~
60 ~~may be carried back to any of the three prior tax years and carried forward to~~
61 ~~any of the next five tax years.~~

62 ~~5. An existing corporation, partnership or sole proprietorship that is~~
63 ~~located within a distressed community and that relocates employees from~~
64 ~~another facility outside of the distressed community to its facility within the~~
65 ~~distressed community, and an existing business located within a distressed~~
66 ~~community that hires new employees for that facility may both be eligible for~~
67 ~~the tax credits allowed by subsections 1 and 3 of this section. To be eligible~~
68 ~~for such tax credits, such a business, during one of its tax years, shall employ~~
69 ~~within a distressed community at least twice as many employees as were~~
70 ~~employed at the beginning of that tax year. A business hiring employees shall~~
71 ~~have no more than one hundred employees before the addition of the new~~
72 ~~employees. This subsection shall only apply to a business which is a~~
73 ~~manufacturing, biomedical, medical devices, scientific research, animal~~
74 ~~research, computer software design or development, computer programming~~
75 ~~or telecommunications business, or a professional firm.~~

76 ~~6. Tax credits shall be approved for applicants meeting the~~
77 ~~requirements of this section in the order that such applications are received.~~
78 ~~Certificates of tax credits issued in accordance with this section may be~~
79 ~~transferred, sold or assigned by notarized endorsement which names the~~
80 ~~transferee.~~

81 ~~7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of~~
82 ~~this section shall be for an amount of no more than ten million dollars for each~~
83 ~~year beginning in 1999. The total maximum credit for all entities already~~
84 ~~located in distressed communities and claiming credits pursuant to subsection~~
85 ~~4 of this section shall be seven hundred and fifty thousand dollars. The~~
86 ~~department of economic development in approving taxpayers for the credit as~~
87 ~~provided for in subsection 6 of this section shall use information provided by~~
88 ~~the department of revenue regarding taxes paid in the previous year, or~~
89 ~~projected taxes for those entities newly established in the state, as the method~~
90 ~~of determining when this maximum will be reached and shall maintain a~~
91 ~~record of the order of approval. Any tax credit not used in the period for~~
92 ~~which the credit was approved may be carried over until the full credit has~~
93 ~~been allowed.~~

94 ~~8. A Missouri employer relocating into a distressed community and~~
95 ~~having employees covered by a collective bargaining agreement at the facility~~
96 ~~from which it is relocating shall not be eligible for the credits in subsection 1,~~
97 ~~3, 4 or 5 of this section, and its employees shall not be eligible for the credit in~~
98 ~~subsection 2 of this section if the relocation violates or terminates a collective~~

99 bargaining agreement covering employees at the facility, unless the affected
100 collective bargaining unit concurs with the move.

101 9. ~~Notwithstanding any provision of law to the contrary, no taxpayer~~
102 ~~shall earn the tax credits allowed in this section and the tax credits otherwise~~
103 ~~allowed in section 135.110, or the tax credits, exemptions, and refund~~
104 ~~otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245,~~
105 ~~respectively, for the same business for the same tax period.]~~

2 ~~[135.545. A taxpayer shall be allowed a credit for taxes paid pursuant~~
3 ~~to chapter 143, 147 or 148 in an amount equal to fifty percent of a qualified~~
4 ~~investment in transportation development for aviation, mass transportation,~~
5 ~~including parking facilities for users of mass transportation, railroads, ports,~~
6 ~~including parking facilities and limited access roads within ports, waterborne~~
7 ~~transportation, bicycle and pedestrian paths, or rolling stock located in a~~
8 ~~distressed community as defined in section 135.530, and which are part of a~~
9 ~~development plan approved by the appropriate local agency. If the department~~
10 ~~of economic development determines the investment has been so approved,~~
11 ~~the department shall grant the tax credit in order of date received. A taxpayer~~
12 ~~may carry forward any unused tax credit for up to ten years and may carry it~~
13 ~~back for the previous three years until such credit has been fully claimed.~~
14 ~~Certificates of tax credit issued in accordance with this section may be~~
15 ~~transferred, sold or assigned by notarized endorsement which names the~~
16 ~~transferee. The tax credits allowed pursuant to this section shall be for an~~
17 ~~amount of no more than ten million dollars for each year. This credit shall~~
18 ~~apply to returns filed for all taxable years beginning on or after January 1,~~
19 ~~1999. Any unused portion of the tax credit authorized pursuant to this section~~
20 ~~shall be available for use in the future by those entities until fully claimed. For~~
21 ~~purposes of this section, a "taxpayer" shall include any charitable organization~~
22 ~~that is exempt from federal income tax and whose Missouri unrelated business~~
23 ~~taxable income, if any, would be subject to the state income tax imposed under~~
~~chapter 143.]~~

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

2 ~~[135.679. 1. This section shall be known and may be cited as the~~
3 ~~"Qualified Beef Tax Credit Act".~~

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

4 ~~(1) "Agricultural property", any real and personal property, including~~
5 ~~but not limited to buildings, structures, improvements, equipment, and~~
6 ~~livestock, that is used in or is to be used in this state by residents of this~~
7 ~~state for:~~

8 ~~(a) The operation of a farm or ranch; and~~

9 ~~(b) Grazing, feeding, or the care of livestock;~~

10 ~~(2) "Authority", the agricultural and small business development~~
11 ~~authority established in chapter 348;~~

12 ~~(3) "Backgrounded", any additional weight at the time of the first~~
13 ~~qualifying sale, before being finished, above the established baseline weight;~~

14 ~~(4) "Baseline weight", the average weight in the immediate past two~~
15 ~~years of all beef animals sold that are thirty months of age or younger,~~
16 ~~categorized by sex. Baseline weight for qualified beef animals that are~~
17 ~~physically out of state but whose ownership is retained by a resident of this~~
18 ~~state shall be established by the average transfer weight in the immediate past~~
19 ~~two years of all beef animals that are thirty months of age or younger and that~~
20 ~~are transferred out of state but whose ownership is retained by a resident of~~
21 ~~this state, categorized by sex. The established baseline weight shall be~~
22 ~~effective for a period of three years. If the taxpayer is a qualifying beef animal~~
23 ~~producer with fewer than two years of production, the baseline weight shall be~~
24 ~~established by the available average weight in the immediate past year of all~~
25 ~~beef animals sold that are thirty months of age or younger, categorized by sex.~~
26 ~~If the qualifying beef animal producer has no previous production, the baseline~~
27 ~~weight shall be established by the authority;~~

28 ~~(5) "Finished", the period from backgrounded to harvest;~~

29 ~~(6) "Qualifying beef animal", any beef animal that is certified by the~~
30 ~~authority, that was born in this state after August 28, 2008, that was raised and~~
31 ~~backgrounded or finished in this state by the taxpayer, excluding any beef~~
32 ~~animal more than thirty months of age as verified by certified written birth~~
33 ~~records;~~

34 ~~(7) "Qualifying sale", the first time a qualifying beef animal is sold in~~
35 ~~this state after the qualifying beef animal is backgrounded, and a subsequent~~
36 ~~sale if the weight of the qualifying beef animal at the time of the subsequent~~
37 ~~sale is greater than the weight of the qualifying beef animal at the time of the~~
38 ~~first qualifying sale of such beef animal;~~

39 ~~(8) "Tax credit", a credit against the tax otherwise due under chapter~~
40 ~~143, excluding withholding tax imposed by sections 143.191 to 143.265, or~~
41 ~~otherwise due under chapter 147;~~

42 ~~(9) "Taxpayer", any individual or entity who:~~

43 ~~(a) Is subject to the tax imposed in chapter 143, excluding withholding~~
44 ~~tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter~~
45 ~~147;~~

46 ~~(b) In the case of an individual, is a resident of this state as verified by~~
47 ~~a 911 address or in the absence of a 911 system, a physical address; and~~

48 ~~(c) Owns or rents agricultural property and principal place of business~~
49 ~~is located in this state.~~

50 ~~3. (1) For all tax years beginning on or after January 1, 2009, but~~
51 ~~ending on or before December 31, 2021, a taxpayer shall be allowed a tax~~
52 ~~credit for the first qualifying sale and for a subsequent qualifying sale of all~~
53 ~~qualifying beef animals.~~

54 ~~(2) The tax credit amount for the first qualifying sale shall be ten cents~~
55 ~~per pound for qualifying sale weights under six hundred pounds and twenty-~~
56 ~~five cents per pound for qualifying sale weights of six hundred pounds or~~
57 ~~greater, shall be based on the backgrounded weight of all qualifying beef~~

58 animals at the time of the first qualifying sale, and shall be calculated as
59 follows:

60 (a) ~~If the qualifying sale weight is under six hundred pounds, the~~
61 ~~qualifying sale weight minus the baseline weight multiplied by ten cents, as~~
62 ~~long as the qualifying sale weight is equal to or greater than one hundred~~
63 ~~pounds above the baseline weight; or~~

64 (b) ~~If the qualifying sale weight is six hundred pounds or greater, the~~
65 ~~qualifying sale weight minus the baseline weight multiplied by twenty five~~
66 ~~cents, as long as the qualifying sale weight is equal to or greater than one~~
67 ~~hundred pounds above the baseline weight.~~

68 (3) ~~The tax credit amount for each subsequent qualifying sale shall be~~
69 ~~ten cents per pound for qualifying sale weights under six hundred pounds and~~
70 ~~twenty five cents per pound for qualifying sale weights of six hundred pounds~~
71 ~~or greater, shall be based on the backgrounded weight of all qualifying beef~~
72 ~~animals at the time of the subsequent qualifying sale, and shall be calculated as~~
73 ~~follows:~~

74 (a) ~~If the qualifying sale weight is under six hundred pounds, the~~
75 ~~qualifying sale weight minus the baseline weight multiplied by ten cents, as~~
76 ~~long as the qualifying sale weight is equal to or greater than one hundred~~
77 ~~pounds above the baseline weight; or~~

78 (b) ~~If the qualifying sale weight is six hundred pounds or greater, the~~
79 ~~qualifying sale weight minus the baseline weight multiplied by twenty five~~
80 ~~cents, as long as the qualifying sale weight is equal to or greater than one~~
81 ~~hundred pounds above the baseline weight.~~

82
83 ~~The authority may waive no more than twenty five percent of the one-~~
84 ~~hundred pound weight gain requirement, but any such waiver shall be based~~
85 ~~on a disaster declaration issued by the U.S. Department of Agriculture.~~

86 4. ~~The amount of the tax credit claimed shall not exceed the amount of~~
87 ~~the taxpayer's state tax liability for the tax year for which the credit is claimed.~~
88 ~~No tax credit claimed under this section shall be refundable. The tax credit~~
89 ~~shall be claimed in the tax year in which the qualifying sale of the qualifying~~
90 ~~beef occurred, but any amount of credit that the taxpayer is prohibited by this~~
91 ~~section from claiming in a tax year may be carried forward to any of the~~
92 ~~taxpayer's four subsequent tax years. The total amount of tax credits that any~~
93 ~~taxpayer may claim shall not exceed fifteen thousand dollars per year. No~~
94 ~~taxpayer shall be allowed to claim tax credits under this section for more than~~
95 ~~three years. The amount of tax credits that may be issued to all eligible~~
96 ~~applicants claiming tax credits authorized in this section and section 135.686~~
97 ~~in a calendar year shall not exceed two million dollars. Tax credits shall be~~
98 ~~issued on an as received application basis until the calendar year limit is~~
99 ~~reached. Any credits not issued in any calendar year shall expire and shall not~~
100 ~~be issued in any subsequent years.~~

101 5. ~~To claim the tax credit allowed under this section, the taxpayer shall~~
102 ~~submit to the authority an application for the tax credit on a form provided by~~
103 ~~the authority and any application fee imposed by the authority. The~~
104 ~~application shall be filed with the authority at the end of each calendar year in~~
105 ~~which a qualified sale was made and for which a tax credit is claimed under~~

106 ~~this section. The application shall include any certified documentation and~~
 107 ~~information required by the authority. All required information obtained by~~
 108 ~~the authority shall be confidential and not disclosed except by court order,~~
 109 ~~subpoena, or as otherwise provided by law. If the taxpayer and the qualified~~
 110 ~~sale meet all criteria required by this section and approval is granted by the~~
 111 ~~authority, the authority shall issue a tax credit certificate in the appropriate~~
 112 ~~amount. Tax credit certificates issued under this section may be assigned,~~
 113 ~~transferred, sold, or otherwise conveyed, and the new owner of the tax credit~~
 114 ~~certificate shall have the same rights in the tax credit as the original taxpayer.~~
 115 ~~Whenever a tax credit certificate is assigned, transferred, sold or otherwise~~
 116 ~~conveyed, a notarized endorsement shall be filed with the authority specifying~~
 117 ~~the name and address of the new owner of the tax credit certificate or the value~~
 118 ~~of the tax credit.~~

119 ~~6. Any information provided under this section shall be confidential~~
 120 ~~information, to be shared with no one except state and federal animal health~~
 121 ~~officials, except as provided in subsection 5 of this section.~~

122 ~~7. The authority shall, at least annually, submit a report to the Missouri~~
 123 ~~general assembly reviewing the costs and benefits of the program established~~
 124 ~~under this section.~~

125 ~~8. The authority may promulgate rules to implement the provisions of~~
 126 ~~this section. Any rule or portion of a rule, as that term is defined in section~~
 127 ~~536.010, that is created under the authority delegated in this section shall~~
 128 ~~become effective only if it complies with and is subject to all of the provisions~~
 129 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter~~
 130 ~~536 are nonseverable and if any of the powers vested with the general~~
 131 ~~assembly pursuant to chapter 536 to review, to delay the effective date, or to~~
 132 ~~disapprove and annul a rule are subsequently held unconstitutional, then the~~
 133 ~~grant of rulemaking authority and any rule proposed or adopted after August~~
 134 ~~28, 2007, shall be invalid and void.~~

135 ~~9. This section shall not be subject to the Missouri sunset act, sections~~
 136 ~~23.250 to 23.298.]~~

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

2 (1) "Adjusted purchase price", the product of:

3 (a) The amount paid to the issuer of a qualified equity investment for
 4 such qualified equity investment; and

5 (b) The following fraction:

6 a. The numerator shall be the dollar amount of qualified low income
 7 community investments held by the issuer in this state as of the credit
 8 allowance date during the applicable tax year; and

9 b. The denominator shall be the total dollar amount of qualified low-
 10 income community investments held by the issuer in all states as of the credit
 11 allowance date during the applicable tax year;

12 c. For purposes of calculating the amount of qualified low income
 13 community investments held by an issuer, an investment shall be considered
 14 held by an issuer even if the investment has been sold or repaid; provided that
 15 the issuer reinvests an amount equal to the capital returned to or recovered by
 16 the issuer from the original investment, exclusive of any profits realized, in

17 another qualified low income community investment within twelve months of
18 the receipt of such capital. An issuer shall not be required to reinvest capital
19 returned from qualified low income community investments after the sixth
20 anniversary of the issuance of the qualified equity investment, the proceeds of
21 which were used to make the qualified low income community investment,
22 and the qualified low income community investment shall be considered held
23 by the issuer through the seventh anniversary of the qualified equity
24 investment's issuance;

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

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

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

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

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

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

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

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

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

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

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

65 ~~provisions of paragraph (a) of this subdivision if such investment was a~~
66 ~~qualified equity investment in the hands of a prior holder;~~

67 ~~(8) "Qualified low income community investment", any capital or~~
68 ~~equity investment in, or loan to, any qualified active low income community~~
69 ~~business. With respect to any one qualified active low income community~~
70 ~~business, the maximum amount of qualified low income community~~
71 ~~investments made in such business, on a collective basis with all of its~~
72 ~~affiliates, that may be used from the calculation of any numerator described in~~
73 ~~subparagraph a. of paragraph (b) of subdivision (1) of this subsection shall be~~
74 ~~ten million dollars whether issued to one or several qualified community~~
75 ~~development entities;~~

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

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

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

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

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

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

118 ~~(2) The issuer redeems or makes principal repayment with respect to a~~
119 ~~qualified equity investment prior to the seventh anniversary of the issuance of~~
120 ~~such qualified equity investment. Any tax credit that is subject to recapture~~
121 ~~shall be recaptured from the taxpayer that claimed the tax credit on a return.~~

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

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

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

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

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

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

2 ~~[135.682. 1. The director of the department of economic development~~
3 ~~or the director's designee shall issue letter rulings regarding the tax credit~~
4 ~~program authorized under section 135.680, subject to the terms and conditions~~
5 ~~set forth in this section. The director of the department of economic~~
6 ~~development may impose additional terms and conditions consistent with this~~
7 ~~section to requests for letter rulings by regulation promulgated under chapter~~
8 ~~536. For the purposes of this section, the term "letter ruling" means a written~~
9 ~~interpretation of law to a specific set of facts provided by the applicant~~
10 ~~requesting a letter ruling.~~

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

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

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

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

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

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

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

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

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

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

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

33 ~~(c) General maintenance of such facility during the time period in~~
34 ~~which such facility receives any tax credit under this section.~~
35

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

39 2. ~~For all tax years beginning on or after January 1, 2015, but before~~
40 ~~January 1, 2018, any eligible applicant who installs and operates a qualified~~
41 ~~property shall be allowed a credit against the tax otherwise due under chapter~~
42 ~~143, excluding withholding tax imposed by sections 143.191 to 143.265, or~~
43 ~~due under chapter 147 or chapter 148 for any tax year in which the applicant is~~
44 ~~constructing the qualified property. The credit allowed in this section per~~
45 ~~eligible applicant who is a private citizen shall not exceed fifteen hundred~~
46 ~~dollars or per eligible applicant that is a business entity shall not exceed the~~
47 ~~lesser of twenty thousand dollars or twenty percent of the total costs directly~~
48 ~~associated with the purchase and installation of any alternative fuel storage and~~
49 ~~dispensing equipment or any recharging equipment on any qualified property,~~
50 ~~which shall not include the following:~~

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

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

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

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

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

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

79 6. ~~The director of revenue shall establish the procedure by which the~~
80 ~~tax credits in this section may be claimed, and shall establish a procedure by~~

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

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

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

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

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

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

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

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

2 ~~[135.766. An eligible small business, as defined in Section 44 of the~~
 3 ~~Internal Revenue Code, shall be allowed a credit against the tax otherwise due~~
 4 ~~pursuant to chapter 143, not including sections 143.191 to 143.265, in an~~
 5 ~~amount equal to any amount paid by the eligible small business to the United~~
 6 ~~States Small Business Administration as a guaranty fee pursuant to obtaining~~
 7 ~~Small Business Administration guaranteed financing and to programs~~
 7 ~~administered by the United States Department of Agriculture for rural~~

8 ~~development or farm service agencies. No tax credits provided under this~~
9 ~~section shall be authorized on or after the thirtieth day following the effective~~
10 ~~date of this act. The provisions of this subsection shall not be construed to~~
11 ~~limit or in any way impair the department's ability to issue tax credits~~
12 ~~authorized prior to the thirtieth day following the effective date of this act, or a~~
13 ~~taxpayer's ability to redeem such tax credits.]~~

2 ~~[135.950. The following terms, whenever used in sections 135.950 to~~
3 ~~135.970 mean:~~

4 (1) ~~"Average wage", the new payroll divided by the number of new~~
5 ~~jobs;~~

6 (2) ~~"Blighted area", the same meaning as defined pursuant to section~~
7 ~~99.805;~~

8 (3) ~~"Board", an enhanced enterprise zone board established pursuant~~
9 ~~to section 135.957;~~

10 (4) ~~"Commencement of commercial operations" shall be deemed to~~
11 ~~occur during the first taxable year for which the new business facility is first~~
12 ~~put into use by the taxpayer in the enhanced business enterprise in which the~~
13 ~~taxpayer intends to use the new business facility;~~

14 (5) ~~"County average wage", the average wages in each county as~~
15 ~~determined by the department for the most recently completed full calendar~~
16 ~~year. However, if the computed county average wage is above the statewide~~
17 ~~average wage, the statewide average wage shall be deemed the county average~~
18 ~~wage for such county for the purpose of determining eligibility. The~~
19 ~~department shall publish the county average wage for each county at least~~
20 ~~annually. Notwithstanding the provisions of this subdivision to the contrary,~~
21 ~~for any taxpayer that in conjunction with their project is relocating employees~~
22 ~~from a Missouri county with a higher county average wage, such taxpayer~~
23 ~~shall obtain the endorsement of the governing body of the community from~~
24 ~~which jobs are being relocated or the county average wage for their project~~
25 ~~shall be the county average wage for the county from which the employees are~~
26 ~~being relocated;~~

27 (6) ~~"Department", the department of economic development;~~

28 (7) ~~"Director", the director of the department of economic~~
29 ~~development;~~

30 (8) ~~"Employee", a person employed by the enhanced business~~
31 ~~enterprise that is scheduled to work an average of at least one thousand hours~~
32 ~~per year, and such person at all times has health insurance offered to him or~~
33 ~~her, which is partially paid for by the employer;~~

34 (9) ~~"Enhanced business enterprise", an industry or one of a cluster of~~
35 ~~industries that is either:~~

36 (a) ~~Identified by the department as critical to the state's economic~~
37 ~~security and growth; or~~

38 (b) ~~Will have an impact on industry cluster development, as identified~~
39 ~~by the governing authority in its application for designation of an enhanced~~
40 ~~enterprise zone and approved by the department; but excluding gambling~~
41 ~~establishments (NAICS industry group 7132), retail trade (NAICS sectors 44~~
~~and 45), educational services (NAICS sector 61), religious organizations~~

42 ~~(NAICS industry group 8131), public administration (NAICS sector 92), and~~
43 ~~food and drinking places (NAICS subsector 722), however, notwithstanding~~
44 ~~provisions of this section to the contrary, headquarters or administrative~~
45 ~~offices of an otherwise excluded business may qualify for benefits if the~~
46 ~~offices serve a multistate territory. In the event a national, state, or regional~~
47 ~~headquarters operation is not the predominant activity of a project facility, the~~
48 ~~new jobs and investment of such headquarters operation is considered eligible~~
49 ~~for benefits under this section if the other requirements are satisfied. Service~~
50 ~~industries may be eligible only if a majority of its annual revenues will be~~
51 ~~derived from out of the state;~~

52 ~~(10) "Existing business facility", any facility in this state which was~~
53 ~~employed by the taxpayer claiming the credit in the operation of an enhanced~~
54 ~~business enterprise immediately prior to an expansion, acquisition, addition, or~~
55 ~~replacement;~~

56 ~~(11) "Facility", any building used as an enhanced business enterprise~~
57 ~~located within an enhanced enterprise zone, including the land on which the~~
58 ~~facility is located and all machinery, equipment, and other real and depreciable~~
59 ~~tangible personal property acquired for use at and located at or within such~~
60 ~~facility and used in connection with the operation of such facility;~~

61 ~~(12) "Facility base employment", the greater of the number of~~
62 ~~employees located at the facility on the date of the notice of intent, or for the~~
63 ~~twelve-month period prior to the date of the notice of intent, the average~~
64 ~~number of employees located at the facility, or in the event the project facility~~
65 ~~has not been in operation for a full twelve-month period, the average number~~
66 ~~of employees for the number of months the facility has been in operation prior~~
67 ~~to the date of the notice of intent;~~

68 ~~(13) "Facility base payroll", the total amount of taxable wages paid by~~
69 ~~the enhanced business enterprise to employees of the enhanced business~~
70 ~~enterprise located at the facility in the twelve months prior to the notice of~~
71 ~~intent, not including the payroll of owners of the enhanced business enterprise~~
72 ~~unless the enhanced business enterprise is participating in an employee stock~~
73 ~~ownership plan. For the purposes of calculating the benefits under this~~
74 ~~program, the amount of base payroll shall increase each year based on the~~
75 ~~consumer price index or other comparable measure, as determined by the~~
76 ~~department;~~

77 ~~(14) "Governing authority", the body holding primary legislative~~
78 ~~authority over a county or incorporated municipality;~~

79 ~~(15) "Megaproject", any manufacturing or assembling facility,~~
80 ~~approved by the department for construction and operation within an~~
81 ~~enhanced enterprise zone, which satisfies the following:~~

82 ~~(a) The new capital investment is projected to exceed three hundred~~
83 ~~million dollars over a period of eight years from the date of approval by the~~
84 ~~department;~~

85 ~~(b) The number of new jobs is projected to exceed one thousand over a~~
86 ~~period of eight years beginning on the date of approval by the department;~~

87 ~~(c) The average wage of new jobs to be created shall exceed the~~
88 ~~county average wage;~~

89 (d) ~~The taxpayer shall offer health insurance to all new jobs and pay at~~
90 ~~least eighty percent of such insurance premiums; and~~

91 (e) ~~An acceptable plan of repayment, to the state, of the tax credits~~
92 ~~provided for the megaproject has been provided by the taxpayer;~~

93 (16) ~~"NAICS", the 1997 edition of the North American Industry~~
94 ~~Classification System as prepared by the Executive Office of the President,~~
95 ~~Office of Management and Budget. Any NAICS sector, subsector, industry~~
96 ~~group or industry identified in this section shall include its corresponding~~
97 ~~classification in subsequent federal industry classification systems;~~

98 (17) ~~"New business facility", a facility that does not produce or~~
99 ~~generate electrical energy from a renewable energy resource and satisfies the~~
100 ~~following requirements:~~

101 (a) ~~Such facility is employed by the taxpayer in the operation of an~~
102 ~~enhanced business enterprise. Such facility shall not be considered a new~~
103 ~~business facility in the hands of the taxpayer if the taxpayer's only activity with~~
104 ~~respect to such facility is to lease it to another person or persons. If the~~
105 ~~taxpayer employs only a portion of such facility in the operation of an~~
106 ~~enhanced business enterprise, and leases another portion of such facility to~~
107 ~~another person or persons or does not otherwise use such other portions in the~~
108 ~~operation of an enhanced business enterprise, the portion employed by the~~
109 ~~taxpayer in the operation of an enhanced business enterprise shall be~~
110 ~~considered a new business facility, if the requirements of paragraphs (b), (c),~~
111 ~~and (d) of this subdivision are satisfied;~~

112 (b) ~~Such facility is acquired by, or leased to, the taxpayer after~~
113 ~~December 31, 2004. A facility shall be deemed to have been acquired by, or~~
114 ~~leased to, the taxpayer after December 31, 2004, if the transfer of title to the~~
115 ~~taxpayer, the transfer of possession pursuant to a binding contract to transfer~~
116 ~~title to the taxpayer, or the commencement of the term of the lease to the~~
117 ~~taxpayer occurs after December 31, 2004;~~

118 (c) ~~If such facility was acquired by the taxpayer from another taxpayer~~
119 ~~and such facility was employed immediately prior to the acquisition by~~
120 ~~another taxpayer in the operation of an enhanced business enterprise, the~~
121 ~~operation of the same or a substantially similar enhanced business enterprise is~~
122 ~~not continued by the taxpayer at such facility; and~~

123 (d) ~~Such facility is not a replacement business facility, as defined in~~
124 ~~subdivision (27) of this section;~~

125 (18) ~~"New business facility employee", an employee of the taxpayer in~~
126 ~~the operation of a new business facility during the taxable year for which the~~
127 ~~credit allowed by section 135.967 is claimed, except that truck drivers and rail~~
128 ~~and barge vehicle operators and other operators of rolling stock for hire shall~~
129 ~~not constitute new business facility employees;~~

130 (19) ~~"New business facility investment", the value of real and~~
131 ~~depreciable tangible personal property, acquired by the taxpayer as part of the~~
132 ~~new business facility, which is used by the taxpayer in the operation of the new~~
133 ~~business facility, during the taxable year for which the credit allowed by~~
134 ~~135.967 is claimed, except that trucks, truck trailers, truck semitrailers, rail~~
135 ~~vehicles, barge vehicles, aircraft and other rolling stock for hire, track,~~
136 ~~switches, barges, bridges, tunnels, and rail yards and spurs shall not constitute~~

137 ~~new business facility investments. The total value of such property during~~
138 ~~such taxable year shall be:~~

139 ~~(a) Its original cost if owned by the taxpayer; or~~

140 ~~(b) Eight times the net annual rental rate, if leased by the taxpayer.~~

141 ~~The net annual rental rate shall be the annual rental rate paid by the taxpayer~~
142 ~~less any annual rental rate received by the taxpayer from subrentals. The new~~
143 ~~business facility investment shall be determined by dividing by twelve the sum~~
144 ~~of the total value of such property on the last business day of each calendar~~
145 ~~month of the taxable year. If the new business facility is in operation for less~~
146 ~~than an entire taxable year, the new business facility investment shall be~~
147 ~~determined by dividing the sum of the total value of such property on the last~~
148 ~~business day of each full calendar month during the portion of such taxable~~
149 ~~year during which the new business facility was in operation by the number of~~
150 ~~full calendar months during such period;~~

151 ~~(20) "New job", the number of employees located at the facility that~~
152 ~~exceeds the facility base employment less any decrease in the number of the~~
153 ~~employees at related facilities below the related facility base employment. No~~
154 ~~job that was created prior to the date of the notice of intent shall be deemed a~~
155 ~~new job;~~

156 ~~(21) "Notice of intent", a form developed by the department which is~~
157 ~~completed by the enhanced business enterprise and submitted to the~~
158 ~~department which states the enhanced business enterprise's intent to hire~~
159 ~~new jobs and request benefits under such program;~~

160 ~~(22) "Related facility", a facility operated by the enhanced business~~
161 ~~enterprise or a related company in this state that is directly related to the~~
162 ~~operation of the project facility;~~

163 ~~(23) "Related facility base employment", the greater of:~~

164 ~~(a) The number of employees located at all related facilities on the~~
165 ~~date of the notice of intent; or~~

166 ~~(b) For the twelve-month period prior to the date of the notice of~~
167 ~~intent, the average number of employees located at all related facilities of the~~
168 ~~enhanced business enterprise or a related company located in this state;~~

169 ~~(24) "Related taxpayer":~~

170 ~~(a) A corporation, partnership, trust, or association controlled by the~~
171 ~~taxpayer;~~

172 ~~(b) An individual, corporation, partnership, trust, or association in~~
173 ~~control of the taxpayer; or~~

174 ~~(c) A corporation, partnership, trust or association controlled by an~~
175 ~~individual, corporation, partnership, trust or association in control of the~~
176 ~~taxpayer. "Control of a corporation" shall mean ownership, directly or~~
177 ~~indirectly, of stock possessing at least fifty percent of the total combined~~
178 ~~voting power of all classes of stock entitled to vote, "control of a partnership or~~
179 ~~association" shall mean ownership of at least fifty percent of the capital or~~
180 ~~profits interest in such partnership or association, and "control of a trust" shall~~
181 ~~mean ownership, directly or indirectly, of at least fifty percent of the beneficial~~
182 ~~interest in the principal or income of such trust; ownership shall be determined~~
183 ~~as provided in Section 318 of the Internal Revenue Code of 1986, as amended;~~

- 184 ~~(25) "Renewable energy generation zone", an area which has been~~
185 ~~found, by a resolution or ordinance adopted by the governing authority having~~
186 ~~jurisdiction of such area, to be a blighted area and which contains land,~~
187 ~~improvements, or a lock and dam site which is unutilized or underutilized for~~
188 ~~the production, generation, conversion, and conveyance of electrical energy~~
189 ~~from a renewable energy resource;~~
190 ~~(26) "Renewable energy resource", shall include:~~
191 ~~(a) Wind;~~
192 ~~(b) Solar thermal sources or photovoltaic cells and panels;~~
193 ~~(c) Dedicated crops grown for energy production;~~
194 ~~(d) Cellulosic agricultural residues;~~
195 ~~(e) Plant residues;~~
196 ~~(f) Methane from landfills, agricultural operations, or wastewater~~
197 ~~treatment;~~
198 ~~(g) Thermal depolymerization or pyrolysis for converting waste~~
199 ~~material to energy;~~
200 ~~(h) Clean and untreated wood such as pallets;~~
201 ~~(i) Hydroelectric power, which shall include electrical energy~~
202 ~~produced or generated by hydroelectric power generating equipment, as~~
203 ~~such term is defined in section 137.010;~~
204 ~~(j) Fuel cells using hydrogen produced by one or more of the~~
205 ~~renewable resources provided in paragraphs (a) to (i) of this subdivision; or~~
206 ~~(k) Any other sources of energy, not including nuclear energy, that are~~
207 ~~certified as renewable by rule by the department of economic development;~~
208 ~~(27) "Replacement business facility", a facility otherwise described in~~
209 ~~subdivision (17) of this section, hereafter referred to in this subdivision as~~
210 ~~"new facility", which replaces another facility, hereafter referred to in this~~
211 ~~subdivision as "old facility", located within the state, which the taxpayer or a~~
212 ~~related taxpayer previously operated but discontinued operating on or before~~
213 ~~the close of the first taxable year for which the credit allowed by this section is~~
214 ~~claimed. A new facility shall be deemed to replace an old facility if the~~
215 ~~following conditions are met:~~
216 ~~(a) The old facility was operated by the taxpayer or a related taxpayer~~
217 ~~during the taxpayer's or related taxpayer's taxable period immediately~~
218 ~~preceding the taxable year in which commencement of commercial~~
219 ~~operations occurs at the new facility; and~~
220 ~~(b) The old facility was employed by the taxpayer or a related taxpayer~~
221 ~~in the operation of an enhanced business enterprise and the taxpayer continues~~
222 ~~the operation of the same or substantially similar enhanced business enterprise~~
223 ~~at the new facility. Notwithstanding the preceding provisions of this~~
224 ~~subdivision, a facility shall not be considered a replacement business facility if~~
225 ~~the taxpayer's new business facility investment, as computed in subdivision~~
226 ~~(19) of this section, in the new facility during the tax period for which the~~
227 ~~credits allowed in section 135.967 are claimed exceed one million dollars and~~
228 ~~if the total number of employees at the new facility exceeds the total number~~
229 ~~of employees at the old facility by at least two;~~
230 ~~(28) "Same or substantially similar enhanced business enterprise", an~~
231 ~~enhanced business enterprise in which the nature of the products produced or~~

232 ~~sold, or activities conducted, are similar in character and use or are produced,~~
233 ~~sold, performed, or conducted in the same or similar manner as in another~~
234 ~~enhanced business enterprise.]~~

2 ~~[135.953. 1. For purposes of sections 135.950 to 135.970, an area~~
3 ~~shall meet the following criteria in order to qualify as an enhanced enterprise~~
4 ~~zone:~~

5 ~~(1) The area shall be a blighted area, have pervasive poverty,~~
6 ~~unemployment and general distress; and~~

7 ~~(2) At least sixty percent of the residents living in the area have~~
8 ~~incomes below ninety percent of the median income of all residents:~~

9 ~~(a) Within the state of Missouri, according to the last decennial census~~
10 ~~or other appropriate source as approved by the director; or~~

11 ~~(b) Within the county or city not within a county in which the area is~~
12 ~~located, according to the last decennial census or other appropriate source as~~
13 ~~approved by the director; and~~

14 ~~(3) The resident population of the area shall be at least five hundred~~
15 ~~but not more than one hundred thousand at the time of designation as an~~
16 ~~enhanced enterprise zone if the area lies within a metropolitan statistical area,~~
17 ~~as established by the United States Census Bureau, or if the area does not lie~~
18 ~~within a metropolitan statistical area, the resident population of the area at the~~
19 ~~time of designation shall be at least five hundred but not more than forty~~
20 ~~thousand inhabitants. If the population of the jurisdiction of the governing~~
21 ~~authority does not meet the minimum population requirements set forth in this~~
22 ~~subdivision, the population of the area must be at least fifty percent of the~~
23 ~~population of the jurisdiction. However, no enhanced enterprise zone shall be~~
24 ~~created which consists of the total area within the political boundaries of a~~
25 ~~county;~~

26 ~~(4) The level of unemployment of persons, according to the most~~
27 ~~recent data available from the United States Bureau of Census and approved~~
28 ~~by the director, within the area is equal to or exceeds the average rate of~~
29 ~~unemployment for:~~

30 ~~(a) The state of Missouri over the previous twelve months; or~~

31 ~~(b) The county or city not within a county over the previous twelve~~
32 ~~months; and~~

33 ~~(5) No finding of blight under this chapter shall be used to meet the~~
34 ~~conditions for blight under any other statute of this state.~~

35 ~~2. Notwithstanding the requirements of subsection 1 of this section to~~
36 ~~the contrary, an enhanced enterprise zone may be established in an area located~~
37 ~~within a county for which public and individual assistance has been requested~~
38 ~~by the governor pursuant to Section 401 of the Robert T. Stafford Disaster~~
39 ~~Relief and Emergency Assistance Act, 42 U.S.C. 5121, et seq., for an~~
40 ~~emergency proclaimed by the governor pursuant to section 44.100 due to a~~
41 ~~natural disaster of major proportions, if the area to be designated is blighted~~
42 ~~and sustained severe damage as a result of such natural disaster, as determined~~
43 ~~by the state emergency management agency. An application for designation as~~
~~an enhanced enterprise zone pursuant to this subsection shall be made before~~

44 the expiration of one year from the date the governor requested federal relief
45 for the area sought to be designated.

46 3. Notwithstanding the requirements of subsection 1 of this section to
47 the contrary, an enhanced enterprise zone may be designated in a county of
48 declining population if it meets the requirements of subdivisions (1), (3) and
49 either (2) or (4) of subsection 1 of this section. For the purposes of this
50 subsection, a "county of declining population" is one that has lost one percent
51 or more of its population as demonstrated by comparing the most recent
52 decennial census population to the next most recent decennial census
53 population for the county.

54 4. In addition to meeting the requirements of subsection 1, 2, or 3 of
55 this section, an area, to qualify as an enhanced enterprise zone, shall be
56 demonstrated by the governing authority to have either:

57 (1) The potential to create sustainable jobs in a targeted industry; or
58 (2) A demonstrated impact on local industry cluster development.

59 5. Notwithstanding the requirements of subsections 1 and 4 of this
60 section to the contrary, a renewable energy generation zone may be designated
61 as an enhanced enterprise zone if the renewable energy generation zone meets
62 the criteria set forth in subdivision (25) of section 135.950.]

2 [135.957. 1. A governing authority planning to seek designation of an
3 enhanced enterprise zone shall establish an enhanced enterprise zone board.
4 The number of members on the board shall be seven. One member of the
5 board shall be appointed by the school district or districts located within the
6 area proposed for designation as an enhanced enterprise zone. One member of
7 the board shall be appointed by other affected taxing districts. The remaining
8 five members shall be chosen by the chief elected official of the county or
9 municipality.

10 2. The school district member and the affected taxing district member
11 shall each have initial terms of five years. Of the five members appointed by
12 the chief elected official, two shall have initial terms of four years, two shall
13 have initial terms of three years, and one shall have an initial term of two
14 years. Thereafter, members shall serve terms of five years. Each
15 commissioner shall hold office until a successor has been appointed. All
16 vacancies shall be filled in the same manner as the original appointment. For
17 inefficiency or neglect of duty or misconduct in office, a member of the board
18 may be removed by the applicable appointing authority.

19 3. A majority of the members shall constitute a quorum of such board
20 for the purpose of conducting business and exercising the powers of the board
21 and for all other purposes. Action may be taken by the board upon a vote of a
22 majority of the members present.

23 4. The members of the board annually shall elect a chair from among
24 the members.

25 5. The role of the board shall be to conduct the activities necessary to
26 advise the governing authority on the designation of an enhanced enterprise
27 zone and any other advisory duties as determined by the governing authority.
The role of the board after the designation of an enhanced enterprise zone shall

28 be review and assessment of zone activities as it relates to the annual reports as
29 ~~set forth in section 135.960.]~~

2 ~~[135.960. 1. Any governing authority that desires to have any portion~~
3 ~~of a city or unincorporated area of a county under its control designated as an~~
4 ~~enhanced enterprise zone shall hold a public hearing for the purpose of~~
5 ~~obtaining the opinion and suggestions of those persons who will be affected by~~
6 ~~such designation.~~

7 ~~2. After a public hearing is held as required in subsection 1 of this~~
8 ~~section, the governing authority may, by a majority vote of the members of the~~
9 ~~governing authority, adopt an ordinance or resolution designating a specific~~
10 ~~area as an enhanced enterprise zone. Such ordinance shall include, in addition~~
11 ~~to a description of the physical, social, and economic characteristics of the~~
12 ~~area:~~

13 ~~(1) A plan to provide adequate police protection within the area;~~

14 ~~(2) A specific and practical process for individual businesses to obtain~~
15 ~~waivers from burdensome local regulations, ordinances, and orders which~~
16 ~~serve to discourage economic development within the area to be designated an~~
17 ~~enhanced enterprise zone, except that such waivers shall not substantially~~
18 ~~endanger the health or safety of the employees of any such business or the~~
19 ~~residents of the area;~~

20 ~~(3) A description of what other specific actions will be taken to~~
21 ~~support and encourage private investment within the area;~~

22 ~~(4) A plan to ensure that resources are available to assist area residents~~
23 ~~to participate in increased development through self-help efforts and in~~
24 ~~ameliorating any negative effects of designation of the area as an enhanced~~
25 ~~enterprise zone;~~

26 ~~(5) A statement describing the projected positive and negative effects~~
27 ~~of 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~~
30 ~~plan shall determine the need of dislocated persons for relocation assistance;~~
31 ~~provide, prior to displacement, information about the type, location, and price~~
32 ~~of comparable housing or commercial property; provide information~~
33 ~~concerning state and federal programs for relocation assistance and provide~~
34 ~~other advisory services to displaced persons. Public agencies may choose to~~
35 ~~provide assistance under the Uniform Relocation and Real Property~~
36 ~~Acquisition Act, 42 U.S.C. Section 4601, et seq., to meet the requirements~~
37 ~~of this subdivision; and~~

38 ~~(7) A description or plan that demonstrates the requirements of~~
39 ~~subsection 4 of section 135.953.~~

40 ~~3. An enhanced enterprise zone designation shall expire in twenty-five~~
41 ~~years.~~

42 ~~4. Each designated enhanced enterprise zone board shall report to the~~
43 ~~director on an annual basis regarding the status of the zone and business~~
~~activity within the zone.]~~

2 ~~[135.963. 1. Improvements made to real property as such term is~~
3 ~~defined in section 137.010 which are made in an enhanced enterprise zone~~
4 ~~subsequent to the date such zone or expansion thereto was designated may,~~
5 ~~upon approval of an authorizing resolution or ordinance by the governing~~
6 ~~authority having jurisdiction of the area in which the improvements are made,~~
7 ~~be exempt, in whole or in part, from assessment and payment of ad valorem~~
8 ~~taxes of one or more affected political subdivisions. Improvements made to~~
9 ~~real property, as such term is defined in section 137.010, which are locally~~
10 ~~assessed and in a renewable energy generation zone designated as an enhanced~~
11 ~~enterprise zone, subsequent to the date such enhanced enterprise zone or~~
12 ~~expansion thereto was designated, may, upon approval of an authorizing~~
13 ~~resolution or ordinance by the governing authority having jurisdiction of the~~
14 ~~area in which the improvements are made, be exempt, in whole or in part, from~~
15 ~~assessment and payment of ad valorem taxes of one or more affected political~~
16 ~~subdivisions. In addition to enhanced business enterprises, a speculative~~
17 ~~industrial or warehouse building constructed by a public entity or a private~~
18 ~~entity if the land is leased by a public entity may be subject to such exemption.~~

19 ~~2. Such authorizing resolution shall specify the percent of the~~
20 ~~exemption to be granted, the duration of the exemption to be granted, and the~~
21 ~~political subdivisions to which such exemption is to apply and any other terms,~~
22 ~~conditions, or stipulations otherwise required. A copy of the resolution shall~~
23 ~~be provided to the director within thirty calendar days following adoption of~~
24 ~~the resolution by the governing authority.~~

25 ~~3. No exemption shall be granted until the governing authority holds a~~
26 ~~public hearing for the purpose of obtaining the opinions and suggestions of~~
27 ~~residents of political subdivisions to be affected by the exemption from~~
28 ~~property taxes. The governing authority shall send, by certified mail, a notice~~
29 ~~of such hearing to each political subdivision in the area to be affected and shall~~
30 ~~publish notice of such hearing in a newspaper of general circulation in the area~~
31 ~~to be affected by the exemption at least twenty days prior to the hearing but not~~
32 ~~more than thirty days prior to the hearing. Such notice shall state the time,~~
33 ~~location, date, and purpose of the hearing.~~

34 ~~4. Notwithstanding subsection 1 of this section, at least one-half of the~~
35 ~~ad valorem taxes otherwise imposed on subsequent improvements to real~~
36 ~~property located in an enhanced enterprise zone of enhanced business~~
37 ~~enterprises or speculative industrial or warehouse buildings as indicated in~~
38 ~~subsection 1 of this section shall become and remain exempt from assessment~~
39 ~~and payment of ad valorem taxes of any political subdivision of this state or~~
40 ~~municipality thereof, if said political subdivision or municipality levies ad~~
41 ~~valorem taxes, for a period of not less than ten years following the date such~~
42 ~~improvements were assessed, provided the improved properties are used for~~
43 ~~enhanced business enterprises. The exemption for speculative buildings is~~
44 ~~subject to the approval of the governing authority for a period not to exceed~~
45 ~~two years if the building is owned by a private entity and five years if the~~
46 ~~building is owned or ground leased by a public entity. This shall not preclude~~
47 ~~the building receiving an exemption for the remaining time period established~~
48 ~~by the governing authority if it was occupied by an enhanced business~~
~~enterprise. The two and five year time periods indicated for speculative~~

49 buildings shall not be an addition to the local abatement time period for such
50 facility.

51 ~~5. No exemption shall be granted for a period more than twenty-five~~
52 ~~years, provided, however, that during the ten years prior to the expiration of an~~
53 ~~enhanced enterprise zone no exemption shall be granted for a period of more~~
54 ~~than ten years.~~

55 ~~6. The provisions of subsection 1 of this section shall not apply to~~
56 ~~improvements made to real property begun prior to August 28, 2004.~~

57 ~~7. The abatement referred to in this section shall not relieve the~~
58 ~~assessor or other responsible official from ascertaining the amount of the~~
59 ~~equalized assessed value of all taxable property annually as required by section~~
60 ~~99.855, 99.957, or 99.1042 and shall not have the effect of reducing the~~
61 ~~payments in lieu of taxes referred to in subdivision (2) of subsection 1 of~~
62 ~~section 99.845, subdivision (2) of subsection 3 of section 99.957, or~~
63 ~~subdivision (2) of subsection 3 of section 99.1042 unless such reduction is~~
64 ~~set forth in the plan approved by the governing body of the municipality~~
65 ~~pursuant to subdivision (1) of subsection 1 of section 99.820, section 99.942,~~
66 ~~or section 99.1027.]~~

2 ~~[135.967. 1. A taxpayer who establishes a new business facility may,~~
3 ~~upon approval by the department, be allowed a credit, each tax year for up to~~
4 ~~ten tax years, in an amount determined as set forth in this section, against the~~
5 ~~tax imposed by chapter 143, excluding withholding tax imposed by sections~~
6 ~~143.191 to 143.265. No taxpayer shall receive multiple ten-year periods for~~
7 ~~subsequent expansions at the same facility.~~

8 ~~2. Notwithstanding any provision of law to the contrary, any taxpayer~~
9 ~~who establishes a new business facility in an enhanced enterprise zone and is~~
10 ~~awarded state tax credits under this section may not also receive tax credits~~
11 ~~under sections 135.100 to 135.150, sections 135.200 to 135.286, or section~~
12 ~~135.535, and may not simultaneously receive tax credits under sections~~
13 ~~620.1875 to 620.1890 at the same facility.~~

14 ~~3. No credit shall be issued pursuant to this section unless:~~

15 ~~(1) The number of new business facility employees engaged or~~
16 ~~maintained in employment at the new business facility for the taxable year for~~
17 ~~which the credit is claimed equals or exceeds two; and~~

18 ~~(2) The new business facility investment for the taxable year for which~~
19 ~~the credit is claimed equals or exceeds one hundred thousand dollars.~~

20 ~~4. The annual amount of credits allowed for an approved enhanced~~
21 ~~business enterprise shall be the lesser of:~~

22 ~~(1) The annual amount authorized by the department for the enhanced~~
23 ~~business enterprise, which shall be limited to the projected state economic~~
24 ~~benefit, as determined by the department; or~~

25 ~~(2) The sum calculated based upon the following:~~

26 ~~(a) A credit of four hundred dollars for each new business facility~~
27 ~~employee employed within an enhanced enterprise zone;~~

28 ~~(b) An additional credit of four hundred dollars for each new business~~
29 ~~facility employee who is a resident of an enhanced enterprise zone;~~

29 ~~(c) An additional credit of four hundred dollars for each new business~~
30 ~~facility employee who is paid by the enhanced business enterprise a wage that~~
31 ~~exceeds the average wage paid within the county in which the facility is~~
32 ~~located, as determined by the department; and~~

33 ~~(d) A credit equal to two percent of new business facility investment~~
34 ~~within an enhanced enterprise zone.~~

35 ~~5. Prior to January 1, 2007, in no event shall the department authorize~~
36 ~~more than four million dollars annually to be issued for all enhanced business~~
37 ~~enterprises. After December 31, 2006, in no event shall the department~~
38 ~~authorize more than twenty four million dollars annually to be issued for all~~
39 ~~enhanced business enterprises.~~

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

43 ~~(1) The taxpayer's new business facility investment in the expansion~~
44 ~~during the tax period in which the credits allowed in this section are claimed~~
45 ~~exceeds one hundred thousand dollars and if the number of new business~~
46 ~~facility employees engaged or maintained in employment at the expansion~~
47 ~~facility for the taxable year for which credit is claimed equals or exceeds two,~~
48 ~~and the total number of employees at the facility after the expansion is at least~~
49 ~~two greater than the total number of employees before the expansion; and~~

50 ~~(2) The taxpayer's investment in the expansion and in the original~~
51 ~~facility prior to expansion shall be determined in the manner provided in~~
52 ~~subdivision (19) of section 135.950.~~

53 ~~7. The number of new business facility employees during any taxable~~
54 ~~year shall be determined by dividing by twelve the sum of the number of~~
55 ~~individuals employed on the last business day of each month of such taxable~~
56 ~~year. If the new business facility is in operation for less than the entire taxable~~
57 ~~year, the number of new business facility employees shall be determined by~~
58 ~~dividing the sum of the number of individuals employed on the last business~~
59 ~~day of each full calendar month during the portion of such taxable year during~~
60 ~~which the new business facility was in operation by the number of full~~
61 ~~calendar months during such period. For the purpose of computing the credit~~
62 ~~allowed by this section in the case of a facility which qualifies as a new~~
63 ~~business facility under subsection 6 of this section, and in the case of a new~~
64 ~~business facility which satisfies the requirements of paragraph (c) of~~
65 ~~subdivision (17) of section 135.950, or subdivision (25) of section 135.950,~~
66 ~~the number of new business facility employees at such facility shall be reduced~~
67 ~~by the average number of individuals employed, computed as provided in this~~
68 ~~subsection, at the facility during the taxable year immediately preceding the~~
69 ~~taxable year in which such expansion, acquisition, or replacement occurred~~
70 ~~and shall further be reduced by the number of individuals employed by the~~
71 ~~taxpayer or related taxpayer that was subsequently transferred to the new~~
72 ~~business facility from another Missouri facility and for which credits~~
73 ~~authorized in this section are not being earned, whether such credits are~~
74 ~~earned because of an expansion, acquisition, relocation, or the establishment~~
75 ~~of a new facility.~~

76 8. ~~In the case where a new business facility employee who is a resident~~
77 ~~of an enhanced enterprise zone for less than a twelve month period is~~
78 ~~employed for less than a twelve month period, the credits allowed by~~
79 ~~paragraph (b) of subdivision (2) of subsection 4 of this section shall be~~
80 ~~determined by multiplying four hundred dollars by a fraction, the numerator of~~
81 ~~which is the number of calendar days during the taxpayer's tax year for which~~
82 ~~such credits are claimed, in which the employee was a resident of an enhanced~~
83 ~~enterprise zone, and the denominator of which is three hundred sixty five.~~

84 9. ~~For the purpose of computing the credit allowed by this section in~~
85 ~~the case of a facility which qualifies as a new business facility pursuant to~~
86 ~~subsection 6 of this section, and in the case of a new business facility which~~
87 ~~satisfies the requirements of paragraph (c) of subdivision (17) of section~~
88 ~~135.950 or subdivision (25) of section 135.950, the amount of the taxpayer's~~
89 ~~new business facility investment in such facility shall be reduced by the~~
90 ~~average amount, computed as provided in subdivision (19) of section 135.950~~
91 ~~for new business facility investment, of the investment of the taxpayer, or~~
92 ~~related taxpayer immediately preceding such expansion or replacement or at~~
93 ~~the time of acquisition. Furthermore, the amount of the taxpayer's new~~
94 ~~business facility investment shall also be reduced by the amount of investment~~
95 ~~employed by the taxpayer or related taxpayer which was subsequently~~
96 ~~transferred to the new business facility from another Missouri facility and for~~
97 ~~which credits authorized in this section are not being earned, whether such~~
98 ~~credits are earned because of an expansion, acquisition, relocation, or the~~
99 ~~establishment of a new facility.~~

100 10. ~~For a taxpayer with flow through tax treatment to its members,~~
101 ~~partners, or shareholders, the credit shall be allowed to members, partners, or~~
102 ~~shareholders in proportion to their share of ownership on the last day of the~~
103 ~~taxpayer's tax period.~~

104 11. ~~Credits may not be carried forward but shall be claimed for the~~
105 ~~taxable year during which commencement of commercial operations occurs at~~
106 ~~such new business facility, and for each of the nine succeeding taxable years~~
107 ~~for which the credit is issued.~~

108 12. ~~Certificates of tax credit authorized by this section may be~~
109 ~~transferred, sold, or assigned by filing a notarized endorsement thereof with~~
110 ~~the department that names the transferee, the amount of tax credit transferred,~~
111 ~~and the value received for the credit, as well as any other information~~
112 ~~reasonably requested by the department. The sale price cannot be less than~~
113 ~~seventy five percent of the par value of such credits.~~

114 13. ~~The director of revenue shall issue a refund to the taxpayer to the~~
115 ~~extent that the amount of credits allowed in this section exceeds the amount of~~
116 ~~the taxpayer's income tax.~~

117 14. ~~Prior to the issuance of tax credits, the department shall verify~~
118 ~~through the department of revenue, or any other state department, that the tax~~
119 ~~credit applicant does not owe any delinquent income, sales, or use tax or~~
120 ~~interest or penalties on such taxes, or any delinquent fees or assessments levied~~
121 ~~by any state department and through the department of commerce and~~
122 ~~insurance that the applicant does not owe any delinquent insurance taxes.~~
123 ~~Such delinquency shall not affect the authorization of the application for such~~

124 tax credits, except that the amount of credits issued shall be reduced by the
125 applicant's tax delinquency. If the department of revenue or the department of
126 commerce and insurance, or any other state department, concludes that a
127 taxpayer is delinquent after June fifteenth but before July first of any year and
128 the application of tax credits to such delinquency causes a tax deficiency on
129 behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to
130 satisfy the deficiency in which interest, penalties, and additions to tax shall be
131 tolled. After applying all available credits toward a tax delinquency, the
132 administering agency shall notify the appropriate department, and that
133 department shall update the amount of outstanding delinquent tax owed by
134 the applicant. If any credits remain after satisfying all insurance, income,
135 sales, and use tax delinquencies, the remaining credits shall be issued to the
136 applicant, subject to the restrictions of other provisions of law.]

2 [135.968. 1. A taxpayer who establishes a megaproject, approved by
3 the department, within an enhanced enterprise zone shall, in exchange for the
4 consideration provided by new tax revenues and other economic stimuli that
5 will be generated from the new jobs created by the megaproject, be allowed an
6 income tax credit equal to the percentage of actual new annual payroll of the
7 taxpayer attributable to employees directly related to the manufacturing and
8 assembly process and administration, as provided under subsection 4 of this
9 section. A taxpayer seeking approval of a megaproject shall submit an
10 application to the department. The department shall not approve any
11 megaproject after December 31, 2008. The department shall not approve any
12 credits for megaprojects to be issued prior to January 1, 2013, and in no event
13 shall the department authorize more than forty million dollars to be issued
14 annually for all megaprojects. The total amount of credits issued under this
15 section shall not exceed two hundred forty million dollars.

16 2. In considering applications for approval of megaprojects, the
17 department may approve an application if:

18 (1) The taxpayer's project is financially sound and the taxpayer has
19 adequately demonstrated an ability to successfully undertake and complete the
20 megaproject. This determination shall be supported by a professional third-
21 party market feasibility analysis conducted on behalf of the state by a firm
22 with direct experience with the industry of the proposed megaproject, and by a
23 professional third party financial analysis of the taxpayer's ability to complete
24 the project;

25 (2) The taxpayer's plan of repayment to the state of the amount of tax
26 credits provided is reasonable and sound;

27 (3) The taxpayer's megaproject will create new jobs that were not jobs
28 previously performed by employees of the taxpayer or a related taxpayer in
29 Missouri;

30 (4) Local taxing entities are providing a significant level of incentives
31 for the megaproject relative to the projected new local tax revenues created by
32 the megaproject;

33 (5) There is at least one other state or foreign country that the taxpayer
34 verifies is being considered for the project, and receiving megaproject tax
credits is a major factor in the taxpayer's decision to go forward with the

35 project and not receiving the credit will result in the taxpayer not creating new
36 jobs in Missouri;

37 ~~(6) The megaproject will be located in an enhanced enterprise zone~~
38 ~~which constitutes an economic or social liability and a detriment to the public~~
39 ~~health, safety, morals, or welfare in its present condition and use;~~

40 ~~(7) The completion of the megaproject will serve an essential public~~
41 ~~municipal purpose by creating a substantial number of new jobs for citizens,~~
42 ~~increasing their purchasing power, improving their living conditions, and~~
43 ~~relieving the demand for unemployment and welfare assistance thereby~~
44 ~~promoting the economic development of the enhanced enterprise zone, the~~
45 ~~municipality, and the state; and~~

46 ~~(8) The creation of new jobs will assist the state in providing the~~
47 ~~services needed to protect the health, safety, and social and economic well-~~
48 ~~being of the citizens of the state.~~

49 ~~3. Prior to final approval of an application, a binding contract shall be~~
50 ~~executed between the taxpayer and the department of economic development~~
51 ~~which shall include, but not be limited to:~~

52 ~~(1) A repayment plan providing for cash payment to the state general~~
53 ~~revenue fund which shall result in a positive internal rate of return to the state~~
54 ~~and fully comply with the provisions of the World Trade Organization~~
55 ~~Agreement on Subsidies and Countervailing Measures. The rate of return~~
56 ~~shall be commercially reasonable and, over the life of the project, exceed one~~
57 ~~hundred and fifty percent of the state's borrowing costs based on the AAA-~~
58 ~~rated twenty-year tax exempt bond rate average over a twenty-year borrowing~~
59 ~~period. The rate shall be verified by a professional third-party financial~~
60 ~~analysis;~~

61 ~~(2) The taxpayer's obligation to construct a facility of at least one~~
62 ~~million square feet within five years from the date of approval;~~

63 ~~(3) A requirement that the issuance of tax credits authorized under this~~
64 ~~section shall cease and the taxpayer shall immediately submit payment, to the~~
65 ~~state general revenue fund, in an amount equal to all credits previously issued~~
66 ~~less any amounts previously repaid, increased by an additional amount that~~
67 ~~shall provide the state a reasonable rate of return, in the event the taxpayer:~~

68 ~~(a) Fails to construct a facility of at least one million square feet within~~
69 ~~five years of the date of approval;~~

70 ~~(b) Fails to make a scheduled payment as required by the repayment~~
71 ~~plan; or~~

72 ~~(c) Fails to compensate new jobs at rate equal to or in excess of the~~
73 ~~county average wage or fails to offer health insurance to all such new jobs and~~
74 ~~pay at least eighty percent of such premiums; and~~

75 ~~(4) A requirement that the department shall suspend issuance of tax~~
76 ~~credits authorized under this section if, at any point, the total amount of tax~~
77 ~~credits issued less the total amount of repayments received equals one hundred~~
78 ~~and fifty-five million dollars.~~

79 ~~4. Upon approval of an application by the department, tax credits shall~~
80 ~~be issued annually for a period not to exceed eight years from the~~
81 ~~commencement of commercial operations of the megaproject. The eight-~~
82 ~~year period for the issuance of megaproject tax credits may extend beyond the~~

83 ~~expiration of the enhanced enterprise zone. The maximum percentage of the~~
84 ~~annual payroll of the taxpayer for new jobs located at the megaproject which~~
85 ~~may be approved or issued by the department for tax credits shall not exceed:~~

86 ~~(1) Eighty percent for the first three years that tax credits will be~~
87 ~~issued for the megaproject;~~

88 ~~(2) Sixty percent for the next two subsequent years;~~

89 ~~(3) Fifty percent for the next two subsequent years; and~~

90 ~~(4) Thirty percent for the remaining year.~~

91
92 ~~In no event shall the department issue more than forty million dollars annually~~
93 ~~in megaproject tax credits to any taxpayer. In any given year, the amount of~~
94 ~~tax credits issued shall be the lesser of forty million dollars, the applicable~~
95 ~~annual payroll percentage, or the amount of tax credits remaining unissued~~
96 ~~under the two hundred forty million dollar limitation on megaproject tax credit~~
97 ~~issuance provided under subsection 1 of this section.~~

98 ~~5. Tax credits issued under this section may be claimed against the tax~~
99 ~~imposed by chapter 143, excluding withholding tax imposed by sections~~
100 ~~143.191 to 143.265. For taxpayers with flow through tax treatment of its~~
101 ~~members, partners, or shareholders, the credit shall be allowed to members,~~
102 ~~partners, or shareholders in proportion to their share of ownership on the last~~
103 ~~day of the taxpayer's tax period. The director of revenue shall issue a refund to~~
104 ~~a taxpayer to the extent the amount of credits allowed in this section exceeds~~
105 ~~the amount of the taxpayer's income tax liability in the year redemption is~~
106 ~~authorized. An owner of tax credits issued under this section shall not be~~
107 ~~required to have any Missouri income tax liability in order to redeem such tax~~
108 ~~credits and receive a refund. The director of revenue shall prepare a form to~~
109 ~~permit the owner of such tax credits to obtain a refund.~~

110 ~~6. Certificates of tax credits authorized under this section may be~~
111 ~~transferred, sold, or assigned by filing a notarized endorsement thereof with~~
112 ~~the department that names the transferee, the amount of tax credit transferred,~~
113 ~~and the value received for the credit, as well as any other information~~
114 ~~reasonably requested by the department. Upon such transfer, sale, or~~
115 ~~assignment, the transferee shall be the owner of such tax credits entitled to~~
116 ~~claim the tax credits or any refunds with respect thereto issued to the taxpayer.~~
117 ~~Tax credits may not be carried forward past the year of issuance. Tax credits~~
118 ~~authorized by this section may not be pledged or used to secure any bonds or~~
119 ~~other indebtedness issued by the state or any political subdivision of the state.~~
120 ~~Once such tax credits have been issued, nothing shall prohibit the owner of the~~
121 ~~tax credits from pledging the tax credits to any lender or other third party.~~

122 ~~7. Any taxpayer issued tax credits under this section shall provide an~~
123 ~~annual report to the department and the house and senate appropriations~~
124 ~~committees of the number of new jobs located at the megaproject, the new~~
125 ~~annual payroll of such new jobs, and such other information as may be~~
126 ~~required by the department to document the basis for benefits under this~~
127 ~~section. The department may withhold the approval of the annual issuance of~~
128 ~~any tax credits until it is satisfied that proper documentation has been~~
129 ~~provided, and shall reduce the tax credits to reflect any reduction in new~~
130 ~~payroll. If the department determines the average wage is below the county~~

131 average wage, or the taxpayer has not maintained employee health insurance
 132 as required, the taxpayer shall not receive tax credits for that year.

133 8. Notwithstanding any provision of law to the contrary, any taxpayer
 134 who is awarded tax credits under this section shall not also receive tax credits
 135 under sections 135.100 to 135.150, sections 135.200 to 135.286, section
 136 135.535, or sections 620.1875 to 620.1890.

137 9. Any action brought in any court contesting the approval of a
 138 megaproject and the issuance of the tax credits, or any other action undertaken
 139 pursuant to this section related to such megaproject, shall be filed within
 140 ninety days following approval of the megaproject by the department.

141 10. Records and documents relating to a proposed megaproject shall
 142 be deemed closed records until such time as the application has been approved.
 143 Provisions of this subsection to the contrary notwithstanding, records
 144 containing business plan information which may endanger the
 145 competitiveness of the business shall remain closed.

146 11. Notwithstanding any provision of this section to the contrary, no
 147 taxpayer who receives megaproject tax credits authorized under this section or
 148 any related taxpayer shall employ, prior to January 1, 2022, directly:

149 (1) Any elected public official of this state holding office as of January
 150 1, 2008;

151 (2) Any director, deputy director, division director, or employee
 152 directly involved in negotiations between the department of economic
 153 development and a taxpayer relative to the megaproject who was employed
 154 as of January 1, 2008, by the department.]

2 [135.970. The department may adopt such rules, statements of policy,
 3 procedures, forms, and guidelines as may be necessary to carry out the
 4 provisions of sections 135.950 to 135.970. Any rule or portion of a rule, as
 5 that term is defined in section 536.010, that is created under the authority
 6 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
 8 536.028. This section and chapter 536 are nonseverable and if any of the
 9 powers vested with the general assembly pursuant to chapter 536 to review, to
 10 delay the effective date, or to disapprove and annul a rule are subsequently
 11 held unconstitutional, then the grant of rulemaking authority and any rule
 proposed or adopted after August 28, 2004, shall be invalid and void.]

2 [135.973. After January 1, 2007, all enterprise zones designated before
 3 January 1, 2006, shall be eligible to receive the tax benefits under sections
 135.950 to 135.970.]

2 [135.1125. 1. As used in this section, the following terms shall mean:
 3 (1) "Certificate", a tax credit certificate issued under this section;
 4 (2) "Department", the Missouri department of social services;
 5 (3) "Eligible donation", a donation of cash, stock, bonds or other
 6 marketable securities, or real property made to an eligible provider;
 7 (4) "Eligible provider", an organization that provides funding for
 unmet health, hunger, and hygiene needs of children in school;

8 ~~(5) "Taxpayer", a person, firm, partner in a firm, corporation, or a~~
9 ~~shareholder in an S corporation doing business in the state of Missouri and~~
10 ~~subject to the state income tax imposed in chapter 143, an insurance company~~
11 ~~paying an annual tax on its gross premium receipts in this state, any other~~
12 ~~financial institution paying taxes to the state of Missouri or any political~~
13 ~~subdivision of this state under chapter 148, or any charitable organization~~
14 ~~which is exempt from federal income tax and whose Missouri unrelated~~
15 ~~business taxable income, if any, would be subject to the state income tax~~
16 ~~imposed under chapter 143.~~

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

26 ~~3. To claim the credit authorized in this section, a provider may submit~~
27 ~~to the department an application for the tax credit authorized by this section on~~
28 ~~behalf of taxpayers. The department shall verify that the provider has~~
29 ~~submitted the following items accurately and completely:~~

30 ~~(1) A valid application in the form and format required by the~~
31 ~~department;~~

32 ~~(2) A statement attesting to the eligible donation received, which shall~~
33 ~~include the name and taxpayer identification number of the individual making~~
34 ~~the eligible donation, the amount of the eligible donation, and the date the~~
35 ~~eligible donation was received by the provider; and~~

36 ~~(3) A payment from the eligible provider in an amount equal to fifty~~
37 ~~percent of the eligible donation.~~

38
39 ~~If the provider applying for the tax credit meets all criteria required by this~~
40 ~~subsection, the department shall issue a certificate in the appropriate amount.~~

41 ~~4. Tax credits issued under this section may be assigned, transferred,~~
42 ~~sold, or otherwise conveyed, and the new owner of the tax credit shall have the~~
43 ~~same rights in the credit as the taxpayer. Whenever a certificate is assigned,~~
44 ~~transferred, sold, or otherwise conveyed, a notarized endorsement shall be~~
45 ~~filed with the department specifying the name and address of the new owner of~~
46 ~~the tax credit or the value of the credit.~~

47 ~~5. The department shall promulgate rules to implement the provisions~~
48 ~~of this section. Any rule or portion of a rule, as that term is defined in section~~
49 ~~536.010, that is created under the authority delegated in this section shall~~
50 ~~become effective only if it complies with and is subject to all of the provisions~~
51 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter~~
52 ~~536 are nonseverable and if any of the powers vested with the general~~
53 ~~assembly pursuant to chapter 536 to review, to delay the effective date, or to~~
54 ~~disapprove and annul a rule are subsequently held unconstitutional, then the~~

55 ~~grant of rulemaking authority and any rule proposed or adopted after August~~
 56 ~~28, 2018, shall be invalid and void.~~

57 ~~6. Pursuant to section 23.253 of the Missouri sunset act:~~

58 ~~(1) The provisions of this section shall automatically sunset six years~~
 59 ~~after August 28, 2018, unless reauthorized by an act of the general assembly;~~
 60 ~~and~~

61 ~~(2) If such program is reauthorized, the program authorized under this~~
 62 ~~section shall automatically sunset twelve years after the effective date of the~~
 63 ~~reauthorization of this section; and~~

64 ~~(3) This section shall terminate on September first of the calendar year~~
 65 ~~immediately following the calendar year in which the program authorized~~
 66 ~~under this section is sunset.]~~

2 ~~[173.196. 1. Any business firm, as defined in section 32.105, may~~
 3 ~~make a donation to the "Missouri Higher Education Scholarship Donation~~
 4 ~~Fund", which is hereby created in the state treasury. A donating business firm~~
 5 ~~shall receive a tax credit as provided in this section equal to fifty percent of the~~
 6 ~~amount of the donation, except that tax credits shall be awarded each fiscal~~
 7 ~~year in the order donations are received and the amount of tax credits~~
 8 ~~authorized shall total no more than two hundred and fifty thousand dollars for~~
 9 ~~each fiscal year.~~

10 ~~2. The department of revenue shall grant tax credits approved under~~
 11 ~~this section which shall be applied in the order specified in subsection 1 of~~
 12 ~~section 32.115 until used. The tax credits provided under this section shall be~~
 13 ~~refundable, and any tax credit not used in the fiscal year in which approved~~
 14 ~~may be carried over the next five succeeding calendar or fiscal years until the~~
 15 ~~full credit has been claimed. Notwithstanding any other law to the contrary,~~
 16 ~~any tax credits granted under this section may be assigned, transferred, sold, or~~
 17 ~~otherwise conveyed without consent or approval. Such taxpayer, hereinafter~~
 18 ~~the assignor for purposes of this section, may sell, assign, exchange, or~~
 19 ~~otherwise transfer earned tax credits:~~

20 ~~(1) For no less than seventy five percent of the par value of such~~
 21 ~~credits; and~~

22 ~~(2) In an amount not to exceed one hundred percent of annual earned~~
 23 ~~credits.~~

24 ~~3. No tax credit authorized under this section may be applied against~~
 25 ~~any tax applied in a tax year beginning prior to January 1, 1995.~~

26 ~~4. All revenues credited to the fund shall be used, subject to~~
 27 ~~appropriations, to provide scholarships authorized under sections 173.197 to~~
 28 ~~173.199, and for no other purpose.~~

29 ~~5. For all tax years beginning on or after January 1, 2005, no tax~~
 30 ~~credits shall be authorized, awarded, or issued to any person or entity claiming~~
~~any tax credit under this section.]~~

2 ~~[320.093. 1. Any person, firm or corporation who purchases a dry fire~~
 3 ~~hydrant, as defined in section 320.273, or provides an acceptable means of~~
 4 ~~water storage for such dry fire hydrant including a pond, tank or other storage~~
~~facility with the primary purpose of fire protection within the state of Missouri,~~

5 shall be eligible for a credit on income taxes otherwise due pursuant to chapter
6 143, ~~except sections 143.191 to 143.261, as an incentive to implement safe and~~
7 ~~efficient fire protection controls. The tax credit, not to exceed five thousand~~
8 ~~dollars, shall be equal to fifty percent of the cost in actual expenditure for any~~
9 ~~new water storage construction, equipment, development and installation of~~
10 ~~the dry hydrant, including pipes, valves, hydrants and labor for each such~~
11 ~~installation of a dry hydrant or new water storage facility. The amount of the~~
12 ~~tax credit claimed for in-kind contributions shall not exceed twenty five~~
13 ~~percent of the total amount of the contribution for which the tax credit is~~
14 ~~claimed.~~

15 2. ~~Any amount of credit which exceeds the tax due shall not be~~
16 ~~refunded but may be carried over to any subsequent taxable year, not to exceed~~
17 ~~seven years. The person, firm or corporation may elect to assign to a third~~
18 ~~party the approved tax credit. The certificate of assignment and other~~
19 ~~appropriate forms shall be filed with the Missouri department of revenue and~~
20 ~~the department of economic development.~~

21 3. ~~The person, firm or corporation shall make application for the credit~~
22 ~~to the department of economic development after receiving approval of the~~
23 ~~state fire marshal. The fire marshal shall establish by rule promulgated~~
24 ~~pursuant to chapter 536 the requirements to be met based on the National~~
25 ~~Resources Conservation Service's Dry Hydrant Standard. The state fire~~
26 ~~marshal or designated local representative shall review and authorize the~~
27 ~~construction and installation of any dry fire hydrant site. Only approved dry~~
28 ~~fire hydrant sites shall be eligible for tax credits as indicated in this section.~~
29 ~~Under no circumstance shall such authority deny any entity the ability to~~
30 ~~provide a dry fire hydrant site when tax credits are not requested.~~

31 4. ~~The department of public safety shall certify to the department of~~
32 ~~revenue that the dry hydrant system meets the requirements to obtain a tax~~
33 ~~credit as specified in subsection 5 of this section.~~

34 5. ~~In order to qualify for a tax credit under this section, a dry hydrant~~
35 ~~or new water storage facility shall meet the following minimum requirements:~~

36 (1) ~~Each body of water or water storage structure shall be able to~~
37 ~~provide two hundred fifty gallons per minute for a continuous two-hour period~~
38 ~~during a fifty year drought or freeze at a vertical lift of eighteen feet;~~

39 (2) ~~Each dry hydrant shall be located within twenty five feet of an all-~~
40 ~~weather roadway and shall be accessible to fire protection equipment;~~

41 (3) ~~Dry hydrants shall be located a reasonable distance from other dry~~
42 ~~or pressurized hydrants; and~~

43 (4) ~~The site shall provide a measurable economic improvement~~
44 ~~potential for rural development.~~

45 6. ~~New credits shall not be awarded under this section after August 28,~~
46 ~~2010. The total amount of all tax credits allowed pursuant to this section is~~
47 ~~five hundred thousand dollars in any one fiscal year as approved by the~~
48 ~~director of the department of economic development.~~

49 7. ~~Any rule or portion of a rule, as that term is defined in section~~
50 ~~536.010, that is created under the authority delegated in this section shall~~
51 ~~become effective only if it complies with and is subject to all of the provisions~~
52 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter~~

53 ~~536 are nonseverable and if any of the powers vested with the general~~
 54 ~~assembly pursuant to chapter 536 to review, to delay the effective date or to~~
 55 ~~disapprove and annul a rule are subsequently held unconstitutional, then the~~
 56 ~~grant of rulemaking authority and any rule proposed or adopted after August~~
 57 ~~28, 2007, shall be invalid and void.]~~

2 ~~[348.300. As used in sections 348.300 to 348.318, the following terms~~
 mean:

3 ~~(1) "Commercial activity located in Missouri", any research,~~
 4 ~~development, prototype fabrication, and subsequent precommercialization~~
 5 ~~activity, or any activity related thereto, conducted in Missouri for the purpose~~
 6 ~~of producing a service or a product or process for manufacture, assembly or~~
 7 ~~sale or developing a service based on such a product or process by any person,~~
 8 ~~corporation, partnership, joint venture, unincorporated association, trust or~~
 9 ~~other organization doing business in Missouri. Subsequent to January 1, 1999,~~
 10 ~~a commercial activity located in Missouri shall mean only such activity that is~~
 11 ~~located within a distressed community, as defined in section 135.530;~~

12 ~~(2) "Follow up capital", capital provided to a commercial activity~~
 13 ~~located in Missouri in which a qualified fund has previously invested seed~~
 14 ~~capital or start-up capital and which does not exceed ten times the amount of~~
 15 ~~such seed and start-up capital;~~

16 ~~(3) "Person", any individual, corporation, partnership, or other entity,~~
 17 ~~including any charitable corporation which is exempt from federal income tax~~
 18 ~~and whose Missouri unrelated business taxable income, if any, would be~~
 19 ~~subject to the state income tax imposed under chapter 143;~~

20 ~~(4) "Qualified contribution", cash contribution to a qualified fund;~~

21 ~~(5) "Qualified economic development organization", any corporation~~
 22 ~~organized under the provisions of chapter 355 which has as of January 1, 1991,~~
 23 ~~obtained a contract with the department of economic development to operate~~
 24 ~~an innovation center to promote, assist and coordinate the research and~~
 25 ~~development of new services, products or processes in the state of Missouri;~~
 26 ~~and the Missouri technology corporation organized pursuant to the provisions~~
 27 ~~of sections 348.250 to 348.275;~~

28 ~~(6) "Qualified fund", any corporation, partnership, joint venture,~~
 29 ~~unincorporated association, trust or other organization which is established~~
 30 ~~under the laws of Missouri after December 31, 1985, which meets all of the~~
 31 ~~following requirements established by this subdivision. The fund shall have as~~
 32 ~~its sole purpose and business the making of investments, of which at least~~
 33 ~~ninety percent of the dollars invested shall be qualified investments. The fund~~
 34 ~~shall enter into a contract with one or more qualified economic development~~
 35 ~~organizations which shall entitle the qualified economic development~~
 36 ~~organizations to receive not less than ten percent of all distributions of~~
 37 ~~equity and dividends or other earnings of the fund. Such contracts shall~~
 38 ~~require the qualified fund to transfer to the Missouri technology corporation~~
 39 ~~organized pursuant to the provisions of sections 348.250 to 348.275 this~~
 40 ~~interest and make corresponding distributions thereto in the event the qualified~~
 41 ~~economic development organization holding such interest is dissolved or~~
 42 ~~ceases to do business for a period of one year or more;~~

- 43 (7) ~~"Qualified investment", any investment of seed capital, start-up~~
 44 ~~capital, or follow up capital in any commercial activity located in Missouri;~~
 45 (8) ~~"Seed capital", capital provided to a commercial activity located in~~
 46 ~~Missouri for research, development and precommercialization activities to~~
 47 ~~prove a concept for a new product or process or service, and for activities~~
 48 ~~related thereto;~~
 49 (9) ~~"Start-up capital", capital provided to a commercial activity located~~
 50 ~~in Missouri for use in preproduction product development or service~~
 51 ~~development or initial marketing thereof, and for activities related thereto;~~
 52 (10) ~~"State tax liability", any state tax liability incurred by a taxpayer~~
 53 ~~under the provisions of chapters 143, 147 and 148, exclusive of the provisions~~
 54 ~~relating to the withholding of tax as provided for in sections 143.191 to~~
 55 ~~143.265 and related provisions;~~
 56 (11) ~~"Uninvested capital", the amount of any distribution, other than of~~
 57 ~~earnings, by a qualified fund made within five years of the issuance of a~~
 58 ~~certificate of tax credit as provided by sections 348.300 to 348.318; or the~~
 59 ~~portion of all qualified contributions to a qualified fund which are not invested~~
 60 ~~as qualified investments within five years of the issuance of a certificate of tax~~
 61 ~~credit as provided by sections 348.300 to 348.318 to the extent that the amount~~
 62 ~~not so invested exceeds ten percent of all such qualified contributions.]~~

2 [348.300. As used in sections 348.300 to 348.318, the following terms
 3 mean:

- 4 (1) ~~"Commercial activity located in Missouri", any research,~~
 5 ~~development, prototype fabrication, and subsequent precommercialization~~
 6 ~~activity, or any activity related thereto, conducted in Missouri for the purpose~~
 7 ~~of producing a service or a product or process for manufacture, assembly or~~
 8 ~~sale or developing a service based on such a product or process by any person,~~
 9 ~~corporation, partnership, joint venture, unincorporated association, trust or~~
 10 ~~other organization doing business in Missouri. Subsequent to January 1, 1999,~~
 11 ~~a commercial activity located in Missouri shall mean only such activity that is~~
 12 ~~located within a distressed community, as defined in section 135.530;~~
 13 (2) ~~"Follow-up capital", capital provided to a commercial activity~~
 14 ~~located in Missouri in which a qualified fund has previously invested seed~~
 15 ~~capital or start-up capital and which does not exceed ten times the amount of~~
 16 ~~such seed and start-up capital;~~
 17 (3) ~~"Person", any individual, corporation, partnership, or other entity,~~
 18 ~~including any charitable corporation which is exempt from federal income tax~~
 19 ~~and whose Missouri unrelated business taxable income, if any, would be~~
 20 ~~subject to the state income tax imposed under chapter 143;~~
 21 (4) ~~"Qualified contribution", cash contribution to a qualified fund;~~
 22 (5) ~~"Qualified economic development organization", any corporation~~
 23 ~~organized under the provisions of chapter 355 which has as of January 1, 1991,~~
 24 ~~obtained a contract with the department of economic development to operate~~
 25 ~~an innovation center to promote, assist and coordinate the research and~~
 26 ~~development of new services, products or processes in the state of Missouri;~~
 27 ~~and the Missouri technology corporation organized pursuant to the provisions~~
 28 ~~of sections 348.253 to 348.266;~~

28 ~~(6) "Qualified fund", any corporation, partnership, joint venture,~~
 29 ~~unincorporated association, trust or other organization which is established~~
 30 ~~under the laws of Missouri after December 31, 1985, which meets all of the~~
 31 ~~following requirements established by this subdivision. The fund shall have as~~
 32 ~~its sole purpose and business the making of investments, of which at least~~
 33 ~~ninety percent of the dollars invested shall be qualified investments. The fund~~
 34 ~~shall enter into a contract with one or more qualified economic development~~
 35 ~~organizations which shall entitle the qualified economic development~~
 36 ~~organizations to receive not less than ten percent of all distributions of~~
 37 ~~equity and dividends or other earnings of the fund. Such contracts shall~~
 38 ~~require the qualified fund to transfer to the Missouri technology corporation~~
 39 ~~organized pursuant to the provisions of sections 348.253 to 348.266 this~~
 40 ~~interest and make corresponding distributions thereto in the event the qualified~~
 41 ~~economic development organization holding such interest is dissolved or~~
 42 ~~ceases to do business for a period of one year or more;~~

43 ~~(7) "Qualified investment", any investment of seed capital, start up~~
 44 ~~capital, or follow-up capital in any commercial activity located in Missouri;~~

45 ~~(8) "Seed capital", capital provided to a commercial activity located in~~
 46 ~~Missouri for research, development and precommercialization activities to~~
 47 ~~prove a concept for a new product or process or service, and for activities~~
 48 ~~related thereto;~~

49 ~~(9) "Start-up capital", capital provided to a commercial activity located~~
 50 ~~in Missouri for use in preproduction product development or service~~
 51 ~~development or initial marketing thereof, and for activities related thereto;~~

52 ~~(10) "State tax liability", any state tax liability incurred by a taxpayer~~
 53 ~~under the provisions of chapters 143, 147 and 148, exclusive of the provisions~~
 54 ~~relating to the withholding of tax as provided for in sections 143.191 to~~
 55 ~~143.265 and related provisions;~~

56 ~~(11) "Uninvested capital", the amount of any distribution, other than of~~
 57 ~~earnings, by a qualified fund made within five years of the issuance of a~~
 58 ~~certificate of tax credit as provided by sections 348.300 to 348.318; or the~~
 59 ~~portion of all qualified contributions to a qualified fund which are not invested~~
 60 ~~as qualified investments within five years of the issuance of a certificate of tax~~
 61 ~~credit as provided by sections 348.300 to 348.318 to the extent that the amount~~
 62 ~~not so invested exceeds ten percent of all such qualified contributions.]~~

2 ~~[348.302. 1. Any person who makes a qualified contribution to a~~
 3 ~~qualified fund shall be entitled to receive a tax credit equal to fifty percent of~~
 4 ~~the amount of the qualified contribution. The tax credit shall be evidenced by~~
 5 ~~a tax credit certificate in accordance with the provisions of sections 348.300 to~~
 6 ~~348.318 and may be used to satisfy the state tax liability of the owner of such~~
 7 ~~certificate that becomes due in the tax year in which the qualified contribution~~
 8 ~~is made, or in any of the ten tax years thereafter. No person may receive a tax~~
 9 ~~credit pursuant to sections 348.300 to 348.318 unless that person presents a tax~~
 10 ~~credit certificate to the department of revenue for payment of such state tax~~
 11 ~~liability.~~

12 ~~2. The amount of such qualified contributions which can be made is~~
 ~~limited so that the aggregate of all tax credits authorized under the provisions~~

13 of sections 348.300 to 348.318 shall not exceed nine million dollars. All tax
14 credits authorized under the provisions of this section may be transferred, sold
15 or assigned.]

2 [348.304. The total amount of credit evidenced by certificates of tax
3 credit issued to taxpayers at the request of any one qualified economic
4 development organization shall not exceed two million dollars; except that,
5 this two million dollar limitation shall not apply to certificates of tax credit
6 issued after January 1, 1996. Prior to January 1, 1996, any qualified economic
7 development organization may enter into a contractual agreement with any
8 other qualified economic development organization to allocate to the latter any
9 portion of the two million dollars of tax credits which it is authorized to issue
10 to taxpayers under the provisions of this section. The certificate of tax credit
11 may be issued in one aggregate certificate or in a reasonable number of
12 multiple certificates in regard to one qualified contribution. Any issued
13 certificate may be surrendered in exchange for new certificates not to exceed
14 in value the value of the issued certificate. The number and denomination of
15 multiple certificates, if issued, shall be determined by the director of the
department of economic development.]

2 [348.306. No person shall receive, by issuance, transfer or assignment,
3 certificates of tax credit issued under the provisions of sections 348.300 to
4 348.318 in an amount in excess of one million dollars. Subject to the
5 provisions of this section, certificates of tax credit issued in accordance with
6 sections 348.300 to 348.318 may be transferred or assigned by notarized
endorsement thereof which names the transferee.]

2 [348.308. 1. The director of the department of economic development
3 shall be responsible for the administration and issuance of the certificate of tax
4 credits authorized by sections 348.300 to 348.318. The director of the
5 department of economic development shall issue a certificate of tax credit at
6 the request of any qualified economic development organization. Each request
7 shall include a true copy of the documents creating the qualified fund and the
8 interest of the qualified economic development organization in the qualified
9 fund, the name of the person who is to receive a certificate of tax credit, the
10 type of state tax liability, as specified in subdivision (10) of section 348.300,
11 against which the tax credit is to be used, and the amount of the certificate of
12 tax credit to be issued to the person making the qualified contribution. Each
13 request shall be acknowledged under oath by the person making the qualified
14 contribution and the president of the qualified economic development
15 organization.]

16 2. In the event that two or more qualified economic development
17 organizations have an interest in a qualified fund, either or both of such
18 qualified economic development organizations may request issuance of
19 certificates of tax credit in accordance with the provisions of sections
348.300 to 348.318 to persons contributing to qualified funds.]

2 ~~[348.310. The Missouri department of revenue shall accept a~~
3 ~~certificate of tax credit in lieu of other payment in such amount as is equal~~
4 ~~to the lesser of the amount of the tax or the remaining unused amount of the~~
5 ~~credit as indicated on the certificate of tax credit; and shall indicate on the~~
6 ~~certificate of tax credit the amount of tax thereby paid, the date of such~~
7 ~~payment, and the remainder of the unused credit available to the taxpayer after~~
8 ~~such payment. The certificate of tax credit shall be returned to the director of~~
9 ~~the department of economic development. The director of the department of~~
10 ~~economic development shall issue a new certificate to the proper owner for~~
~~any unused balance.]~~

2 ~~[348.312. No provision of sections 348.300 to 348.318 shall be~~
3 ~~construed to require a qualified economic development organization to accept~~
4 ~~an interest in any fund, nor shall any provision of sections 348.300 to 348.318~~
5 ~~be construed to limit or restrict the terms and conditions on which a qualified~~
6 ~~economic development organization may agree to accept an interest in any~~
~~fund.]~~

2 ~~[348.316. 1. Each qualified fund, on or before the due date of its~~
3 ~~federal income tax return, shall make a report for a period corresponding to the~~
4 ~~qualified fund's federal income tax year. The report shall be made on a form~~
5 ~~required by the department of economic development. It shall be verified by~~
6 ~~the affidavit of the fund's president, or another authorized officer, to the~~
7 ~~department of economic development. It shall state the amount of all~~
8 ~~uninvested capital, whether distributions of equity or funds not invested in~~
9 ~~qualified investments, and it shall contain other such information as may be~~
10 ~~required by the director of the department of economic development.~~

11 ~~2. Upon the receipt of such returns, the director of the department of~~
12 ~~economic development shall verify the same and certify the amount of tax due~~
13 ~~from the various funds to the director of revenue within sixty days from the~~
14 ~~date of the return. The director of revenue shall send each qualified fund a~~
15 ~~notice of tax due within thirty days of the date of certification by the~~
16 ~~department of economic development. The qualified fund shall pay the tax as~~
~~provided in the notice within thirty days of the date of such notice.]~~

2 ~~[348.318. Except as otherwise specifically provided in sections~~
3 ~~348.300 to 348.318, interest and penalty provisions and procedural matters~~
4 ~~under the provisions of sections 348.300 to 348.318 shall be determined~~
5 ~~pursuant to and in the manner prescribed in the following sections of the~~
6 ~~revised statutes of Missouri, the state income tax law, governing similar~~
7 ~~procedures thereunder: sections 143.271 to 143.301, 143.511, 143.551 to~~
8 ~~143.571, 143.611 to 143.751, 143.771, 143.791 to 143.861, 143.881 to~~
~~143.971, and 143.986.]~~

2 ~~[620.635. Sections 620.635 to 620.653 shall be known and may be~~
~~cited as the "Missouri New Enterprise Creation Act".]~~

2 ~~[620.638. As used in sections 620.635 to 620.653, the following terms~~
3 ~~mean:~~

4 ~~(1) "Committed contributions", the total amount of qualified~~
5 ~~contributions that are committed to a qualifying fund by contractual~~
6 ~~agreement;~~

7 ~~(2) "Corporation", the Missouri technology corporation as established~~
8 ~~pursuant to section 348.251;~~

9 ~~(3) "Department", the department of economic development;~~

10 ~~(4) "Director", the director of the department of economic~~
11 ~~development;~~

12 ~~(5) "Follow up capital", capital provided to a qualified business in~~
13 ~~which a qualified fund has previously invested seed capital or start up capital.~~
14 ~~No more than forty percent of the qualified contributions to a qualified fund~~
15 ~~may be used for follow up capital, and no qualified contributions which~~
16 ~~generate tax credits before the second round of allocations as authorized by~~
17 ~~section 620.650 shall be used for follow up capital investments;~~

18 ~~(6) "Person", any individual, corporation, partnership, limited liability~~
19 ~~company or other entity, including any charitable organization which is~~
20 ~~exempt from federal income tax and whose Missouri unrelated business~~
21 ~~taxable income, if any, would be subject to the state income tax imposed under~~
22 ~~chapter 143;~~

23 ~~(7) "Positive cash flow", total cash receipts from sales or services, but~~
24 ~~not from investments or loans, exceeding total cash expenditures as calculated~~
25 ~~on a fiscal year basis;~~

26 ~~(8) "Qualified business", any independently owned and operated~~
27 ~~business which is headquartered and located in Missouri and which is involved~~
28 ~~in or intends to be involved in commerce for the purpose of manufacturing,~~
29 ~~processing or assembling products, conducting research and development, or~~
30 ~~providing services in interstate commerce. Such a business shall maintain its~~
31 ~~headquarters in Missouri for a period of at least three years from the date of~~
32 ~~receipt of a qualified investment or be subject to penalties pursuant to section~~
33 ~~620.017;~~

34 ~~(9) "Qualified contribution", cash contributions to a qualified fund~~
35 ~~pursuant to the terms of contractual agreements made between the qualified~~
36 ~~fund and a qualified economic development organization authorized by the~~
37 ~~corporation to enter into such contracts;~~

38 ~~(10) "Qualified economic development organization", any corporation~~
39 ~~organized pursuant to the provisions of chapter 355 that, as of January 1, 1991,~~
40 ~~had obtained a contract with the department to operate an innovation center to~~
41 ~~promote, assist and coordinate the research and development of new services,~~
42 ~~products or processes in this state;~~

43 ~~(11) "Qualified fund", a fund established by any corporation,~~
44 ~~partnership, joint venture, unincorporated association, trust or other~~
45 ~~organization established pursuant to the laws of Missouri and approved by~~
46 ~~the corporation;~~

47 ~~(12) "Qualified investment", any investment of seed capital, start up~~
 ~~capital or follow up capital in a qualified business that does not cause more~~

48 ~~than ten percent of all the qualified contributions to a qualified fund to be~~
 49 ~~invested in a single qualified business;~~

50 ~~(13) "Seed capital", capital provided to a qualified business for~~
 51 ~~research, development and precommercialization activities to prove a concept~~
 52 ~~for a new product, process or service, and for activities related thereto;~~
 53 ~~provided that, seed capital shall not be provided to any business which in a~~
 54 ~~past fiscal year has experienced a positive cash flow;~~

55 ~~(14) "Start up capital", capital provided to a qualified business for use~~
 56 ~~in preproduction product development, service development or initial~~
 57 ~~marketing thereof; provided that, start up capital shall not be provided to~~
 58 ~~any business which has experienced a positive cash flow in a past fiscal year;~~

59 ~~(15) "Uninvested capital", that portion of any qualified contribution to~~
 60 ~~a qualified fund, other than management fees not to exceed three percent per~~
 61 ~~year of committed contributions, qualified investments and other expenses or~~
 62 ~~fees authorized by the corporation, that is not invested as a qualified~~
 63 ~~investment within ten years of its receipt.]~~

2 ~~[620.641. The powers and duties of the Missouri seed capital~~
 3 ~~investment board shall be transferred to the Missouri technology corporation~~
 4 ~~effective August 28, 2011, and the Missouri seed capital investment board~~
 4 ~~shall be dissolved.]~~

2 ~~[620.644. 1. The Missouri seed capital and commercialization~~
 3 ~~strategy shall be jointly developed and approved by the boards of directors of~~
 4 ~~all of the qualified economic development organizations and submitted as one~~
 5 ~~plan to the corporation for its approval. The board shall not approve any~~
 6 ~~qualified fund, exclusive of the fund approved by the corporation, unless such~~
 7 ~~fund is described in the Missouri seed capital and commercialization strategy.~~
 8 ~~The strategy shall include a proposal for the establishment and operation of~~
 9 ~~between one and four qualified funds in Missouri, including the fund approved~~
 10 ~~by the corporation pursuant to the provisions of section 620.653. The initial~~
 11 ~~strategy shall be submitted to the board no later than July 1, 2000, and shall be~~
 12 ~~approved or rejected by the board within three months of receipt. No tax~~
 13 ~~credits authorized pursuant to the provisions of sections 620.635 to 620.653~~
 14 ~~shall be awarded until such strategy has been approved by the board, other~~
 15 ~~than tax credits authorized for qualified contributions to the fund approved by~~
 16 ~~the corporation.~~

17 ~~2. The department shall authorize the use of up to twenty million~~
 18 ~~dollars in tax credits by the approved qualified funds, in aggregate pursuant to~~
 19 ~~the provisions of section 620.650, with not more than five million dollars of~~
 20 ~~tax credits being issued in any one year.~~

21 ~~3. The corporation shall approve the professional managers employed~~
 22 ~~by the qualified funds according to criteria similar to that used by the U.S.~~
 23 ~~Small Business Administration's Small Business Investment Corporation~~
 24 ~~Program.~~

25 ~~4. The department may promulgate any rules and regulations~~
 26 ~~necessary to administer the provisions of sections 620.635 to 620.653. No~~
 26 ~~rule or regulation or portion of a rule or regulation promulgated pursuant to the~~

27 authority of this section shall become effective unless it has been promulgated
28 pursuant to the provisions of chapter 536.

29 5. The corporation shall report the following to the department:

30 (1) As soon as practicable after the receipt of a qualified contribution
31 the name of each person from which the qualified contribution was received,
32 the amount of each contributor's qualified contribution and the tax credits
33 computed pursuant to this section;

34 (2) On a quarterly basis, the amount of qualified investments made to
35 any qualified business;

36 (3) On a quarterly basis, verification that the investment of seed
37 capital, start up capital, or follow up capital in a qualified business does not
38 direct more than ten percent of all the qualified contributions to a qualified
39 fund to be invested in a single qualifying business.

40 6. Each qualified fund shall provide annual audited financial
41 statements, including the opinion of an independent certified public
42 accountant, to the department within ninety days of the close of the state
43 fiscal year. The audit shall address the methods of operation and conduct of
44 the business of the qualified economic development organization to determine
45 compliance with the statutes and program and program rules and that the
46 qualified contributions received by the qualified fund have been invested as
47 required by this section.]

2 [620.647. 1. The corporation may authorize each qualified economic
3 development organization to enter into contractual agreements with any
4 qualified fund allowing such qualified fund to offer tax credits authorized
5 pursuant to the provisions of sections 620.635 to 620.653 to those persons
6 making qualified contributions to the qualified fund. The corporation shall
7 establish policies and procedures requiring each authorized qualified economic
8 development organization to secure from each qualified fund and its investors
9 the maximum fund equity interest possible, as dictated by market conditions,
10 in exchange for the use of the tax credits. All tax credits authorized pursuant
11 to sections 620.635 to 620.653 shall be administered by the department.

12 2. Each qualified fund shall enter into a contract with one or more
13 qualified economic development organizations which shall entitle all qualified
14 economic development organizations in existence at that time to receive and
15 share equally all distributions of equity and dividends or other earnings of the
16 fund that are generated as a result of any equity interest secured as a result of
17 actions taken to comply with subsection 1 of this section. Such contracts shall
18 require the qualified funds to transfer to the corporation all distributions of
19 dividends or other earnings of the fund that are owed to any qualified
20 economic development organization that has dissolved or has ceased doing
21 business for a period of one year or more.

22 3. All distributions of dividends, earnings, equity or the like owed
23 pursuant to the provisions of sections 620.635 to 620.653 to a qualified
24 economic development organization by any qualified fund shall be paid to the
25 qualified economic development organization. The qualified economic
26 development organization shall use such payments solely for reinvestment in
qualified funds in order to provide ongoing seed capital, start up capital and

27 follow-up capital for Missouri businesses. No qualified economic
 28 development organization may transfer any dividends, earnings, equity or
 29 the like owed it pursuant to sections 620.635 to 620.653 to any other person or
 30 entity without the approval of the corporation.]

2 [620.650. 1. The sole purpose of each qualified fund is to make
 3 investments. One hundred percent of investments made from qualified
 4 contributions shall be qualified investments.

5 2. Any person who makes a qualified contribution to a qualified fund
 6 shall receive a tax credit against the tax otherwise due pursuant to chapter 143,
 7 chapter 147, or chapter 148, other than taxes withheld pursuant to sections
 8 143.191 to 143.265, in an amount equal to one hundred percent of such
 9 person's qualified contribution.

10 3. Such person shall submit to the department an application for the
 11 tax credit on a form provided by the department. The department shall award
 12 tax credits in the order the applications are received and based upon the
 13 strategy approved by the corporation. Tax credits issued pursuant to this
 14 section may be claimed for the tax year in which the qualified contribution is
 15 made or in any of the following ten years, and may be assigned, transferred or
 16 sold.

17 4. There is hereby imposed on each qualified fund a tax equal to
 18 fifteen percent of the qualified fund's uninvested capital at the close of such
 19 qualified fund's tax year. For purposes of tax computation, any distribution
 20 made by a qualified fund during a tax year is deemed made at the end of such
 21 tax year. Each tax year, every qualified fund shall remit the tax imposed by
 22 this section to the director of the department of revenue for deposit in the state
 treasury to the credit of the general revenue fund.]

2 [620.653. The provisions of sections 620.635 to 620.650 to the
 3 contrary notwithstanding, one qualified fund shall be approved by the
 4 corporation as soon as practicable after July 8, 1999. Such fund need not be
 5 initially incorporated into the seed capital and commercialization strategy until
 6 after the appointment of the board. After the appointment of the board, all
 7 powers exercised by the corporation in relation to that fund shall be transferred
 8 to the board. After the dissolution of the board, all powers exercised by the
 9 board shall be transferred to the corporation. The corporation shall approve
 10 the professional fund manager employed by the qualified fund established by
 this section.]

2 [620.1875. Sections 620.1875 to 620.1890 shall be known and may be
 cited as the "Missouri Quality Jobs Act".]

2 [620.1878. For the purposes of sections 620.1875 to 620.1890, the
 following terms shall mean:

3 (1) "Approval", a document submitted by the department to the
 4 qualified company that states the benefits that may be provided by this
 5 program;

- 6 (2) ~~"Average wage", the new payroll divided by the number of new~~
7 ~~jobs;~~
- 8 (3) ~~"Commencement of operations", the starting date for the qualified~~
9 ~~company's first new employee, which must be no later than twelve months~~
10 ~~from the date of the approval;~~
- 11 (4) ~~"County average wage", the average wages in each county as~~
12 ~~determined by the department for the most recently completed full calendar~~
13 ~~year. However, if the computed county average wage is above the statewide~~
14 ~~average wage, the statewide average wage shall be deemed the county average~~
15 ~~wage for such county for the purpose of determining eligibility. The~~
16 ~~department shall publish the county average wage for each county at least~~
17 ~~annually. Notwithstanding the provisions of this subdivision to the contrary,~~
18 ~~for any qualified company that in conjunction with their project is relocating~~
19 ~~employees from a Missouri county with a higher county average wage, the~~
20 ~~company shall obtain the endorsement of the governing body of the~~
21 ~~community from which jobs are being relocated or the county average wage~~
22 ~~for their project shall be the county average wage for the county from which~~
23 ~~the employees are being relocated;~~
- 24 (5) ~~"Department", the Missouri department of economic development;~~
- 25 (6) ~~"Director", the director of the department of economic~~
26 ~~development;~~
- 27 (7) ~~"Employee", a person employed by a qualified company;~~
- 28 (8) ~~"Full-time employee", an employee of the qualified company that~~
29 ~~is scheduled to work an average of at least thirty-five hours per week for a~~
30 ~~twelve-month period, and one for which the qualified company offers health~~
31 ~~insurance and pays at least fifty percent of such insurance premiums;~~
- 32 (9) ~~"High impact project", a qualified company that, within two years~~
33 ~~from commencement of operations, creates one hundred or more new jobs;~~
- 34 (10) ~~"Local incentives", the present value of the dollar amount of~~
35 ~~direct benefit received by a qualified company for a project facility from one~~
36 ~~or more local political subdivisions, but shall not include loans or other funds~~
37 ~~provided to the qualified company that must be repaid by the qualified~~
38 ~~company to the political subdivision;~~
- 39 (11) ~~"NAICS", the 1997 edition of the North American Industry~~
40 ~~Classification System as prepared by the Executive Office of the President,~~
41 ~~Office of Management and Budget. Any NAICS sector, subsector, industry~~
42 ~~group or industry identified in this section shall include its corresponding~~
43 ~~classification in subsequent federal industry classification systems;~~
- 44 (12) ~~"New direct local revenue", the present value of the dollar amount~~
45 ~~of direct net new tax revenues of the local political subdivisions likely to be~~
46 ~~produced by the project over a ten year period as calculated by the department,~~
47 ~~excluding local earnings tax, and net new utility revenues, provided the local~~
48 ~~incentives include a discount or other direct incentives from utilities owned or~~
49 ~~operated by the political subdivision;~~
- 50 (13) ~~"New investment", the purchase or leasing of new tangible assets~~
51 ~~to be placed in operation at the project facility, which will be directly related to~~
52 ~~the new jobs;~~

53 ~~(14) "New job", the number of full-time employees located at the~~
54 ~~project facility that exceeds the project facility base employment less any~~
55 ~~decrease in the number of full-time employees at related facilities below the~~
56 ~~related facility base employment. No job that was created prior to the date of~~
57 ~~the notice of intent shall be deemed a new job. An employee that spends less~~
58 ~~than fifty percent of the employee's work time at the facility is still considered~~
59 ~~to be located at a facility if the employee receives his or her directions and~~
60 ~~control from that facility, is on the facility's payroll, one hundred percent of the~~
61 ~~employee's income from such employment is Missouri income, and the~~
62 ~~employee is paid at or above the state average wage;~~

63 ~~(15) "New payroll", the amount of taxable wages of full-time~~
64 ~~employees, excluding owners, located at the project facility that exceeds the~~
65 ~~project facility base payroll. If full-time employment at related facilities is~~
66 ~~below the related facility base employment, any decrease in payroll for full-~~
67 ~~time employees at the related facilities below that related facility base payroll~~
68 ~~shall also be subtracted to determine new payroll;~~

69 ~~(16) "Notice of intent", a form developed by the department,~~
70 ~~completed by the qualified company and submitted to the department which~~
71 ~~states the qualified company's intent to hire new jobs and request benefits~~
72 ~~under this program;~~

73 ~~(17) "Percent of local incentives", the amount of local incentives~~
74 ~~divided by the amount of new direct local revenue;~~

75 ~~(18) "Program", the Missouri quality jobs program provided in~~
76 ~~sections 620.1875 to 620.1890;~~

77 ~~(19) "Project facility", the building used by a qualified company at~~
78 ~~which the new jobs and new investment will be located. A project facility may~~
79 ~~include separate buildings that are located within fifteen miles of each other or~~
80 ~~within the same county such that their purpose and operations are interrelated;~~

81 ~~(20) "Project facility base employment", the greater of the number of~~
82 ~~full-time employees located at the project facility on the date of the notice of~~
83 ~~intent or for the twelve-month period prior to the date of the notice of intent,~~
84 ~~the average number of full-time employees located at the project facility. In~~
85 ~~the event the project facility has not been in operation for a full twelve-month~~
86 ~~period, the average number of full-time employees for the number of months~~
87 ~~the project facility has been in operation prior to the date of the notice of~~
88 ~~intent;~~

89 ~~(21) "Project facility base payroll", the total amount of taxable wages~~
90 ~~paid by the qualified company to full-time employees of the qualified~~
91 ~~company located at the project facility in the twelve months prior to the notice~~
92 ~~of intent, not including the payroll of the owners of the qualified company~~
93 ~~unless the qualified company is participating in an employee stock ownership~~
94 ~~plan. For purposes of calculating the benefits under this program, the amount~~
95 ~~of base payroll shall increase each year based on an appropriate measure, as~~
96 ~~determined by the department;~~

97 ~~(22) "Project period", the time period that the benefits are provided to~~
98 ~~a qualified company;~~

99 ~~(23) "Qualified company", a firm, partnership, joint venture,~~
100 ~~association, private or public corporation whether organized for profit or~~

101 ~~not, or headquarters of such entity registered to do business in Missouri that is~~
 102 ~~the owner or operator of a project facility, offers health insurance to all full-~~
 103 ~~time employees of all facilities located in this state, and pays at least fifty~~
 104 ~~percent of such insurance premiums. For the purposes of sections 620.1875 to~~
 105 ~~620.1890, the term "qualified company" shall not include:~~

106 ~~(a) Gambling establishments (NAICS industry group 7132);~~
 107 ~~(b) Retail trade establishments (NAICS sectors 44 and 45);~~
 108 ~~(c) Food and drinking places (NAICS subsector 722);~~
 109 ~~(d) Public utilities (NAICS 221 including water and sewer services);~~
 110 ~~(e) Any company that is delinquent in the payment of any~~
 111 ~~nonprotested taxes or any other amounts due the state or federal government~~
 112 ~~or any other political subdivision of this state;~~

113 ~~(f) Any company that has filed for or has publicly announced its~~
 114 ~~intention to file for bankruptcy protection. However, a company that has filed~~
 115 ~~for or has publicly announced its intention to file for bankruptcy between~~
 116 ~~January 1, 2009, and December 31, 2009, may be a qualified company~~
 117 ~~provided that such company:~~

118 ~~a. Certifies to the department that it plans to reorganize and not to~~
 119 ~~liquidate; and~~

120 ~~b. After its bankruptcy petition has been filed, it produces proof, in a~~
 121 ~~form and at times satisfactory to the department, that it is not delinquent in~~
 122 ~~filing any tax returns or making any payment due to the state of Missouri,~~
 123 ~~including but not limited to all tax payments due after the filing of the~~
 124 ~~bankruptcy petition and under the terms of the plan of reorganization.~~

125
 126 ~~Any taxpayer who is awarded benefits under this subsection and who files for~~
 127 ~~bankruptcy under Chapter 7 of the United States Bankruptcy Code, Title 11~~
 128 ~~U.S.C., shall immediately notify the department and shall forfeit such benefits~~
 129 ~~and shall repay the state an amount equal to any state tax credits already~~
 130 ~~redeemed and any withholding taxes already retained;~~

131 ~~(g) Educational services (NAICS sector 61);~~
 132 ~~(h) Religious organizations (NAICS industry group 8131);~~
 133 ~~(i) Public administration (NAICS sector 92);~~
 134 ~~(j) Ethanol distillation or production; or~~
 135 ~~(k) Biodiesel production.~~

136
 137 ~~Notwithstanding any provision of this section to the contrary, the headquarters~~
 138 ~~or administrative offices of an otherwise excluded business may qualify for~~
 139 ~~benefits if the offices serve a multistate territory. In the event a national, state,~~
 140 ~~or regional headquarters operation is not the predominant activity of a project~~
 141 ~~facility, the new jobs and investment of such headquarters operation is~~
 142 ~~considered eligible for benefits under this section if the other requirements are~~
 143 ~~satisfied;~~

144 ~~(24) "Qualified renewable energy sources" shall not be construed to~~
 145 ~~include ethanol distillation or production or biodiesel production; however, it~~
 146 ~~shall include:~~

147 ~~(a) Open-looped biomass;~~
 148 ~~(b) Close-looped biomass;~~

149 ~~(c) Solar;~~
150 ~~(d) Wind;~~
151 ~~(e) Geothermal; and~~
152 ~~(f) Hydropower;~~
153 ~~(25) "Related company" means:~~
154 ~~(a) A corporation, partnership, trust, or association controlled by the~~
155 ~~qualified company;~~
156 ~~(b) An individual, corporation, partnership, trust, or association in~~
157 ~~control of the qualified company; or~~
158 ~~(c) Corporations, partnerships, trusts or associations controlled by an~~
159 ~~individual, corporation, partnership, trust or association in control of the~~
160 ~~qualified company. As used in this subdivision, "control of a corporation"~~
161 ~~shall mean ownership, directly or indirectly, of stock possessing at least fifty~~
162 ~~percent of the total combined voting power of all classes of stock entitled to~~
163 ~~vote, "control of a partnership or association" shall mean ownership of at least~~
164 ~~fifty percent of the capital or profits interest in such partnership or association;~~
165 ~~"control of a trust" shall mean ownership, directly or indirectly, of at least fifty~~
166 ~~percent of the beneficial interest in the principal or income of such trust, and~~
167 ~~ownership shall be determined as provided in Section 318 of the Internal~~
168 ~~Revenue Code of 1986, as amended;~~
169 ~~(26) "Related facility", a facility operated by the qualified company or~~
170 ~~a related company located in this state that is directly related to the operations~~
171 ~~of the project facility;~~
172 ~~(27) "Related facility base employment", the greater of the number of~~
173 ~~full-time employees located at all related facilities on the date of the notice of~~
174 ~~intent or for the twelve-month period prior to the date of the notice of intent,~~
175 ~~the average number of full-time employees located at all related facilities of~~
176 ~~the qualified company or a related company located in this state;~~
177 ~~(28) "Related facility base payroll", the total amount of taxable wages~~
178 ~~paid by the qualified company to full-time employees of the qualified~~
179 ~~company located at a related facility in the twelve months prior to the filing of~~
180 ~~the notice of intent, not including the payroll of the owners of the qualified~~
181 ~~company unless the qualified company is participating in an employee stock~~
182 ~~ownership plan. For purposes of calculating the benefits under this program,~~
183 ~~the amount of related facility base payroll shall increase each year based on an~~
184 ~~appropriate measure, as determined by the department;~~
185 ~~(29) "Rural area", a county in Missouri with a population less than~~
186 ~~seventy five thousand or that does not contain an individual city with a~~
187 ~~population greater than fifty thousand according to the most recent federal~~
188 ~~decennial census;~~
189 ~~(30) "Small and expanding business project", a qualified company that~~
190 ~~within two years of the date of the approval creates a minimum of twenty new~~
191 ~~jobs if the project facility is located in a rural area or a minimum of forty new~~
192 ~~jobs if the project facility is not located in a rural area and creates fewer than~~
193 ~~one hundred new jobs regardless of the location of the project facility;~~
194 ~~(31) "Tax credits", tax credits issued by the department to offset the~~
195 ~~state income taxes imposed by chapters 143 and 148, or which may be sold or~~
196 ~~refunded as provided for in this program;~~

197 (32) ~~"Technology business project", a qualified company that within~~
 198 ~~two years of the date of the approval creates a minimum of ten new jobs~~
 199 ~~involved in the operations of a company:~~
 200 (a) ~~Which is a technology company, as determined by a regulation~~
 201 ~~promulgated by the department under the provisions of section 620.1884 or~~
 202 ~~classified by NAICS codes;~~
 203 (b) ~~Which owns or leases a facility which produces electricity derived~~
 204 ~~from qualified renewable energy sources, or produces fuel for the generation~~
 205 ~~of electricity from qualified renewable energy sources, but does not include~~
 206 ~~any company that has received the alcohol mixture credit, alcohol credit, or~~
 207 ~~small ethanol producer credit pursuant to 26 U.S.C. Section 40 of the tax code~~
 208 ~~in the previous tax year;~~
 209 (c) ~~Which researches, develops, or manufactures power system~~
 210 ~~technology for: aerospace; space; defense; hybrid vehicles; or implantable or~~
 211 ~~wearable medical devices; or~~
 212 (d) ~~Which is a clinical molecular diagnostic laboratory focused on~~
 213 ~~detecting and monitoring infections in immunocompromised patient~~
 214 ~~populations;~~
 215 (33) ~~"Withholding tax", the state tax imposed by sections 143.191 to~~
 216 ~~143.265. For purposes of this program, the withholding tax shall be computed~~
 217 ~~using a schedule as determined by the department based on average wages.]~~

2 ~~[620.1881. 1. The department of economic development shall respond~~
 3 ~~within thirty days to a company who provides a notice of intent with either an~~
 4 ~~approval or a rejection of the notice of intent. The department shall give~~
 5 ~~preference to qualified companies and projects targeted at an area of the state~~
 6 ~~which has recently been classified as a disaster area by the federal government.~~
 7 ~~Failure to respond on behalf of the department of economic development shall~~
 8 ~~result in the notice of intent being deemed an approval for the purposes of this~~
 9 ~~section. A qualified company who is provided an approval for a project shall~~
 10 ~~be allowed a benefit as provided in this program in the amount and duration~~
 11 ~~provided in this section. A qualified company may receive additional periods~~
 12 ~~for subsequent new jobs at the same facility after the full initial period if the~~
 13 ~~minimum thresholds are met as set forth in sections 620.1875 to 620.1890.~~
 14 ~~There is no limit on the number of periods a qualified company may~~
 15 ~~participate in the program, as long as the minimum thresholds are achieved~~
 16 ~~and the qualified company provides the department with the required reporting~~
 17 ~~and is in proper compliance for this program or other state programs. A~~
 18 ~~qualified company may elect to file a notice of intent to start a new project~~
 19 ~~period concurrent with an existing project period if the minimum thresholds~~
 20 ~~are achieved and the qualified company provides the department with the~~
 21 ~~required reporting and is in proper compliance for this program and other state~~
 22 ~~programs; however, the qualified company may not receive any further benefit~~
 23 ~~under the original approval for jobs created after the date of the new notice of~~
 24 ~~intent, and any jobs created before the new notice of intent may not be~~
 25 ~~included as new jobs for the purpose of benefit calculation in relation to the~~
 26 ~~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~~

27 shall apply the definition of project facility under subdivision (19) of section
28 ~~620.1878 to the new notice of intent as well as all previously approved notices~~
29 ~~of intent and shall determine the application of the definitions of new job, new~~
30 ~~payroll, project facility base employment, and project facility base payroll~~
31 ~~accordingly.~~

32 2. Notwithstanding any provision of law to the contrary, any qualified
33 company that is awarded benefits under this program may not simultaneously
34 ~~receive tax credits or exemptions under sections 135.100 to 135.150, sections~~
35 ~~135.200 to 135.286, section 135.535, or sections 135.900 to 135.906 at the~~
36 ~~same project facility. The benefits available to the company under any other~~
37 ~~state programs for which the company is eligible and which utilize~~
38 ~~withholding tax from the new jobs of the company must first be credited to~~
39 ~~the other state program before the withholding retention level applicable under~~
40 ~~the Missouri quality jobs act will begin to accrue. These other state programs~~
41 ~~include, but are not limited to, the Missouri works jobs training program under~~
42 ~~sections 620.800 to 620.809, the real property tax increment allocation~~
43 ~~redevelopment act, sections 99.800 to 99.865, or the Missouri downtown and~~
44 ~~rural economic stimulus act under sections 99.915 to 99.980. If any qualified~~
45 ~~company also participates in the Missouri works jobs training program in~~
46 ~~sections 620.800 to 620.809, the company shall retain no withholding tax, but~~
47 ~~the department shall issue a refundable tax credit for the full amount of benefit~~
48 ~~allowed under this subdivision. The calendar year annual maximum amount~~
49 ~~of tax credits which may be issued to a qualifying company that also~~
50 ~~participates in the new job training program shall be increased by an amount~~
51 ~~equivalent to the withholding tax retained by that company under the new jobs~~
52 ~~training program. However, if the combined benefits of the quality jobs~~
53 ~~program and the new jobs training program exceed the projected state benefit~~
54 ~~of the project, as determined by the department of economic development~~
55 ~~through a cost-benefit analysis, the increase in the maximum tax credits shall~~
56 ~~be limited to the amount that would not cause the combined benefits to exceed~~
57 ~~the projected state benefit. Any taxpayer who is awarded benefits under this~~
58 ~~program who knowingly hires individuals who are not allowed to work legally~~
59 ~~in the United States shall immediately forfeit such benefits and shall repay the~~
60 ~~state an amount equal to any state tax credits already redeemed and any~~
61 ~~withholding taxes already retained.~~

62 3. The types of projects and the amount of benefits to be provided are:

63 (1) ~~Small and expanding business projects: in exchange for the~~
64 ~~consideration provided by the new tax revenues and other economic stimuli~~
65 ~~that will be generated by the new jobs created by the program, a qualified~~
66 ~~company may retain an amount equal to the withholding tax as calculated~~
67 ~~under subdivision (33) of section 620.1878 from the new jobs that would~~
68 ~~otherwise be withheld and remitted by the qualified company under the~~
69 ~~provisions of sections 143.191 to 143.265 for a period of three years from the~~
70 ~~date the required number of new jobs were created if the average wage of the~~
71 ~~new payroll equals or exceeds the county average wage or for a period of five~~
72 ~~years from the date the required number of new jobs were created if the~~
73 ~~average wage of the new payroll equals or exceeds one hundred twenty~~
74 ~~percent of the county average wage;~~

75 ~~(2) Technology business projects: in exchange for the consideration~~
76 ~~provided by the new tax revenues and other economic stimuli that will be~~
77 ~~generated by the new jobs created by the program, a qualified company may~~
78 ~~retain an amount equal to a maximum of five percent of new payroll for a~~
79 ~~period of five years from the date the required number of jobs were created~~
80 ~~from the withholding tax of the new jobs that would otherwise be withheld and~~
81 ~~remitted by the qualified company under the provisions of sections 143.191 to~~
82 ~~143.265 if the average wage of the new payroll equals or exceeds the county~~
83 ~~average wage. An additional one-half percent of new payroll may be added to~~
84 ~~the five percent maximum if the average wage of the new payroll in any year~~
85 ~~exceeds one hundred twenty percent of the county average wage in the county~~
86 ~~in which the project facility is located, plus an additional one-half percent of~~
87 ~~new payroll may be added if the average wage of the new payroll in any year~~
88 ~~exceeds one hundred forty percent of the average wage in the county in which~~
89 ~~the project facility is located. The department shall issue a refundable tax~~
90 ~~credit for any difference between the amount of benefit allowed under this~~
91 ~~subdivision and the amount of withholding tax retained by the company, in the~~
92 ~~event the withholding tax is not sufficient to provide the entire amount of~~
93 ~~benefit due to the qualified company under this subdivision;~~

94 ~~(3) High impact projects: in exchange for the consideration provided~~
95 ~~by the new tax revenues and other economic stimuli that will be generated by~~
96 ~~the new jobs created by the program, a qualified company may retain an~~
97 ~~amount from the withholding tax of the new jobs that would otherwise be~~
98 ~~withheld and remitted by the qualified company under the provisions of~~
99 ~~sections 143.191 to 143.265, equal to three percent of new payroll for a period~~
100 ~~of five years from the date the required number of jobs were created if the~~
101 ~~average wage of the new payroll equals or exceeds the county average wage of~~
102 ~~the county in which the project facility is located. For high impact projects in~~
103 ~~a facility located within two adjacent counties, the new payroll shall equal or~~
104 ~~exceed the higher county average wage of the adjacent counties. The~~
105 ~~percentage of payroll allowed under this subdivision shall be three and one-~~
106 ~~half percent of new payroll if the average wage of the new payroll in any year~~
107 ~~exceeds one hundred twenty percent of the county average wage in the county~~
108 ~~in which the project facility is located. The percentage of payroll allowed~~
109 ~~under this subdivision shall be four percent of new payroll if the average wage~~
110 ~~of the new payroll in any year exceeds one hundred forty percent of the county~~
111 ~~average wage in the county in which the project facility is located. An~~
112 ~~additional one percent of new payroll may be added to these percentages if~~
113 ~~local incentives equal between ten percent and twenty-four percent of the new~~
114 ~~direct local revenue; an additional two percent of new payroll is added to these~~
115 ~~percentages if the local incentives equal between twenty-five percent and~~
116 ~~forty-nine percent of the new direct local revenue; or an additional three~~
117 ~~percent of payroll is added to these percentages if the local incentives equal~~
118 ~~fifty percent or more of the new direct local revenue. The department shall~~
119 ~~issue a refundable tax credit for any difference between the amount of benefit~~
120 ~~allowed under this subdivision and the amount of withholding tax retained by~~
121 ~~the company, in the event the withholding tax is not sufficient to provide the~~
122 ~~entire amount of benefit due to the qualified company under this subdivision;~~

123 ~~(4) Job retention projects: a qualified company may receive a tax~~
124 ~~credit for the retention of jobs in this state, provided the qualified company and~~
125 ~~the project meets all of the following conditions:~~

126 ~~(a) For each of the twenty four months preceding the year in which~~
127 ~~application for the program is made the qualified company must have~~
128 ~~maintained at least one thousand full-time employees at the employer's site in~~
129 ~~the state at which the jobs are based, and the average wage of such employees~~
130 ~~must meet or exceed the county average wage;~~

131 ~~(b) The qualified company retained at the project facility the level of~~
132 ~~full-time employees that existed in the taxable year immediately preceding the~~
133 ~~year in which application for the program is made;~~

134 ~~(c) The qualified company is considered to have a significant~~
135 ~~statewide effect on the economy, and has been determined to represent a~~
136 ~~substantial risk of relocation from the state by the quality jobs advisory task~~
137 ~~force established in section 620.1887; provided, however, until such time as~~
138 ~~the initial at large members of the quality jobs advisory task force are~~
139 ~~appointed, this determination shall be made by the director of the department~~
140 ~~of economic development;~~

141 ~~(d) The qualified company in the project facility will cause to be~~
142 ~~invested a minimum of seventy million dollars in new investment prior to the~~
143 ~~end of two years or will cause to be invested a minimum of thirty million~~
144 ~~dollars in new investment prior to the end of two years and maintain an annual~~
145 ~~payroll of at least seventy million dollars during each of the years for which a~~
146 ~~credit is claimed; and~~

147 ~~(e) The local taxing entities shall provide local incentives of at least~~
148 ~~fifty percent of the new direct local revenues created by the project over a ten-~~
149 ~~year period.—~~

150
151 ~~The quality jobs advisory task force may recommend to the department of~~
152 ~~economic development that appropriate penalties be applied to the company~~
153 ~~for violating the agreement. The amount of the job retention credit granted~~
154 ~~may be equal to up to fifty percent of the amount of withholding tax generated~~
155 ~~by the full-time jobs at the project facility for a period of five years. The~~
156 ~~calendar year annual maximum amount of tax credit that may be issued to any~~
157 ~~qualified company for a job retention project or combination of job retention~~
158 ~~projects shall be seven hundred fifty thousand dollars per year, but the~~
159 ~~maximum amount may be increased up to one million dollars if such action is~~
160 ~~proposed by the department and approved by the quality jobs advisory task~~
161 ~~force established in section 620.1887; provided, however, until such time as~~
162 ~~the initial at large members of the quality jobs advisory task force are~~
163 ~~appointed, this determination shall be made by the director of the department~~
164 ~~of economic development. In considering such a request, the task force shall~~
165 ~~rely on economic modeling and other information supplied by the department~~
166 ~~when requesting the increased limit on behalf of the job retention project. In~~
167 ~~no event shall the total amount of all tax credits issued for the entire job~~
168 ~~retention program under this subdivision exceed three million dollars annually.~~
169 ~~Notwithstanding the above, no tax credits shall be issued for job retention~~
170 ~~projects approved by the department after August 30, 2013;~~

171 ~~(5) Small business job retention and flood survivor relief: a qualified~~
172 ~~company may receive a tax credit under sections 620.1875 to 620.1890 for the~~
173 ~~retention of jobs and flood survivor relief in this state for each job retained~~
174 ~~over a three year period, provided that:~~

175 ~~(a) The qualified company did not receive any state or federal benefits,~~
176 ~~incentives, or tax relief or abatement in locating its facility in a flood plain;~~

177 ~~(b) The qualified company and related companies have fewer than one~~
178 ~~hundred employees at the time application for the program is made;~~

179 ~~(c) The average wage of the qualified company's and related~~
180 ~~companies' employees must meet or exceed the county average wage;~~

181 ~~(d) All of the qualified company's and related companies' facilities are~~
182 ~~located in this state;~~

183 ~~(e) The facilities at the primary business site in this state have been~~
184 ~~directly damaged by floodwater rising above the level of a five hundred year~~
185 ~~flood at least two years, but fewer than eight years, prior to the time~~
186 ~~application is made;~~

187 ~~(f) The qualified company made significant efforts to protect the~~
188 ~~facilities prior to any impending danger from rising floodwaters;~~

189 ~~(g) For each year it receives tax credits under sections 620.1875 to~~
190 ~~620.1890, the qualified company and related companies retained, at the~~
191 ~~company's facilities in this state, at least the level of full time, year-round~~
192 ~~employees that existed in the taxable year immediately preceding the year in~~
193 ~~which application for the program is made; and~~

194 ~~(h) In the years it receives tax credits under sections 620.1875 to~~
195 ~~620.1890, the company cumulatively invests at least two million dollars in~~
196 ~~capital improvements in facilities and equipment located at such facilities that~~
197 ~~are not located within a five hundred year flood plain as designated by the~~
198 ~~Federal Emergency Management Agency, and amended from time to time.~~
199 ~~The amount of the small business job retention and flood survivor relief credit~~
200 ~~granted may be equal to up to one hundred percent of the amount of~~
201 ~~withholding tax generated by the full-time jobs at the project facility for a~~
202 ~~period of three years. The calendar year annual maximum amount of tax credit~~
203 ~~that may be issued to any qualified company for a small business job retention~~
204 ~~and survivor relief project shall be two hundred fifty thousand dollars per year,~~
205 ~~but the maximum amount may be increased up to five hundred thousand~~
206 ~~dollars if such action is proposed by the department and approved by the~~
207 ~~quality jobs advisory task force established in section 620.1887. In~~
208 ~~considering such a request, the task force shall rely on economic modeling~~
209 ~~and other information supplied by the department when requesting an increase~~
210 ~~in the limit on behalf of the small business job retention and flood survivor~~
211 ~~relief project. In no event shall the total amount of all tax credits issued for the~~
212 ~~entire small business job retention and flood survivor relief program under this~~
213 ~~subdivision exceed five hundred thousand dollars annually. Notwithstanding~~
214 ~~the provisions of this subdivision to the contrary, no tax credits shall be issued~~
215 ~~for small business job retention and flood survivor relief projects approved by~~
216 ~~the department after August 30, 2010.~~

217 ~~4. The qualified company shall provide an annual report of the number~~
218 ~~of jobs and such other information as may be required by the department to~~

219 document the basis for the benefits of this program. The department may
220 withhold the approval of any benefits until it is satisfied that proper
221 documentation has been provided, and shall reduce the benefits to reflect any
222 reduction in full-time employees or new payroll. Upon approval by the
223 department, the qualified company may begin the retention of the withholding
224 taxes when it reaches the minimum number of new jobs and the average wage
225 exceeds the county average wage. Tax credits, if any, may be issued upon
226 satisfaction by the department that the qualified company has exceeded the
227 county average wage and the minimum number of new jobs. In such annual
228 report, if the average wage is below the county average wage, the qualified
229 company has not maintained the employee insurance as required, or if the
230 number of new jobs is below the minimum, the qualified company shall not
231 receive tax credits or retain the withholding tax for the balance of the benefit
232 period. In the case of a qualified company that initially filed a notice of intent
233 and received an approval from the department for high impact benefits and the
234 minimum number of new jobs in an annual report is below the minimum for
235 high impact projects, the company shall not receive tax credits for the balance
236 of the benefit period but may continue to retain the withholding taxes if it
237 otherwise meets the requirements of a small and expanding business under this
238 program.

239 5. The maximum calendar year annual tax credits issued for the entire
240 program shall not exceed eighty million dollars. Notwithstanding any
241 provision of law to the contrary, the maximum annual tax credits authorized
242 under section 135.535 are hereby reduced from ten million dollars to eight
243 million dollars, with the balance of two million dollars transferred to this
244 program. There shall be no limit on the amount of withholding taxes that may
245 be retained by approved companies under this program.

246 6. The department shall allocate the annual tax credits based on the
247 date of the approval, reserving such tax credits based on the department's best
248 estimate of new jobs and new payroll of the project, and the other factors in the
249 determination of benefits of this program. However, the annual issuance of tax
250 credits is subject to the annual verification of the actual new payroll. The
251 allocation of tax credits for the period assigned to a project shall expire if,
252 within two years from the date of commencement of operations, or approval if
253 applicable, the minimum thresholds have not been achieved. The qualified
254 company may retain authorized amounts from the withholding tax under this
255 section once the minimum new jobs thresholds are met for the duration of the
256 project period. No benefits shall be provided under this program until the
257 qualified company meets the minimum new jobs thresholds. In the event the
258 qualified company does not meet the minimum new job threshold, the
259 qualified company may submit a new notice of intent or the department may
260 provide a new approval for a new project of the qualified company at the
261 project facility or other facilities.

262 7. For a qualified company with flow-through tax treatment to its
263 members, partners, or shareholders, the tax credit shall be allowed to members,
264 partners, or shareholders in proportion to their share of ownership on the last
265 day of the qualified company's tax period.

266 ~~8. Tax credits may be claimed against taxes otherwise imposed by~~
267 ~~chapters 143 and 148, and may not be carried forward but shall be claimed~~
268 ~~within one year of the close of the taxable year for which they were issued,~~
269 ~~except as provided under subdivision (4) of subsection 3 of this section.~~

270 ~~9. Tax credits authorized by this section may be transferred, sold, or~~
271 ~~assigned by filing a notarized endorsement thereof with the department that~~
272 ~~names the transferee, the amount of tax credit transferred, and the value~~
273 ~~received for the credit, as well as any other information reasonably requested~~
274 ~~by the department.~~

275 ~~10. Prior to the issuance of tax credits, the department shall verify~~
276 ~~through the department of revenue, or any other state department, that the tax~~
277 ~~credit applicant does not owe any delinquent income, sales, or use tax or~~
278 ~~interest or penalties on such taxes, or any delinquent fees or assessments levied~~
279 ~~by any state department and through the department of commerce and~~
280 ~~insurance that the applicant does not owe any delinquent insurance taxes.~~
281 ~~Such delinquency shall not affect the authorization of the application for such~~
282 ~~tax credits, except that at issuance credits shall be first applied to the~~
283 ~~delinquency and any amount issued shall be reduced by the applicant's tax~~
284 ~~delinquency. If the department of revenue or the department of commerce and~~
285 ~~insurance, or any other state department, concludes that a taxpayer is~~
286 ~~delinquent after June fifteenth but before July first of any year and the~~
287 ~~application of tax credits to such delinquency causes a tax deficiency on behalf~~
288 ~~of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy~~
289 ~~the deficiency in which interest, penalties, and additions to tax shall be tolled.~~
290 ~~After applying all available credits toward a tax delinquency, the administering~~
291 ~~agency shall notify the appropriate department and that department shall~~
292 ~~update the amount of outstanding delinquent tax owed by the applicant. If any~~
293 ~~credits remain after satisfying all insurance, income, sales, and use tax~~
294 ~~delinquencies, the remaining credits shall be issued to the applicant, subject to~~
295 ~~the restrictions of other provisions of law.~~

296 ~~11. Except as provided under subdivision (4) of subsection 3 of this~~
297 ~~section, the director of revenue shall issue a refund to the qualified company to~~
298 ~~the extent that the amount of credits allowed in this section exceeds the~~
299 ~~amount of the qualified company's income tax.~~

300 ~~12. An employee of a qualified company will receive full credit for the~~
301 ~~amount of tax withheld as provided in section 143.211.~~

302 ~~13. If any provision of sections 620.1875 to 620.1890 or application~~
303 ~~thereof to any person or circumstance is held invalid, the invalidity shall not~~
304 ~~affect other provisions or application of these sections which can be given~~
305 ~~effect without the invalid provisions or application, and to this end, the~~
306 ~~provisions of sections 620.1875 to 620.1890 are hereby declared severable.]~~

2 ~~[620.1884. The department may adopt such rules, statements of policy,~~
3 ~~procedures, forms, and guidelines as may be necessary to carry out the~~
4 ~~provisions of sections 620.1875 to 620.1890. Any rule or portion of a rule, as~~
5 ~~that term is defined in section 536.010, that is created under the authority~~
6 ~~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~~

7 ~~536.028. This section and chapter 536 are nonseverable and if any of the~~
 8 ~~powers vested with the general assembly pursuant to chapter 536 to review, to~~
 9 ~~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~~
 11 ~~proposed or adopted after August 28, 2005, shall be invalid and void.]~~

2 ~~[620.1887. There is hereby created a volunteer task force, to be known~~
 3 ~~as the "Quality Jobs Advisory Task Force", which shall consist of the~~
 4 ~~chairperson of the economic development committee of the Missouri senate or~~
 5 ~~his or her designee, a member of the economic development committee of the~~
 6 ~~Missouri senate appointed by the minority leader of the Missouri senate, the~~
 7 ~~chairperson of the economic development committee of the Missouri house of~~
 8 ~~representatives or his or her designee, a member of the economic development~~
 9 ~~committee of the Missouri house of representatives appointed by the minority~~
 10 ~~leader of the Missouri house of representatives, the director of the department~~
 11 ~~of economic development or his or her designee, and two members to be~~
 ~~appointed by the governor with the advice and consent of the senate.]~~

2 ~~[620.1890. Prior to March first each year, the department will provide~~
 3 ~~a report on the program to the general assembly including the names of~~
 4 ~~participating companies, location of such companies, the annual amount of~~
 5 ~~benefits provided, the estimated net state fiscal impact (direct and indirect new~~
 6 ~~state taxes derived from the project), the number of new jobs created or jobs~~
 7 ~~retained, the average wages of each project, and the types of qualified~~
 ~~companies using the program.]~~

2 ~~[620.2600. 1. This section shall be known and may be cited as the~~
 3 ~~"Innovation Campus Tax Credit Act".~~
 4 ~~2. As used in this section, the following terms mean:~~
 5 ~~(1) "Certificate", a tax credit certificate issued under this section;~~
 6 ~~(2) "Department", the Missouri department of economic development;~~
 7 ~~(3) "Eligible donation", donations received from a taxpayer by~~
 8 ~~innovation campuses that are to be used solely for projects that advance~~
 9 ~~learning in the areas of science, technology, engineering, and mathematics.~~
 10 ~~Eligible donations may include cash, publicly traded stocks and bonds, and~~
 11 ~~real estate that shall and will be valued and documented according to the rules~~
 12 ~~promulgated by the department of economic development;~~
 13 ~~(4) "Innovation education campus" or "innovation campus", as defined~~
 14 ~~in section 178.1100, an educational partnership consisting of at least one of~~
 15 ~~each of the following entities:~~
 16 ~~(a) A local Missouri high school or K-12 school district;~~
 17 ~~(b) A Missouri four-year public or private higher education institution;~~
 18 ~~(c) A Missouri-based business or businesses; and~~
 19 ~~(d) A Missouri two-year public higher education institution or state~~
 20 ~~technical college of Missouri;~~
 21 ~~(5) "Taxpayer", any of the following individuals or entities who make~~
 ~~an eligible donation to any innovation campus:~~

22 ~~(a) A person, firm, partner in a firm, corporation, or a shareholder in~~
23 ~~an S corporation doing business in the state of Missouri and subject to the state~~
24 ~~income tax imposed in chapter 143;~~

25 ~~(b) A corporation subject to the annual corporation franchise tax~~
26 ~~imposed in chapter 147;~~

27 ~~(c) An insurance company paying an annual tax on its gross premium~~
28 ~~receipts in this state;~~

29 ~~(d) Any other financial institution paying taxes to the state of Missouri~~
30 ~~or any political subdivisions of this state under chapter 148;~~

31 ~~(e) An individual subject to the state income tax imposed in chapter~~
32 ~~143;~~

33 ~~(f) Any charitable organization which is exempt from federal income~~
34 ~~tax and whose Missouri unrelated business taxable income, if any, would be~~
35 ~~subject to the state income tax imposed under chapter 143.~~

36 ~~3. For all taxable years beginning on or after January 1, 2015, any~~
37 ~~taxpayer shall be allowed a credit against the taxes otherwise due under~~
38 ~~chapters 147, 148, or 143, excluding withholding tax imposed by sections~~
39 ~~143.191 to 143.265, in an amount equal to fifty percent of the amount of an~~
40 ~~eligible donation, subject to the restrictions in this section. The amount of the~~
41 ~~tax credit claimed shall not exceed the amount of the taxpayer's state income~~
42 ~~tax liability in the tax year for which the credit is claimed. Any amount of~~
43 ~~credit that the taxpayer is prohibited by this section from claiming in a tax year~~
44 ~~shall not be refundable, but may be carried forward to any of the taxpayer's~~
45 ~~four subsequent taxable years.~~

46 ~~4. To claim the credit authorized in this section, an innovation campus~~
47 ~~may submit to the department an application for the tax credit authorized by~~
48 ~~this section on behalf of taxpayers. The department shall verify that the~~
49 ~~innovation campus has submitted the following items:~~

50 ~~(1) A valid application in the form and format required by the~~
51 ~~department;~~

52 ~~(2) A statement attesting to the eligible donation received, which shall~~
53 ~~include the name and taxpayer identification number of the individual or~~
54 ~~taxpayer making the eligible donation, the amount of the eligible donation, and~~
55 ~~the date the eligible donation was received by the innovation campus; and~~

56 ~~(3) Payment from the innovation campus equal to the value of the tax~~
57 ~~credit for which application is made.—~~

58
59 ~~If the innovation campus applying for the tax credit meets all criteria required~~
60 ~~by this subsection, the department shall issue a certificate in the appropriate~~
61 ~~amount.~~

62 ~~5. Tax credits issued under this section may be assigned, transferred,~~
63 ~~sold, or otherwise conveyed, and the new owner of the tax credit shall have the~~
64 ~~same rights in the credit as the taxpayer. Whenever a certificate is assigned,~~
65 ~~transferred, sold, or otherwise conveyed, a notarized endorsement shall be~~
66 ~~filed with the department specifying the name and address of the new owner of~~
67 ~~the tax credit and the value of the credit.~~

68 ~~6. The department may promulgate rules to implement the provisions~~
69 ~~of this section. Any rule or portion of a rule, as that term is defined in section~~

70 ~~536.010, that is created under the authority delegated in this section shall~~
71 ~~become effective only if it complies with and is subject to all of the provisions~~
72 ~~of chapter 536 and, if applicable, section 536.028. This section and chapter~~
73 ~~536 are nonseverable and if any of the powers vested with the general~~
74 ~~assembly under and pursuant to chapter 536 to review, to delay the effective~~
75 ~~date, or to disapprove and annul a rule are subsequently held unconstitutional,~~
76 ~~then the grant of rulemaking authority and any rule proposed or adopted after~~
77 ~~August 28, 2014, shall be invalid and void.~~

78 ~~7. Under section 23.253 of the Missouri sunset act:~~

79 ~~(1) The program authorized under this section shall expire six years~~
80 ~~after August 28, 2014, unless reauthorized by an act of the general assembly;~~
81 ~~and~~

82 ~~(2) If such program is reauthorized, the program authorized under this~~
83 ~~section shall automatically sunset twelve years after August 28, 2014; and~~

84 ~~(3) This section shall terminate on September first of the calendar year~~
85 ~~immediately following the calendar year in which the program authorized~~
86 ~~under this section is sunset.]~~

✓