

SECOND REGULAR SESSION

# SENATE BILL NO. 577

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR KRAUS.

Pre-filed December 2, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4665S.011

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## AN ACT

To repeal sections 135.155, 135.313, 135.350, 135.352, 135.484, 135.535, 135.679, 135.700, 135.750, 135.967, 137.1018, 253.550, 253.557, 253.559, 348.430, 348.432, 348.505, 447.708, and 620.1910, RSMo, and to enact in lieu thereof eighteen new sections relating to tax credits.

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

Section A. Sections 135.155, 135.313, 135.350, 135.352, 135.484, 135.535, 135.679, 135.700, 135.750, 135.967, 137.1018, 253.550, 253.557, 253.559, 348.430, 348.432, 348.505, 447.708, and 620.1910, RSMo, are repealed and eighteen new sections enacted in lieu thereof, to be known as sections 135.155, 135.350, 135.352, 135.484, 135.535, 135.679, 135.700, 135.750, 135.967, 137.1018, 253.550, 253.557, 253.559, 348.430, 348.432, 348.505, 447.708, and 620.1910, to read as follows:

135.155. 1. Notwithstanding any provision of the law to the contrary, no revenue-producing enterprise other than headquarters as defined in subsection 10 of section 135.110 shall receive the incentives set forth in sections 135.100 to 135.150 for facilities commencing operations on or after January 1, 2005. No headquarters shall receive the incentives set forth in subsections 9 to 14 of section 135.110 for facilities commencing or expanding operations on or after January 1, 2020. **No new incentives under sections 135.100 to 135.150 shall be authorized for any project that has not received from the department a proposal or approval for such benefits prior to August 28, 2014. The provisions of this subsection shall not be construed to limit or impair the ability of any administering agency to authorize or issue benefits for any project that had received an approval or a proposal**

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 **from the department prior to August 28, 2014, or the ability of any**  
14 **taxpayer to redeem any such tax credits.**

15         2. Notwithstanding subsection 9 of section 135.110 to the contrary,  
16 expansions at headquarters facilities shall each be considered a separate new  
17 business facility and each be entitled to the credits as set forth in subsections 9  
18 to 14 of section 135.110 if the number of new business facility employees  
19 attributed to each such expansion is at least twenty-five and the amount of new  
20 business facility investment attributed to each such expansion is at least one  
21 million dollars. In any year in which a new business facility is not created, the  
22 jobs and investment for that year shall be included in calculating the credits for  
23 the most recent new business facility and not an earlier created new business  
24 facility.

25         3. Notwithstanding any provision of law to the contrary, for headquarters,  
26 buildings on multiple noncontiguous real properties shall be considered one  
27 facility if the buildings are located within the same county or within the same  
28 municipality.

       135.350. As used in this section, unless the context clearly requires  
2 otherwise, the following words and phrases shall mean:

3         (1) "Commission", the Missouri housing development commission, or its  
4 successor agency;

5         (2) "Director", director of the department of revenue;

6         (3) "Eligibility statement", a statement authorized and issued by the  
7 commission certifying that a given project qualifies for the Missouri low-income  
8 housing tax credit. The commission shall promulgate rules establishing criteria  
9 upon which the eligibility statements will be issued. The eligibility statement  
10 shall specify the amount of the Missouri low-income housing tax credit  
11 allowed. The commission shall only authorize the tax credits to qualified projects  
12 which begin after June 18, 1991;

13         (4) **"Federal credit period", the same meaning as is prescribed the**  
14 **term "credit period" under section 42 of the 1986 Internal Revenue**  
15 **Code, as amended;**

16         (5) "Federal low-income housing tax credit", the federal tax credit as  
17 provided in section 42 of the 1986 Internal Revenue Code, as amended;

18         [(5)] (6) "Low-income project", a housing project which has restricted  
19 rents that do not exceed thirty percent of median income for at least forty percent  
20 of its units occupied by persons of families having incomes of sixty percent or less

21 of the median income, or at least twenty percent of the units occupied by persons  
22 or families having incomes of fifty percent or less of the median income;

23 [(6)] (7) "Median income", those incomes which are determined by the  
24 federal Department of Housing and Urban Development guidelines and adjusted  
25 for family size;

26 [(7)] (8) "Qualified Missouri project", a qualified low-income building as  
27 that term is defined in section 42 of the 1986 Internal Revenue Code, as  
28 amended, which is located in Missouri;

29 [(8)] (9) "Taxpayer", person, firm or corporation subject to the state  
30 income tax imposed by the provisions of chapter 143 (except withholding imposed  
31 by sections 143.191 to 143.265) or a corporation subject to the annual corporation  
32 franchise tax imposed by the provisions of chapter 147, or an insurance company  
33 paying an annual tax on its gross premium receipts in this state, or other  
34 financial institution paying taxes to the state of Missouri or any political  
35 subdivision of this state under the provisions of chapter 148, or an express  
36 company which pays an annual tax on its gross receipts in this state.

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

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

13 3. No more than six million dollars in tax credits shall be authorized each  
14 fiscal year **ending on or before June 30, 2014**, for projects financed through  
15 tax-exempt bond issuance.

16 4. **For purposes of the limitations provided under this**  
17 **subsection, the aggregate amount of tax credits allowed over a federal**  
18 **credit period shall be attributed to the fiscal year in which such credits**  
19 **are authorized by the commission for a qualified Missouri project. For**  
20 **the fiscal year beginning on or after July 1, 2014, but ending on or**

21 before June 30, 2015, there shall be a one hundred ten million dollar  
22 cap on tax credit authorizations for projects which are not financed  
23 through tax exempt bond issuance. For the fiscal year beginning on or  
24 after July 1, 2015, but ending on or before June 30, 2016, there shall be  
25 an eighty-two million five hundred thousand dollar cap on tax credit  
26 authorizations for projects which are not financed through tax exempt  
27 bond issuance. For the fiscal year beginning on or after July 1, 2016,  
28 but ending on or before June 30, 2017, there shall be a fifty-five million  
29 dollar cap on tax credit authorizations for projects which are not  
30 financed through tax exempt bond issuance. For all fiscal years  
31 beginning on or after July 1, 2017, there shall be a twenty-seven million  
32 five hundred thousand dollar cap on tax credit authorizations for  
33 projects which are not financed through tax exempt bond issuance.

34 5. For purposes of the limitations provided under this  
35 subsection, the aggregate amount of tax credits allowed over a federal  
36 credit period shall be attributed to the fiscal year in which such credits  
37 are authorized by the commission for a qualified Missouri project. For  
38 the fiscal year beginning on or after July 1, 2014, but ending on or  
39 before June 30, 2015, there shall be a twenty million dollar cap on tax  
40 credit authorizations for projects which are financed through tax  
41 exempt bond issuance. For the fiscal year beginning on or after July  
42 1, 2015, but ending on or before June 30, 2016, there shall be a fifteen  
43 million dollar cap on tax credit authorizations for projects which are  
44 financed through tax exempt bond issuance. For the fiscal year  
45 beginning on or after July 1, 2016, but ending on or before June 30,  
46 2017, there shall be a ten million dollar cap on tax credit authorizations  
47 for projects which are financed through tax exempt bond issuance. For  
48 all fiscal years beginning on or after July 1, 2017, there shall be a five  
49 million dollar cap on tax credit authorizations for projects financed  
50 through tax-exempt bond issuance.

51 6. The Missouri low-income housing tax credit shall be taken against the  
52 taxes and in the order specified pursuant to section 32.115. The credit authorized  
53 by this section shall not be refundable. Any amount of credit that exceeds the tax  
54 due for a taxpayer's taxable year may be carried back to any of the taxpayer's  
55 three prior taxable years or carried forward to any of the taxpayer's five  
56 subsequent taxable years. For projects authorized on or after August 28,  
57 2014, any amount of credit that exceeds the tax due for a taxpayer's

58 **taxable year may be carried forward to any of the taxpayer's five**  
59 **subsequent taxable years or carried back to any of the taxpayer's two**  
60 **prior taxable years.**

61 [5.] 7. All or any portion of Missouri tax credits issued in accordance with  
62 the provisions of sections 135.350 to 135.362 may be allocated to parties who are  
63 eligible pursuant to the provisions of subsection 1 of this section. Beginning  
64 January 1, 1995, for qualified projects which began on or after January 1, 1994,  
65 an owner of a qualified Missouri project shall certify to the director the amount  
66 of credit allocated to each taxpayer. The owner of the project shall provide to the  
67 director appropriate information so that the low-income housing tax credit can be  
68 properly allocated.

69 [6.] 8. In the event that recapture of Missouri low-income housing tax  
70 credits is required pursuant to subsection 2 of section 135.355, any statement  
71 submitted to the director as provided in this section shall include the proportion  
72 of the state credit required to be recaptured, the identity of each taxpayer subject  
73 to the recapture and the amount of credit previously allocated to such taxpayer.

74 **9. A taxpayer that receives state tax credits under the provisions**  
75 **of sections 253.545 to 253.559 shall be ineligible to receive state tax**  
76 **credits under the provisions of sections 135.350 to 135.363 for the same**  
77 **project, if such project is not financed through tax exempt bond**  
78 **issuance.**

79 [7.] 10. The director of the department may promulgate rules and  
80 regulations necessary to administer the provisions of this section. No rule or  
81 portion of a rule promulgated pursuant to the authority of this section shall  
82 become effective unless it has been promulgated pursuant to the provisions of  
83 section 536.024.

135.484. 1. Beginning January 1, 2000, tax credits shall be allowed  
2 pursuant to section 135.481 in an amount not to exceed sixteen million dollars  
3 per year. Of this total amount of tax credits in any given year, eight million  
4 dollars shall be set aside for projects in areas described in subdivision (6) of  
5 section 135.478 and eight million dollars for projects in areas described in  
6 subdivision (10) of section 135.478. The maximum tax credit for a project  
7 consisting of multiple-unit qualifying residences in a distressed community shall  
8 not exceed three million dollars.

9 2. Any amount of credit which exceeds the tax liability of a taxpayer for  
10 the tax year in which the credit is first claimed may be carried back to any of the

11 taxpayer's three prior tax years and carried forward to any of the taxpayer's five  
12 subsequent tax years. A certificate of tax credit issued to a taxpayer by the  
13 department may be assigned, transferred, sold or otherwise conveyed. Whenever  
14 a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a  
15 notarized endorsement shall be filed with the department specifying the name  
16 and address of the new owner of the tax credit and the value of the credit.

17         3. The tax credits allowed pursuant to sections 135.475 to 135.487 may  
18 not be claimed in addition to any other state tax credits, with the exception of the  
19 historic structures rehabilitation tax credit authorized pursuant to sections  
20 253.545 to 253.559, which insofar as sections 135.475 to 135.487 are concerned  
21 may be claimed only in conjunction with the tax credit allowed pursuant to  
22 subsection 4 of section 135.481. In order for a taxpayer eligible for the historic  
23 structures rehabilitation tax credit to claim the tax credit allowed pursuant to  
24 subsection 4 of section 135.481, the taxpayer must comply with the requirements  
25 of sections 253.545 to 253.559, and in such cases, the amount of the tax credit  
26 pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty  
27 percent of the taxpayer's eligible costs or forty thousand dollars.

28         **4. Notwithstanding any provision of law to the contrary, no tax**  
29 **credits provided under sections 135.475 to 135.487 shall be authorized**  
30 **on or after August 28, 2014. The provisions of this subsection shall not**  
31 **be construed to limit or in any way impair the department's ability to**  
32 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**  
33 **ability to redeem such tax credits.**

135.535. 1. A corporation, limited liability corporation, partnership or  
2 sole proprietorship, which moves its operations from outside Missouri or outside  
3 a distressed community into a distressed community, or which commences  
4 operations in a distressed community on or after January 1, 1999, and in either  
5 case has more than seventy-five percent of its employees at the facility in the  
6 distressed community, and which has fewer than one hundred employees for  
7 whom payroll taxes are paid, and which is a manufacturing, biomedical, medical  
8 devices, scientific research, animal research, computer software design or  
9 development, computer programming, including internet, web hosting, and other  
10 information technology, wireless or wired or other telecommunications or a  
11 professional firm shall receive a forty percent credit against income taxes owed  
12 pursuant to chapter 143, 147 or 148, other than taxes withheld pursuant to  
13 sections 143.191 to 143.265, for each of the three years after such move, if

14 approved by the department of economic development, which shall issue a  
15 certificate of eligibility if the department determines that the taxpayer is eligible  
16 for such credit. The maximum amount of credits per taxpayer set forth in this  
17 subsection shall not exceed one hundred twenty-five thousand dollars for each of  
18 the three years for which the credit is claimed. The department of economic  
19 development, by means of rule or regulation promulgated pursuant to the  
20 provisions of chapter 536, shall assign appropriate North American Industry  
21 Classification System numbers to the companies which are eligible for the tax  
22 credits provided for in this section. Such three-year credits shall be awarded only  
23 one time to any company which moves its operations from outside of Missouri or  
24 outside of a distressed community into a distressed community or to a company  
25 which commences operations within a distressed community. A taxpayer shall  
26 file an application for certification of the tax credits for the first year in which  
27 credits are claimed and for each of the two succeeding taxable years for which  
28 credits are claimed.

29         2. Employees of such facilities physically working and earning wages for  
30 that work within a distressed community whose employers have been approved  
31 for tax credits pursuant to subsection 1 of this section by the department of  
32 economic development for whom payroll taxes are paid shall also be eligible to  
33 receive a tax credit against individual income tax, imposed pursuant to chapter  
34 143, equal to one and one-half percent of their gross salary paid at such facility  
35 earned for each of the three years that the facility receives the tax credit provided  
36 by this section, so long as they were qualified employees of such entity. The  
37 employer shall calculate the amount of such credit and shall report the amount  
38 to the employee and the department of revenue.

39         3. A tax credit against income taxes owed pursuant to chapter 143, 147  
40 or 148, other than the taxes withheld pursuant to sections 143.191 to 143.265, in  
41 lieu of the credit against income taxes as provided in subsection 1 of this section,  
42 may be taken by such an entity in a distressed community in an amount of forty  
43 percent of the amount of funds expended for computer equipment and its  
44 maintenance, medical laboratories and equipment, research laboratory  
45 equipment, manufacturing equipment, fiber optic equipment, high speed  
46 telecommunications, wiring or software development expense up to a maximum  
47 of seventy-five thousand dollars in tax credits for such equipment or expense per  
48 year per entity and for each of three years after commencement in or moving  
49 operations into a distressed community.

50           4. A corporation, partnership or sole partnership, which has no more than  
51 one hundred employees for whom payroll taxes are paid, which is already located  
52 in a distressed community and which expends funds for such equipment pursuant  
53 to subsection 3 of this section in an amount exceeding its average of the prior two  
54 years for such equipment, shall be eligible to receive a tax credit against income  
55 taxes owed pursuant to chapters 143, 147 and 148 in an amount equal to the  
56 lesser of seventy-five thousand dollars or twenty-five percent of the funds  
57 expended for such additional equipment per such entity. Tax credits allowed  
58 pursuant to this subsection or subsection 1 of this section may be carried back to  
59 any of the three prior tax years and carried forward to any of the next five tax  
60 years.

61           5. An existing corporation, partnership or sole proprietorship that is  
62 located within a distressed community and that relocates employees from another  
63 facility outside of the distressed community to its facility within the distressed  
64 community, and an existing business located within a distressed community that  
65 hires new employees for that facility may both be eligible for the tax credits  
66 allowed by subsections 1 and 3 of this section. To be eligible for such tax credits,  
67 such a business, during one of its tax years, shall employ within a distressed  
68 community at least twice as many employees as were employed at the beginning  
69 of that tax year. A business hiring employees shall have no more than one  
70 hundred employees before the addition of the new employees. This subsection  
71 shall only apply to a business which is a manufacturing, biomedical, medical  
72 devices, scientific research, animal research, computer software design or  
73 development, computer programming or telecommunications business, or a  
74 professional firm.

75           6. Tax credits shall be approved for applicants meeting the requirements  
76 of this section in the order that such applications are received. Certificates of tax  
77 credits issued in accordance with this section may be transferred, sold or assigned  
78 by notarized endorsement which names the transferee.

79           7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this  
80 section shall be for an amount of no more than ten million dollars for each year  
81 beginning in 1999. The total maximum credit for all entities already located in  
82 distressed communities and claiming credits pursuant to subsection 4 of this  
83 section shall be seven hundred and fifty thousand dollars. The department of  
84 economic development in approving taxpayers for the credit as provided for in  
85 subsection 6 of this section shall use information provided by the department of



86 revenue regarding taxes paid in the previous year, or projected taxes for those  
87 entities newly established in the state, as the method of determining when this  
88 maximum will be reached and shall maintain a record of the order of  
89 approval. Any tax credit not used in the period for which the credit was approved  
90 may be carried over until the full credit has been allowed.

91 8. A Missouri employer relocating into a distressed community and having  
92 employees covered by a collective bargaining agreement at the facility from which  
93 it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this  
94 section, and its employees shall not be eligible for the credit in subsection 2 of  
95 this section if the relocation violates or terminates a collective bargaining  
96 agreement covering employees at the facility, unless the affected collective  
97 bargaining unit concurs with the move.

98 9. Notwithstanding any provision of law to the contrary, no taxpayer shall  
99 earn the tax credits allowed in this section and the tax credits otherwise allowed  
100 in section 135.110, or the tax credits, exemptions, and refund otherwise allowed  
101 in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same  
102 business for the same tax period.

103 **10. Notwithstanding any provision of law to the contrary, no tax**  
104 **credits provided under this section shall be authorized on or after**  
105 **August 28, 2014. The provisions of this subsection shall not be**  
106 **construed to limit or in any way impair the department's ability to**  
107 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**  
108 **ability to redeem such tax credits.**

135.679. 1. This section shall be known and may be cited as the  
2 "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 but  
5 not limited to buildings, structures, improvements, equipment, and livestock, that  
6 is used in or is to be used in this state by residents of this state for:

7 (a) The operation of a farm or ranch; and

8 (b) Grazing, feeding, or the care of livestock;

9 (2) "Authority", the agricultural and small business development authority  
10 established in chapter 348;

11 (3) "Backgrounded", any additional weight at the time of the first  
12 qualifying sale, before being finished, above the established baseline weight;

13 (4) "Baseline weight", the average weight in the immediate past three

14 years of all beef animals sold that are thirty months of age or younger,  
15 categorized by sex. Baseline weight for qualified beef animals that are physically  
16 out-of-state but whose ownership is retained by a resident of this state shall be  
17 established by the average transfer weight in the immediate past three years of  
18 all beef animals that are thirty months of age or younger and that are transferred  
19 out-of-state but whose ownership is retained by a resident of this state,  
20 categorized by sex. The established baseline weight shall be effective for a period  
21 of three years. If the taxpayer is a qualifying beef animal producer with fewer  
22 than three years of production, the baseline weight shall be established by the  
23 available average weight in the immediate past year of all beef animals sold that  
24 are thirty months of age or younger, categorized by sex. If the qualifying beef  
25 animal producer has no previous production, the baseline weight shall be  
26 established by the authority;

27 (5) "Finished", the period from backgrounded to harvest;

28 (6) "Qualifying beef animal", any beef animal that is certified by the  
29 authority, that was born in this state after August 28, 2008, that was raised and  
30 backgrounded or finished in this state by the taxpayer, excluding any beef animal  
31 more than thirty months of age as verified by certified written birth records;

32 (7) "Qualifying sale", the first time a qualifying beef animal is sold in this  
33 state after the qualifying beef animal is backgrounded, and a subsequent sale if  
34 the weight of the qualifying beef animal at the time of the subsequent sale is  
35 greater than the weight of the qualifying beef animal at the time of the first  
36 qualifying sale of such beef animal;

37 (8) "Tax credit", a credit against the tax otherwise due under chapter 143,  
38 excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise  
39 due under chapter 147;

40 (9) "Taxpayer", any individual or entity who:

41 (a) Is subject to the tax imposed in chapter 143, excluding withholding tax  
42 imposed by sections 143.191 to 143.265, or the tax imposed in chapter 147;

43 (b) In the case of an individual, is a resident of this state as verified by  
44 a 911 address or in the absence of a 911 system, a physical address; and

45 (c) Owns or rents agricultural property and principal place of business is  
46 located in this state.

47 3. For all taxable years beginning on or after January 1, 2009, but ending  
48 on or before December 31, [2016] **2014**, a taxpayer shall be allowed a tax credit  
49 for the first qualifying sale and for a subsequent qualifying sale of all qualifying

50 beef animals. The tax credit amount for the first qualifying sale shall be ten  
51 cents per pound, shall be based on the backgrounded weight of all qualifying beef  
52 animals at the time of the first qualifying sale, and shall be calculated as follows:  
53 the qualifying sale weight minus the baseline weight multiplied by ten cents, as  
54 long as the qualifying sale weight is equal to or greater than two hundred pounds  
55 above the baseline weight. The tax credit amount for each subsequent qualifying  
56 sale shall be ten cents per pound, shall be based on the backgrounded weight of  
57 all qualifying beef animals at the time of the subsequent qualifying sale, and  
58 shall be calculated as follows: the qualifying sale weight minus the baseline  
59 weight multiplied by ten cents, as long as the qualifying sale weight is equal to  
60 or greater than two hundred pounds above the baseline weight. The authority  
61 may waive no more than twenty-five percent of the two hundred pound weight  
62 gain requirement, but any such waiver shall be based on a disaster declaration  
63 issued by the U. S. Department of Agriculture.

64         4. The amount of the tax credit claimed shall not exceed the amount of the  
65 taxpayer's state tax liability for the taxable year for which the credit is claimed.  
66 No tax credit claimed under this section shall be refundable. The tax credit shall  
67 be claimed in the taxable year in which the qualifying sale of the qualifying beef  
68 occurred, but any amount of credit that the taxpayer is prohibited by this section  
69 from claiming in a taxable year may be carried forward to any of the taxpayer's  
70 five subsequent taxable years and carried backward to any of the taxpayer's three  
71 previous taxable years. The amount of tax credits that may be issued to all  
72 eligible applicants claiming tax credits authorized in this section in a fiscal year  
73 shall not exceed three million dollars. Tax credits shall be issued on an  
74 as-received application basis until the fiscal year limit is reached. Any credits  
75 not issued in any fiscal year shall expire and shall not be issued in any  
76 subsequent years.

77         5. To claim the tax credit allowed under this section, the taxpayer shall  
78 submit to the authority an application for the tax credit on a form provided by the  
79 authority and any application fee imposed by the authority. The application shall  
80 be filed with the authority at the end of each calendar year in which a qualified  
81 sale was made and for which a tax credit is claimed under this section. The  
82 application shall include any certified documentation and information required  
83 by the authority. All required information obtained by the authority shall be  
84 confidential and not disclosed except by court order, subpoena, or as otherwise  
85 provided by law. If the taxpayer and the qualified sale meet all criteria required

86 by this section and approval is granted by the authority, the authority shall issue  
87 a tax credit certificate in the appropriate amount. Tax credit certificates issued  
88 under this section may be assigned, transferred, sold, or otherwise conveyed, and  
89 the new owner of the tax credit certificate shall have the same rights in the tax  
90 credit as the original taxpayer. Whenever a tax credit certificate is assigned,  
91 transferred, sold or otherwise conveyed, a notarized endorsement shall be filed  
92 with the authority specifying the name and address of the new owner of the tax  
93 credit certificate or the value of the tax credit.

94 6. Any information provided under this section shall be confidential  
95 information, to be shared with no one except state and federal animal health  
96 officials, except as provided in subsection 5 of this section.

97 7. The authority may promulgate rules to implement the provisions of this  
98 section. Any rule or portion of a rule, as that term is defined in section 536.010,  
99 that is created under the authority delegated in this section shall become effective  
100 only if it complies with and is subject to all of the provisions of chapter 536 and,  
101 if applicable, section 536.028. This section and chapter 536 are nonseverable and  
102 if any of the powers vested with the general assembly pursuant to chapter 536 to  
103 review, to delay the effective date, or to disapprove and annul a rule are  
104 subsequently held unconstitutional, then the grant of rulemaking authority and  
105 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

106 8. [This section shall not be subject to the Missouri sunset act, sections  
107 23.250 to 23.298] **Notwithstanding any provision of law to the contrary,**  
108 **no tax credits provided under this section shall be approved after**  
109 **December 31, 2014. The provisions of this subsection shall not be**  
110 **construed to limit or in any way impair the department's ability to**  
111 **issue tax credits authorized prior to December 31, 2014, or a taxpayer's**  
112 **ability to redeem such tax credits.**

135.700. 1. For all tax years beginning on or after January 1, 1999, **but**  
2 **ending on or before December 31, 2014**, a grape grower or wine producer  
3 shall be allowed a tax credit against the state tax liability incurred pursuant to  
4 chapter 143, exclusive of the provisions relating to the withholding of tax as  
5 provided in sections 143.191 to 143.265, in an amount equal to twenty-five  
6 percent of the purchase price of all new equipment and materials used directly  
7 in the growing of grapes or the production of wine in the state. Each grower or  
8 producer shall apply to the department of economic development and specify the  
9 total amount of such new equipment and materials purchased during the calendar

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

15 **2. Notwithstanding any provision of law to the contrary, no new**  
16 **applications for tax credits provided under this section shall be**  
17 **approved after December 31, 2014.**

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

2 (1) "Highly compensated individual", any individual who receives  
3 compensation in excess of one million dollars in connection with a single qualified  
4 film production project;

5 (2) "Qualified film production project", any film, video, commercial, or  
6 television production, as approved by the department of economic development  
7 and the office of the Missouri film commission, that is under thirty minutes in  
8 length with an expected in-state expenditure budget in excess of fifty thousand  
9 dollars, or that is over thirty minutes in length with an expected in-state  
10 expenditure budget in excess of one hundred thousand dollars. Regardless of the  
11 production costs, "qualified film production project" shall not include any:

12 (a) News or current events programming;

13 (b) Talk show;

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

16 (d) Sports event or sports program;

17 (e) Gala presentation or awards show;

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

19 (g) Political ad;

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

21 (3) "Qualifying expenses", the sum of the total amount spent in this state  
22 for the following by a production company in connection with a qualified film  
23 production project:

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

28 (b) Compensation and wages paid by the production company on which the

29 production company remitted withholding payments to the department of revenue  
30 under chapter 143. For purposes of this section, compensation and wages shall  
31 not include any amounts paid to a highly compensated individual;

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

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

41 2. For all taxable years beginning on or after January 1, 1999, but ending  
42 on or before December 31, 2007, a taxpayer shall be granted a tax credit for up  
43 to fifty percent of the amount of investment in production or production-related  
44 activities in any film production project with an expected in-state expenditure  
45 budget in excess of three hundred thousand dollars. For all taxable years  
46 beginning on or after January 1, 2008, a taxpayer shall be allowed a tax credit  
47 for up to thirty-five percent of the amount of qualifying expenses in a qualified  
48 film production project. Each film production company shall be limited to one  
49 qualified film production project per year. Activities qualifying a taxpayer for the  
50 tax credit pursuant to this subsection shall be approved by the office of the  
51 Missouri film commission and the department of economic development.

52 3. Taxpayers shall apply for the film production tax credit by submitting  
53 an application to the department of economic development, on a form provided by  
54 the department. As part of the application, the expected in-state expenditures  
55 of the qualified film production project shall be documented. In addition, the  
56 application shall include an economic impact statement, showing the economic  
57 impact from the activities of the film production project. Such economic impact  
58 statement shall indicate the impact on the region of the state in which the film  
59 production or production-related activities are located and on the state as a  
60 whole.

61 4. For all taxable years ending on or before December 31, 2007, tax credits  
62 certified pursuant to subsection 2 of this section shall not exceed one million  
63 dollars per taxpayer per year, and shall not exceed a total for all tax credits  
64 certified of one million five hundred thousand dollars per year. For all taxable

65 years beginning on or after January 1, 2008, tax credits certified under subsection  
66 1 of this section shall not exceed a total for all tax credits certified of four million  
67 five hundred thousand dollars per year. Taxpayers may carry forward unused  
68 credits for up to five tax periods, provided all such credits shall be claimed within  
69 ten tax periods following the tax period in which the film production or  
70 production-related activities for which the credits are certified by the department  
71 occurred.

72 5. Notwithstanding any provision of law to the contrary, any taxpayer  
73 may sell, assign, exchange, convey or otherwise transfer tax credits allowed in  
74 subsection 2 of this section. The taxpayer acquiring the tax credits may use the  
75 acquired credits to offset the tax liabilities otherwise imposed by chapter 143,  
76 excluding withholding tax imposed by sections 143.191 to 143.265, or chapter 148.  
77 Unused acquired credits may be carried forward for up to five tax periods,  
78 provided all such credits shall be claimed within ten tax periods following the tax  
79 period in which the film production or production-related activities for which the  
80 credits are certified by the department occurred.

81 6. [Under section 23.253 of the Missouri sunset act:

82 (1) The provisions of the new Bill authorized under this section shall  
83 automatically sunset six years after November 28, 2007, unless reauthorized by  
84 an act of the general assembly; and

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

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  
90 this section is sunset.] **Notwithstanding any provision of law to the**  
91 **contrary, no tax credits provided under this section shall be authorized**  
92 **after August 28, 2014. The provisions of this subsection shall not be**  
93 **construed to limit or in any way impair the department's ability to**  
94 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**  
95 **ability to redeem such tax credits.**

135.967. 1. A taxpayer who establishes a new business facility may, upon  
2 approval by the department, be allowed a credit, each tax year for up to ten tax  
3 years, in an amount determined as set forth in this section, against the tax  
4 imposed by chapter 143, excluding withholding tax imposed by sections 143.191  
5 to 143.265. No taxpayer shall receive multiple ten-year periods for subsequent

6 expansions at the same facility.

7           2. Notwithstanding any provision of law to the contrary, any taxpayer who  
8 establishes a new business facility in an enhanced enterprise zone and is awarded  
9 state tax credits under this section may not also receive tax credits under sections  
10 135.100 to 135.150, sections 135.200 to 135.286, or section 135.535, and may not  
11 simultaneously receive tax credits under sections 620.1875 to 620.1890 at the  
12 same facility.

13           3. No credit shall be issued pursuant to this section unless:

14           (1) The number of new business facility employees engaged or maintained  
15 in employment at the new business facility for the taxable year for which the  
16 credit is claimed equals or exceeds two; and

17           (2) The new business facility investment for the taxable year for which the  
18 credit is claimed equals or exceeds one hundred thousand dollars.

19           4. The annual amount of credits allowed for an approved enhanced  
20 business enterprise shall be the lesser of:

21           (1) The annual amount authorized by the department for the enhanced  
22 business enterprise, which shall be limited to the projected state economic  
23 benefit, as determined by the department; or

24           (2) The sum calculated based upon the following:

25           (a) A credit of four hundred dollars for each new business facility  
26 employee employed within an enhanced enterprise zone;

27           (b) An additional credit of four hundred dollars for each new business  
28 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 located,  
32 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 authorize  
38 more than twenty-four million dollars annually to be issued for all enhanced  
39 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 credit



42 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 facility  
46 employees engaged or maintained in employment at the expansion facility for the  
47 taxable year for which credit is claimed equals or exceeds two, and the total  
48 number of employees at the facility after the expansion is at least two greater  
49 than the total number of employees before the expansion; and

50 (2) The taxpayer's investment in the expansion and in the original facility  
51 prior to expansion shall be determined in the manner provided in subdivision (19)  
52 of section 135.950.

53 7. The number of new business facility employees during any taxable year  
54 shall be determined by dividing by twelve the sum of the number of individuals  
55 employed on the last business day of each month of such taxable year. If the new  
56 business facility is in operation for less than the entire taxable year, the number  
57 of new business facility employees shall be determined by dividing the sum of the  
58 number of individuals employed on the last business day of each full calendar  
59 month during the portion of such taxable year during which the new business  
60 facility was in operation by the number of full calendar months during such  
61 period. For the purpose of computing the credit allowed by this section in the  
62 case of a facility which qualifies as a new business facility under subsection 6 of  
63 this section, and in the case of a new business facility which satisfies the  
64 requirements of paragraph (c) of subdivision (17) of section 135.950, or  
65 subdivision (25) of section 135.950, the number of new business facility employees  
66 at such facility shall be reduced by the average number of individuals employed,  
67 computed as provided in this subsection, at the facility during the taxable year  
68 immediately preceding the taxable year in which such expansion, acquisition, or  
69 replacement occurred and shall further be reduced by the number of individuals  
70 employed by the taxpayer or related taxpayer that was subsequently transferred  
71 to the new business facility from another Missouri facility and for which credits  
72 authorized in this section are not being earned, whether such credits are earned  
73 because of an expansion, acquisition, relocation, or the establishment of a new  
74 facility.

75 8. In the case where a new business facility employee who is a resident  
76 of an enhanced enterprise zone for less than a twelve-month period is employed  
77 for less than a twelve-month period, the credits allowed by paragraph (b) of

78 subdivision (2) of subsection 4 of this section shall be determined by multiplying  
79 four hundred dollars by a fraction, the numerator of which is the number of  
80 calendar days during the taxpayer's tax year for which such credits are claimed,  
81 in which the employee was a resident of an enhanced enterprise zone, and the  
82 denominator of which is three hundred sixty-five.

83 9. For the purpose of computing the credit allowed by this section in the  
84 case of a facility which qualifies as a new business facility pursuant to subsection  
85 6 of this section, and in the case of a new business facility which satisfies the  
86 requirements of paragraph (c) of subdivision (17) of section 135.950 or subdivision  
87 (25) of section 135.950, the amount of the taxpayer's new business facility  
88 investment in such facility shall be reduced by the average amount, computed as  
89 provided in subdivision (19) of section 135.950 for new business facility  
90 investment, of the investment of the taxpayer, or related taxpayer immediately  
91 preceding such expansion or replacement or at the time of  
92 acquisition. Furthermore, the amount of the taxpayer's new business facility  
93 investment shall also be reduced by the amount of investment employed by the  
94 taxpayer or related taxpayer which was subsequently transferred to the new  
95 business facility from another Missouri facility and for which credits authorized  
96 in this section are not being earned, whether such credits are earned because of  
97 an expansion, acquisition, relocation, or the establishment of a new facility.

98 10. For a taxpayer with flow-through tax treatment to its members,  
99 partners, or shareholders, the credit shall be allowed to members, partners, or  
100 shareholders in proportion to their share of ownership on the last day of the  
101 taxpayer's tax period.

102 11. Credits may not be carried forward but shall be claimed for the  
103 taxable year during which commencement of commercial operations occurs at  
104 such new business facility, and for each of the nine succeeding taxable years for  
105 which the credit is issued.

106 12. Certificates of tax credit authorized by this section may be  
107 transferred, sold, or assigned by filing a notarized endorsement thereof with the  
108 department that names the transferee, the amount of tax credit transferred, and  
109 the value received for the credit, as well as any other information reasonably  
110 requested by the department. The sale price cannot be less than seventy-five  
111 percent of the par value of such credits.

112 13. The director of revenue shall issue a refund to the taxpayer to the  
113 extent that the amount of credits allowed in this section exceeds the amount of

114 the taxpayer's income tax.

115 14. Prior to the issuance of tax credits, the department shall verify  
116 through the department of revenue, or any other state department, that the tax  
117 credit applicant does not owe any delinquent income, sales, or use tax or interest  
118 or penalties on such taxes, or any delinquent fees or assessments levied by any  
119 state department and through the department of insurance, financial institutions  
120 and professional registration that the applicant does not owe any delinquent  
121 insurance taxes. Such delinquency shall not affect the authorization of the  
122 application for such tax credits, except that the amount of credits issued shall be  
123 reduced by the applicant's tax delinquency. If the department of revenue or the  
124 department of insurance, financial institutions and professional registration, or  
125 any other state department, concludes that a taxpayer is delinquent after June  
126 fifteenth but before July first of any year and the application of tax credits to  
127 such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then  
128 the taxpayer shall be granted thirty days to satisfy the deficiency in which  
129 interest, penalties, and additions to tax shall be tolled. After applying all  
130 available credits toward a tax delinquency, the administering agency shall notify  
131 the appropriate department, and that department shall update the amount of  
132 outstanding delinquent tax owed by the applicant. If any credits remain after  
133 satisfying all insurance, income, sales, and use tax delinquencies, the remaining  
134 credits shall be issued to the applicant, subject to the restrictions of other  
135 provisions of law.

136 **15. Notwithstanding any provision of law to the contrary, no tax**  
137 **credits provided under this section shall be authorized on or after**  
138 **August 28, 2014. The provisions of this subsection shall not be**  
139 **construed to limit or in any way impair the department's ability to**  
140 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**  
141 **ability to redeem such tax credits.**

137.1018. 1. The commission shall ascertain the statewide average rate  
2 of property taxes levied the preceding year, based upon the total assessed  
3 valuation of the railroad and street railway companies and the total property  
4 taxes levied upon the railroad and street railway companies. It shall determine  
5 total property taxes levied from reports prescribed by the commission from the  
6 railroad and street railway companies. Total taxes levied shall not include  
7 revenues from the surtax on subclass three real property.

8 2. The commission shall report its determination of average property tax

9 rate for the preceding year, together with the taxable distributable assessed  
10 valuation of each freight line company for the current year to the director no later  
11 than October first of each year.

12 3. Taxes on property of such freight line companies shall be collected at  
13 the state level by the director on behalf of the counties and other local public  
14 taxing entities and shall be distributed in accordance with sections 137.1021 and  
15 137.1024. The director shall tax such property based upon the distributable  
16 assessed valuation attributable to Missouri of each freight line company, using  
17 the average tax rate for the preceding year of the railroad and street railway  
18 companies certified by the commission. Such tax shall be due and payable on or  
19 before December thirty-first of the year levied and, if it becomes delinquent, shall  
20 be subject to a penalty equal to that specified in section 140.100.

21 [4. (1) As used in this subsection, the following terms mean:

22 (a) "Eligible expenses", expenses incurred in this state to manufacture,  
23 maintain, or improve a freight line company's qualified rolling stock;

24 (b) "Qualified rolling stock", any freight, stock, refrigerator, or other  
25 railcars subject to the tax levied under this section.

26 (2) For all taxable years beginning on or after January 1, 2009, a freight  
27 line company shall, subject to appropriation, be allowed a credit against the tax  
28 levied under this section for the applicable tax year. The tax credit amount shall  
29 be equal to the amount of eligible expenses incurred during the calendar year  
30 immediately preceding the tax year for which the credit under this section is  
31 claimed. The amount of the tax credit issued shall not exceed the freight line  
32 company's liability for the tax levied under this section for the tax year for which  
33 the credit is claimed.

34 (3) A freight line company may apply for the credit by submitting to the  
35 commission an application in the form prescribed by the state tax commission.

36 (4) Subject to appropriation, the state shall reimburse, on an annual  
37 basis, any political subdivision of this state for any decrease in revenue due to the  
38 provisions of this subsection.

39 5. Pursuant to section 23.253 of the Missouri sunset act:

40 (1) The program authorized under this section shall expire on August 28,  
41 2020; and

42 (2) This section shall terminate on September 1, 2021.]

253.550. 1. Any taxpayer incurring costs and expenses for the  
2 rehabilitation of eligible property, which is a certified historic structure or

3 structure in a certified historic district, may, subject to the provisions of this  
4 section and section 253.559, receive a credit against the taxes imposed pursuant  
5 to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer  
6 in an amount equal to twenty-five percent of the total costs and expenses of  
7 rehabilitation incurred after January 1, 1998, which shall include, but not be  
8 limited to, qualified rehabilitation expenditures as defined under section  
9 47(c)(2)(A) of the Internal Revenue Code of 1986, as amended, and the related  
10 regulations thereunder, provided the rehabilitation costs associated with  
11 rehabilitation and the expenses exceed fifty percent of the total basis in the  
12 property and the rehabilitation meets standards consistent with the standards  
13 of the Secretary of the United States Department of the Interior for rehabilitation  
14 as determined by the state historic preservation officer of the Missouri  
15 department of natural resources.

16       2. During the period beginning on January 1, 2010, but ending on or after  
17 June 30, 2010, the department of economic development shall not approve  
18 applications for tax credits under the provisions of subsections 3 and 8 of section  
19 253.559 which, in the aggregate, exceed seventy million dollars, increased by any  
20 amount of tax credits for which approval shall be rescinded under the provisions  
21 of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but**  
22 **ending on or before June 30, 2014**, the department of economic development  
23 shall not approve applications for tax credits under the provisions of subsections  
24 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty  
25 million dollars, increased by any amount of tax credits for which approval shall  
26 be rescinded under the provisions of section 253.559. The limitations provided  
27 under this subsection shall not apply to applications approved under the  
28 provisions of subsection 3 of section 253.559 for projects to receive less than two  
29 hundred seventy-five thousand dollars in tax credits.

30       3. For all applications for tax credits approved on or after January 1,  
31 2010, **but before August 28, 2014**, no more than two hundred fifty thousand  
32 dollars in tax credits may be issued for eligible costs and expenses incurred in the  
33 rehabilitation of an eligible property which is a nonincome producing  
34 single-family, owner-occupied residential property and is either a certified historic  
35 structure or a structure in a certified historic district.

36       4. The limitations on tax credit authorization provided under the  
37 provisions of subsections 2 and 3 of this section shall not apply to:

38       (1) Any application submitted by a taxpayer, which has received approval

39 from the department prior to January 1, 2010; or

40 (2) Any taxpayer applying for tax credits, provided under this section,  
41 which, on or before January 1, 2010, has filed an application with the department  
42 evidencing that such taxpayer:

43 (a) Has incurred costs and expenses for an eligible property which exceed  
44 the lesser of five percent of the total project costs or one million dollars and  
45 received an approved Part I from the Secretary of the United States Department  
46 of Interior; or

47 (b) Has received certification, by the state historic preservation officer,  
48 that the rehabilitation plan meets the standards consistent with the standards  
49 of the Secretary of the United States Department of the Interior, and the  
50 rehabilitation costs and expenses associated with such rehabilitation shall exceed  
51 fifty percent of the total basis in the property.

52 **5. For each fiscal year beginning on or after July 1, 2014, but**  
53 **ending on or before June 30, 2015, the department of economic**  
54 **development shall not approve applications for tax credits under the**  
55 **provisions of subsections 3 and 8 of section 253.559 which, in the**  
56 **aggregate, exceed eighty million dollars, increased by any amount of**  
57 **tax credits for which approval shall be rescinded under the provisions**  
58 **of section 253.559. For each fiscal year beginning on or after July 1,**  
59 **2015, but ending on or before June 30, 2016, the department of**  
60 **economic development shall not approve applications for tax credits**  
61 **under the provisions of subsections 3 and 8 of section 253.559 which, in**  
62 **the aggregate, exceed sixty million dollars, increased by any amount of**  
63 **tax credits for which approval shall be rescinded under the provisions**  
64 **of section 253.559. For each fiscal year beginning on or after July 1,**  
65 **2016, but ending on or before June 30, 2017, the department of**  
66 **economic development shall not approve applications for tax credits**  
67 **under the provisions of subsections 3 and 8 of section 253.559 which, in**  
68 **the aggregate, exceed forty million dollars, increased by any amount of**  
69 **tax credits for which approval shall be rescinded under the provisions**  
70 **of section 253.559. For each fiscal year beginning on or after July 1,**  
71 **2017, the department of economic development shall not approve**  
72 **applications for tax credits under the provisions of subsections 3 and**  
73 **8 of section 253.559 which, in the aggregate, exceed twenty million**  
74 **dollars, increased by any amount of tax credits for which approval shall**

75 be rescinded under the provisions of section 253.559. The limitations  
76 provided under this subsection shall not apply to applications approved  
77 under the provisions of subsection 3 of section 253.559 for projects to  
78 receive less than two hundred seventy-five thousand dollars in tax  
79 credits.

80 6. For all applications for tax credits approved on or after  
81 August 28, 2014, no more than one hundred twenty-five thousand  
82 dollars in tax credits may be issued for eligible costs and expenses  
83 incurred in the rehabilitation of an eligible property which is a  
84 nonincome producing single-family, owner-occupied residential  
85 property and is either a certified historic structure or a structure in a  
86 certified historic district.

87 7. In lieu of the limitations on tax credit authorization provided  
88 under the provisions of subsections 5 and 6 of this section, the  
89 limitations on tax credit authorization provided under the provisions  
90 of subsections 2 and 3 of this section shall apply to:

91 (1) Any application submitted by a taxpayer, which has received  
92 approval from the department prior to August 28, 2014; or

93 (2) Any application for tax credits provided under this section  
94 for a project, which on or before August 28, 2014:

95 (a) Received an approved Part I from the Secretary of the United  
96 States Department of the Interior and has incurred costs and expenses  
97 for an eligible property which exceed the lesser of fifteen percent of the  
98 total project costs or three million dollars; or

99 (b) Has received certification, by the state historic preservation  
100 officer, that the rehabilitation plan meets the standards consistent with  
101 the standards of the Secretary of the United States Department of the  
102 Interior, and the rehabilitation costs and expenses associated with such  
103 rehabilitation would, upon completion, be expected to exceed fifty  
104 percent of the total basis in the property.

105 8. For each fiscal year beginning on or after July 1, 2014, but  
106 ending on or before June 30, 2015, the department of economic  
107 development shall not approve applications for projects to receive less  
108 than two hundred seventy-five thousand dollars in tax credits which,  
109 in the aggregate, exceed ten million dollars, increased by any amount  
110 of tax credits for which approval shall be rescinded under the  
111 provisions of section 253.559. For each fiscal year beginning on or after

112 July 1, 2015, but ending on or before June 30, 2016, the department of  
113 economic development shall not approve applications for projects to  
114 receive less than two hundred seventy-five thousand dollars in tax  
115 credits which, in the aggregate, exceed seven million five hundred  
116 thousand dollars, increased by any amount of tax credits for which  
117 approval shall be rescinded under the provisions of section  
118 253.559. For each fiscal year beginning on or after July 1, 2016, but  
119 ending on or before June 30, 2016, the department of economic  
120 development shall not approve applications for projects to receive less  
121 than two hundred seventy-five thousand dollars in tax credits which,  
122 in the aggregate, exceed five million dollars, increased by any amount  
123 of tax credits for which approval shall be rescinded under the  
124 provisions of section 253.559. For each fiscal year beginning on or after  
125 July 1, 2017, the department of economic development shall not  
126 approve applications for projects to receive less than two hundred  
127 seventy-five thousand dollars in tax credits which, in the aggregate,  
128 exceed two million five hundred thousand dollars, increased by any  
129 amount of tax credits for which approval shall be rescinded under the  
130 provisions of section 253.559. The limitations on tax credit  
131 authorization provided under the provisions of this subsection, shall  
132 not apply to:

133 (1) Any application submitted by a taxpayer, which has received  
134 approval from the department prior to August 28, 2014; or

135 (2) Any application for tax credits provided under this section  
136 for a project, which on or before August 28, 2014:

137 (a) Received an approved Part I from the Secretary of the United  
138 States Department of the Interior and has incurred costs and expenses  
139 for an eligible property which exceed five percent of the total project  
140 costs; or

141 (b) Has received certification, by the state historic preservation  
142 officer, that the rehabilitation plan meets the standards consistent with  
143 the standards of the Secretary of the United States Department of the  
144 Interior, and the rehabilitation costs and expenses associated with such  
145 rehabilitation would, upon completion, be expected to exceed fifty  
146 percent of the total basis in the property.

253.557. 1. If the amount of such credit exceeds the total tax liability for  
2 the year in which the rehabilitated property is placed in service, the amount that



3 exceeds the state tax liability may be carried back to any of the three preceding  
4 years and carried forward for credit against the taxes imposed pursuant to  
5 chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the  
6 succeeding ten years, or until the full credit is used, whichever occurs first. **For**  
7 **all tax credits authorized under the provisions of sections 253.545 to**  
8 **253.559 on or after August 28, 2014, if the total amount of such credit**  
9 **exceeds the total tax liability for the year in which the rehabilitated**  
10 **property is placed in service, the amount that exceeds the state tax**  
11 **liability may be carried back to the preceding year and carried forward**  
12 **for credit against the taxes imposed pursuant to chapters 143 and 148,**  
13 **except for sections 143.191 to 143.265 for the succeeding five years, or**  
14 **until the full credit is used, whichever occurs first.** Not-for-profit entities,  
15 including but not limited to corporations organized as not-for-profit corporations  
16 pursuant to chapter 355 shall be ineligible for the tax credits authorized under  
17 sections 253.545 [through 253.561] to **253.559.** Any taxpayer that receives  
18 state tax credits under the provisions of sections 135.350 to 135.363 for  
19 a project that is not financed through tax exempt bonds issuance shall  
20 be ineligible for the state tax credits authorized under sections 253.545  
21 to 253.559 for the same project. Taxpayers eligible for such tax credits may  
22 transfer, sell or assign the credits to any other taxpayer including, but not  
23 limited to, a not-for-profit entity. Credits granted to a partnership, a limited  
24 liability company taxed as a partnership or multiple owners of property shall be  
25 passed through to the partners, members or owners including, but not limited  
26 to, any not-for-profit entity that is a partner, member, or owner,  
27 respectively pro rata or pursuant to an executed agreement among [the] such  
28 partners, members or owners documenting an alternate distribution method.

29 2. The assignee of the tax credits, hereinafter the assignee for purposes  
30 of this subsection, may use acquired credits to offset up to one hundred percent  
31 of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148,  
32 except for sections 143.191 to 143.265. The assignor shall perfect such transfer  
33 by notifying the department of economic development in writing within thirty  
34 calendar days following the effective date of the transfer and shall provide any  
35 information as may be required by the department of economic development to  
36 administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections  
2 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the

3 department of economic development. Each application for approval, including  
4 any applications received for supplemental allocations of tax credits as provided  
5 under subsection 8 of this section, shall be prioritized for review and approval,  
6 in the order of the date on which the application was postmarked, with the oldest  
7 postmarked date receiving priority. Applications postmarked on the same day  
8 shall go through a lottery process to determine the order in which such  
9 applications shall be reviewed.

10           2. Each application shall be reviewed by the department of economic  
11 development for approval. In order to receive approval, an application, other  
12 than applications submitted under the provisions of subsection 8 of this section,  
13 shall include:

14           (1) Proof of ownership or site control. Proof of ownership shall include  
15 evidence that the taxpayer is the fee simple owner of the eligible property, such  
16 as a warranty deed or a closing statement. Proof of site control may be evidenced  
17 by a leasehold interest or an option to acquire such an interest. If the taxpayer  
18 is in the process of acquiring fee simple ownership, proof of site control shall  
19 include an executed sales contract or an executed option to purchase the eligible  
20 property;

21           (2) Floor plans of the existing structure, architectural plans, and, where  
22 applicable, plans of the proposed alterations to the structure, as well as proposed  
23 additions;

24           (3) The estimated cost of rehabilitation, the anticipated total costs of the  
25 project, the actual basis of the property, as shown by proof of actual acquisition  
26 costs, the anticipated total labor costs, the estimated project start date, and the  
27 estimated project completion date;

28           (4) Proof that the property is an eligible property and a certified historic  
29 structure or a structure in a certified historic district; and

30           (5) Any other information which the department of economic development  
31 may reasonably require to review the project for approval. Only the property for  
32 which a property address is provided in the application shall be reviewed for  
33 approval. Once selected for review, a taxpayer shall not be permitted to request  
34 the review of another property for approval in the place of the property contained  
35 in such application. Any disapproved application shall be removed from the  
36 review process. If an application is removed from the review process, the  
37 department of economic development shall notify the taxpayer in writing of the  
38 decision to remove such application. Disapproved applications shall lose priority

39 in the review process. A disapproved application, which is removed from the  
40 review process, may be resubmitted, but shall be deemed to be a new submission  
41 for purposes of the priority procedures described in this section.

42 3. If the department of economic development deems the application  
43 sufficient, the taxpayer shall be notified in writing of the approval for an amount  
44 of tax credits equal to the amount provided under section 253.550 less any  
45 amount of tax credits previously approved. Such approvals shall be granted to  
46 applications in the order of priority established under this section and shall  
47 require full compliance thereafter with all other requirements of law as a  
48 condition to any claim for such credits.

49 4. Following approval of an application, the identity of the taxpayer  
50 contained in such application shall not be modified except:

51 (1) The taxpayer may add partners, members, or shareholders as part of  
52 the ownership structure, so long as the principal remains the same, provided  
53 however, that subsequent to the commencement of renovation and the  
54 expenditure of at least ten percent of the proposed rehabilitation budget, removal  
55 of the principal for failure to perform duties and the appointment of a new  
56 principal thereafter shall not constitute a change of the principal; or

57 (2) Where the ownership of the project is changed due to a foreclosure,  
58 deed in lieu of a foreclosure or voluntary conveyance, or a transfer in  
59 bankruptcy. **Upon any such change in ownership, the taxpayer contained**  
60 **in such application shall notify the department of such change.**

61 5. In the event that the department of economic development grants  
62 approval for tax credits equal to the **applicable** total amount available under  
63 subsection 2, **5, or 8** of section 253.550, or sufficient that when totaled with all  
64 other approvals, the **applicable** amount available under subsection 2, **5, or 8** of  
65 section 253.550 is exhausted, all taxpayers with applications then awaiting  
66 approval or thereafter submitted for approval shall be notified by the department  
67 of economic development that no additional approvals shall be granted during the  
68 fiscal year and shall be notified of the priority given to such taxpayer's  
69 application then awaiting approval. Such applications shall be kept on file by the  
70 department of economic development and shall be considered for approval for tax  
71 credits in the order established in this section in the event that additional credits  
72 become available due to the rescission of approvals or when a new fiscal year's  
73 allocation of credits becomes available for approval.

74 6. All taxpayers with applications receiving approval on or after the

75 effective date of this act shall commence rehabilitation within two years of the  
76 date of issuance of the letter from the department of economic development  
77 granting the approval for tax credits. "Commencement of rehabilitation" shall  
78 mean that as of the date in which actual physical work, contemplated by the  
79 architectural plans submitted with the application, has begun, the taxpayer has  
80 incurred no less than ten percent of the estimated costs of rehabilitation provided  
81 in the application. Taxpayers with approval of a project shall submit evidence of  
82 compliance with the provisions of this subsection. If the department of economic  
83 development determines that a taxpayer has failed to comply with the  
84 requirements provided under this section, the approval for the amount of tax  
85 credits for such taxpayer shall be rescinded and such amount of tax credits shall  
86 then be included in the total amount of tax credits, provided under subsection 2  
87 of section 253.550, from which approvals may be granted. Any taxpayer whose  
88 approval shall be subject to rescission shall be notified of such from the  
89 department of economic development and, upon receipt of such notice, may submit  
90 a new application for the project.

91           7. To claim the credit authorized under sections 253.550 to 253.559, a  
92 taxpayer with approval shall apply for final approval and issuance of tax credits  
93 from the department of economic development which, in consultation with the  
94 department of natural resources, shall determine the final amount of eligible  
95 rehabilitation costs and expenses and whether the completed rehabilitation meets  
96 the standards of the Secretary of the United States Department of the Interior  
97 for rehabilitation as determined by the state historic preservation officer of the  
98 Missouri department of natural resources. For financial institutions credits  
99 authorized pursuant to sections 253.550 to 253.561 shall be deemed to be  
100 economic development credits for purposes of section 148.064. The approval of all  
101 applications and the issuing of certificates of eligible credits to taxpayers shall  
102 be performed by the department of economic development. The department of  
103 economic development shall inform a taxpayer of final approval by letter and  
104 shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the  
105 certificate to all Missouri income tax returns on which the credit is claimed.

106           8. Except as expressly provided in this subsection, tax credit certificates  
107 shall be issued in the final year that costs and expenses of rehabilitation of the  
108 project are incurred, or within the twelve-month period immediately following the  
109 conclusion of such rehabilitation. In the event the amount of eligible  
110 rehabilitation costs and expenses incurred by a taxpayer would result in the

111 issuance of an amount of tax credits in excess of the amount provided under such  
112 taxpayer's approval granted under subsection 3 of this section, such taxpayer may  
113 apply to the department for issuance of tax credits in an amount equal to such  
114 excess. Applications for issuance of tax credits in excess of the amount provided  
115 under a taxpayer's application shall be made on a form prescribed by the  
116 department. Such applications shall be subject to all provisions regarding  
117 priority provided under subsection 1 of this section.

118 9. The department of economic development shall determine, on an annual  
119 basis, the overall economic impact to the state from the rehabilitation of eligible  
120 property.

121 **10. By no later than January 1, 2015, the department shall**  
122 **propose rules to implement the provisions of sections 253.550 to**  
123 **253.559. Prior to proposing such rules, the department shall conduct**  
124 **a stakeholder process designed to solicit input from interested**  
125 **parties. Any rule or portion of a rule, as that term is defined in section**  
126 **536.010, that is created under the authority delegated herein shall**  
127 **become effective only if it complies with and is subject to all of the**  
128 **provisions of chapter 536 and, if applicable, section 536.028. This**  
129 **section and chapter 536 are nonseverable and if any of the powers**  
130 **vested with the general assembly pursuant to chapter 536 to review, to**  
131 **delay the effective date, or to disapprove and annul a rule are**  
132 **subsequently held unconstitutional, then the grant of rulemaking**  
133 **authority and any rule proposed or adopted after August 28, 2014, shall**  
134 **be invalid and void.**

348.430. 1. The tax credit created in this section shall be known as the  
2 "Agricultural Product Utilization Contributor Tax Credit".

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

4 (1) "Authority", the agriculture and small business development authority  
5 as provided in this chapter;

6 (2) "Contributor", an individual, partnership, corporation, trust, limited  
7 liability company, entity or person that contributes cash funds to the authority;

8 (3) "Development facility", a facility producing either a good derived from  
9 an agricultural commodity or using a process to produce a good derived from an  
10 agricultural product;

11 (4) "Eligible new generation cooperative", a nonprofit cooperative  
12 association formed pursuant to chapter 274, or incorporated pursuant to chapter

13 357, for the purpose of operating within this state a development facility or a  
14 renewable fuel production facility;

15 (5) "Eligible new generation processing entity", a partnership, corporation,  
16 cooperative, or limited liability company organized or incorporated pursuant to  
17 the laws of this state consisting of not less than twelve members, approved by the  
18 authority, for the purpose of owning or operating within this state a development  
19 facility or a renewable fuel production facility in which producer members:

20 (a) Hold a majority of the governance or voting rights of the entity and  
21 any governing committee;

22 (b) Control the hiring and firing of management; and

23 (c) Deliver agricultural commodities or products to the entity for  
24 processing, unless processing is required by multiple entities;

25 (6) "Renewable fuel production facility", a facility producing an energy  
26 source which is derived from a renewable, domestically grown, organic compound  
27 capable of powering machinery, including an engine or power plant, and any  
28 by-product derived from such energy source.

29 3. For all tax years beginning on or after January 1, 1999, **but ending**  
30 **on or before December 31, 2014**, a contributor who contributes funds to the  
31 authority may receive a credit against the tax or estimated quarterly tax  
32 otherwise due pursuant to chapter 143, other than taxes withheld pursuant to  
33 sections 143.191 to 143.265, chapter 148 chapter 147, in an amount of up to one  
34 hundred percent of such contribution. Tax credits claimed in a taxable year may  
35 be done so on a quarterly basis and applied to the estimated quarterly tax  
36 pursuant to this subsection. If a quarterly tax credit claim or series of claims  
37 contributes to causing an overpayment of taxes for a taxable year, such  
38 overpayment shall not be refunded but shall be applied to the next taxable  
39 year. The awarding of such credit shall be at the approval of the authority, based  
40 on the least amount of credits necessary to provide incentive for the  
41 contributions. A contributor that receives tax credits for a contribution to the  
42 authority shall receive no other consideration or compensation for such  
43 contribution, other than a federal tax deduction, if applicable, and goodwill.

44 4. A contributor shall submit to the authority an application for the tax  
45 credit authorized by this section on a form provided by the authority. If the  
46 contributor meets all criteria prescribed by this section and the authority, the  
47 authority shall issue a tax credit certificate in the appropriate amount. Tax  
48 credits issued pursuant to this section may be claimed in the taxable year in

49 which the contributor contributes funds to the authority. For all fiscal years  
50 beginning on or after July 1, 2004, tax credits allowed pursuant to this section  
51 may be carried back to any of the contributor's three prior tax years and may be  
52 carried forward to any of the contributor's five subsequent taxable years. Tax  
53 credits issued pursuant to this section may be assigned, transferred or sold and  
54 the new owner of the tax credit shall have the same rights in the credit as the  
55 contributor. Whenever a certificate of tax credit is assigned, transferred, sold or  
56 otherwise conveyed, a notarized endorsement shall be filed with the authority  
57 specifying the name and address of the new owner of the tax credit or the value  
58 of the credit.

59 5. The funds derived from contributions in this section shall be used for  
60 financial assistance or technical assistance for the purposes provided in section  
61 348.407 to rural agricultural business concepts as approved by the authority. The  
62 authority may provide or facilitate loans, equity investments, or guaranteed loans  
63 for rural agricultural business concepts, but limited to two million dollars per  
64 project or the net state economic impact, whichever is less. Loans, equity  
65 investments or guaranteed loans may only be provided to feasible projects, and  
66 for an amount that is the least amount necessary to cause the project to occur, as  
67 determined by the authority. The authority may structure the loans, equity  
68 investments or guaranteed loans in a way that facilitates the project, but also  
69 provides for a compensatory return on investment or loan payment to the  
70 authority, based on the risk of the project.

71 6. In any given year, at least ten percent of the funds granted to rural  
72 agricultural business concepts shall be awarded to grant requests of twenty-five  
73 thousand dollars or less. No single rural agricultural business concept shall  
74 receive more than two hundred thousand dollars in grant awards from the  
75 authority. Agricultural businesses owned by minority members or women shall  
76 be given consideration in the allocation of funds.

348.432. 1. The tax credit created in this section shall be known as the  
2 "New Generation Cooperative Incentive Tax Credit".

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

4 (1) "Authority", the agriculture and small business development authority  
5 as provided in this chapter;

6 (2) "Development facility", a facility producing either a good derived from  
7 an agricultural commodity or using a process to produce a good derived from an  
8 agricultural product;

9 (3) "Eligible new generation cooperative", a nonprofit cooperative  
10 association formed pursuant to chapter 274 or incorporated pursuant to chapter  
11 357 for the purpose of operating within this state a development facility or a  
12 renewable fuel production facility and approved by the authority;

13 (4) "Eligible new generation processing entity", a partnership, corporation,  
14 cooperative, or limited liability company organized or incorporated pursuant to  
15 the laws of this state consisting of not less than twelve members, approved by the  
16 authority, for the purpose of owning or operating within this state a development  
17 facility or a renewable fuel production facility in which producer members:

18 (a) Hold a majority of the governance or voting rights of the entity and  
19 any governing committee;

20 (b) Control the hiring and firing of management; and

21 (c) Deliver agricultural commodities or products to the entity for  
22 processing, unless processing is required by multiple entities;

23 (5) "Employee-qualified capital project", an eligible new generation  
24 cooperative with capital costs greater than fifteen million dollars which will  
25 employ at least sixty employees;

26 (6) "Large capital project", an eligible new generation cooperative with  
27 capital costs greater than one million dollars;

28 (7) "Producer member", a person, partnership, corporation, trust or limited  
29 liability company whose main purpose is agricultural production that invests cash  
30 funds to an eligible new generation cooperative or eligible new generation  
31 processing entity;

32 (8) "Renewable fuel production facility", a facility producing an energy  
33 source which is derived from a renewable, domestically grown, organic compound  
34 capable of powering machinery, including an engine or power plant, and any  
35 by-product derived from such energy source;

36 (9) "Small capital project", an eligible new generation cooperative with  
37 capital costs of no more than one million dollars.

38 3. Beginning tax year 1999, and ending December 31, 2002, any producer  
39 member who invests cash funds in an eligible new generation cooperative or  
40 eligible new generation processing entity may receive a credit against the tax or  
41 estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes  
42 withheld pursuant to sections 143.191 to 143.265 or chapter 148, chapter 147, in  
43 an amount equal to the lesser of fifty percent of such producer member's  
44 investment or fifteen thousand dollars.



45           4. For all tax years beginning on or after January 1, 2003, **but ending**  
46 **on or before December 31, 2014**, any producer member who invests cash  
47 funds in an eligible new generation cooperative or eligible new generation  
48 processing entity may receive a credit against the tax or estimated quarterly tax  
49 otherwise due pursuant to chapter 143, other than taxes withheld pursuant to  
50 sections 143.191 to 143.265, chapter 147 or chapter 148, in an amount equal to  
51 the lesser of fifty percent of such producer member's investment or fifteen  
52 thousand dollars. Tax credits claimed in a taxable year may be done so on a  
53 quarterly basis and applied to the estimated quarterly tax pursuant to subsection  
54 3 of this section. If a quarterly tax credit claim or series of claims contributes to  
55 causing an overpayment of taxes for a taxable year, such overpayment shall not  
56 be refunded but shall be applied to the next taxable year.

57           5. A producer member shall submit to the authority an application for the  
58 tax credit authorized by this section on a form provided by the authority. If the  
59 producer member meets all criteria prescribed by this section and is approved by  
60 the authority, the authority shall issue a tax credit certificate in the appropriate  
61 amount. Tax credits issued pursuant to this section may be carried back to any  
62 of the producer member's three prior taxable years and carried forward to any of  
63 the producer member's five subsequent taxable years regardless of the type of tax  
64 liability to which such credits are applied as authorized pursuant to subsection  
65 3 of this section. Tax credits issued pursuant to this section may be assigned,  
66 transferred, sold or otherwise conveyed and the new owner of the tax credit shall  
67 have the same rights in the credit as the producer member. Whenever a  
68 certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a  
69 notarized endorsement shall be filed with the authority specifying the name and  
70 address of the new owner of the tax credit or the value of the credit.

71           6. Ten percent of the tax credits authorized pursuant to this section  
72 initially shall be offered in any fiscal year to small capital projects. If any portion  
73 of the ten percent of tax credits offered to small capital costs projects is unused  
74 in any calendar year, then the unused portion of tax credits may be offered to  
75 employee-qualified capital projects and large capital projects. If the authority  
76 receives more applications for tax credits for small capital projects than tax  
77 credits are authorized therefor, then the authority, by rule, shall determine the  
78 method of distribution of tax credits authorized for small capital projects.

79           7. Ninety percent of the tax credits authorized pursuant to this section  
80 initially shall be offered in any fiscal year to employee-qualified capital projects

81 and large capital projects. If any portion of the ninety percent of tax credits  
82 offered to employee-qualified capital projects and large capital costs projects is  
83 unused in any fiscal year, then the unused portion of tax credits may be offered  
84 to small capital projects. The maximum tax credit allowed per employee-qualified  
85 capital project is three million dollars and the maximum tax credit allowed per  
86 large capital project is one million five hundred thousand dollars. If the  
87 authority approves the maximum tax credit allowed for any employee-qualified  
88 capital project or any large capital project, then the authority, by rule, shall  
89 determine the method of distribution of such maximum tax credit. In addition,  
90 if the authority receives more tax credit applications for employee-qualified  
91 capital projects and large capital projects than the amount of tax credits  
92 authorized therefor, then the authority, by rule, shall determine the method of  
93 distribution of tax credits authorized for employee-qualified capital projects and  
94 large capital projects.

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

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

18 3. The agricultural and small business development authority shall be  
19 responsible for the administration and issuance of the certificate of tax credits  
20 authorized by this section. The authority shall issue a certificate of tax credit at  
21 the request of any lender. Each request shall include a true copy of the loan  
22 documents, the name of the lender who is to receive a certificate of tax credit, the

23 type of state tax liability against which the tax credit is to be used, and the  
24 amount of the certificate of tax credit to be issued to the lender based on the  
25 interest waived by the lender under section 348.500 on the loan for the first year.

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

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

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

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

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

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

55 **6. Notwithstanding any provision of law to the contrary, no tax**  
56 **credits provided under this section shall be authorized after August 28,**  
57 **2014. The provisions of this subsection shall not be construed to limit**  
58 **or in any way impair the authority's ability to issue tax credits**

59 **authorized prior to August 28, 2014, or a taxpayer's ability to redeem**  
60 **such tax credits.**

447.708. 1. For eligible projects, the director of the department of  
2 economic development, with notice to the directors of the departments of natural  
3 resources and revenue, and subject to the other provisions of sections 447.700 to  
4 447.718, may not create a new enterprise zone but may decide that a prospective  
5 operator of a facility being remedied and renovated pursuant to sections 447.700  
6 to 447.718 may receive the tax credits and exemptions pursuant to sections  
7 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits allowed  
8 pursuant to this subsection shall be used to offset the tax imposed by chapter  
9 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax  
10 otherwise imposed by chapter 147, or the tax otherwise imposed by chapter  
11 148. **Notwithstanding any provisions of law to the contrary, the**  
12 **department shall not authorize tax credits and exemptions pursuant to**  
13 **this subsection after August 28, 2014.** For purposes of this subsection:

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

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

32 (3) For eligibility to receive the income tax refund pursuant to section  
33 135.245, the eligible project must create at least ten new jobs or retain businesses  
34 which supply at least twenty-five existing jobs, or combination thereof, and

35 otherwise comply with the provisions of section 135.245 for application and use  
36 of the refund and the eligibility requirements of this section;

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

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

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

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

62 (8) For the purpose of meeting the existing job retention requirement, if  
63 the eligible project replaces a similar facility that closed elsewhere in Missouri  
64 prior to the end of the taxpayer's tax period in which the tax credits are earned,  
65 it shall be required that at least twenty-five existing jobs be retained at, and in  
66 connection with the eligible project, on a full-time basis during the taxpayer's tax  
67 period for which the credits are earned. "Retained job" means a person who was  
68 previously employed by the taxpayer or related taxpayer, at a facility similar to  
69 the eligible project that closed elsewhere in Missouri prior to the end of the  
70 taxpayer's tax period in which the tax credits are earned, within the tax period

71 immediately preceding the time the person was employed by the taxpayer to work  
72 at, or in connection with, the eligible project on a full-time basis. "Full-time  
73 basis" means the employee works an average of at least thirty-five hours per week  
74 during the taxpayer's tax period for which the tax credits are earned;

75 (9) In the case where an eligible project replaces a similar facility that  
76 closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which  
77 the tax credits are earned, the owner and operator of the eligible project shall  
78 provide the director with a written statement explaining the reason for  
79 discontinuing operations at the closed facility. The statement shall include a  
80 comparison of the activities performed at the closed facility prior to the date the  
81 facility ceased operating, to the activities performed at the eligible project, and  
82 a detailed account describing the need and rationale for relocating to the eligible  
83 project. If the director finds the relocation to the eligible project significantly  
84 impaired the economic stability of the area in which the closed facility was  
85 located, and that such move was detrimental to the overall economic development  
86 efforts of the state, the director may deny the taxpayer's request to claim tax  
87 benefits;

88 (10) Notwithstanding any provision of law to the contrary, for the purpose  
89 of this section, the number of new jobs created and maintained, the number of  
90 existing jobs retained, and the value of new qualified investment used at the  
91 eligible project during any tax year shall be determined by dividing by twelve, in  
92 the case of jobs, the sum of the number of individuals employed at the eligible  
93 project, or in the case of new qualified investment, the value of new qualified  
94 investment used at the eligible project, on the last business day of each full  
95 calendar month of the tax year. If the eligible project is in operation for less than  
96 the entire tax year, the number of new jobs created and maintained, the number  
97 of existing jobs retained, and the value of new qualified investment created at the  
98 eligible project during any tax year shall be determined by dividing the sum of  
99 the number of individuals employed at the eligible project, or in the case of new  
100 qualified investment, the value of new qualified investment used at the eligible  
101 project, on the last business day of each full calendar month during the portion  
102 of the tax year during which the eligible project was in operation, by the number  
103 of full calendar months during such period;

104 (11) For the purpose of this section, "new qualified investment" means  
105 new business facility investment as defined and as determined in subdivision (7)  
106 of section 135.100 which is used at and in connection with the eligible

107 project. "New qualified investment" shall not include small tools, supplies and  
108 inventory. "Small tools" means tools that are portable and can be hand held.

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

113         3. (1) The director of the department of economic development, with the  
114 approval of the director of the department of natural resources, may, in addition  
115 to the tax credits allowed in subsection 1 of this section, grant a remediation tax  
116 credit to the applicant for up to one hundred percent of the costs of materials,  
117 supplies, equipment, labor, professional engineering, consulting and architectural  
118 fees, permitting fees and expenses, demolition, asbestos abatement, and direct  
119 utility charges for performing the voluntary remediation activities for the  
120 preexisting hazardous substance contamination and releases, including, but not  
121 limited to, the costs of performing operation and maintenance of the remediation  
122 equipment at the property beyond the year in which the systems and equipment  
123 are built and installed at the eligible project and the costs of performing the  
124 voluntary remediation activities over a period not in excess of four tax years  
125 following the taxpayer's tax year in which the system and equipment were first  
126 put into use at the eligible project, provided the remediation activities are the  
127 subject of a plan submitted to, and approved by, the director of natural resources  
128 pursuant to sections 260.565 to 260.575. The tax credit may also include up to  
129 one hundred percent of the costs of demolition that are not directly part of the  
130 remediation activities, provided that the demolition is on the property where the  
131 voluntary remediation activities are occurring, the demolition is necessary to  
132 accomplish the planned use of the facility where the remediation activities are  
133 occurring, and the demolition is part of a redevelopment plan approved by the  
134 municipal or county government and the department of economic  
135 development. The demolition may occur on an adjacent property if the project is  
136 located in a municipality which has a population less than twenty thousand and  
137 the above conditions are otherwise met. The adjacent property shall  
138 independently qualify as abandoned or underutilized. The amount of the credit  
139 available for demolition not associated with remediation cannot exceed the total  
140 amount of credits approved for remediation including demolition required for  
141 remediation.

142         (2) The amount of remediation tax credits issued shall be limited to the

143 least amount necessary to cause the project to occur, as determined by the  
144 director of the department of economic development.

145 (3) The director may, with the approval of the director of natural  
146 resources, extend the tax credits allowed for performing voluntary remediation  
147 maintenance activities, in increments of three-year periods, not to exceed five  
148 consecutive three-year periods. The tax credits allowed in this subsection shall  
149 be used to offset the tax imposed by chapter 143, excluding withholding tax  
150 imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter  
151 147, or the tax otherwise imposed by chapter 148. The remediation tax credit  
152 may be taken in the same tax year in which the tax credits are received or may  
153 be taken over a period not to exceed twenty years.

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

158 (5) No more than seventy-five percent of earned remediation tax credits  
159 may be issued when the remediation costs were paid, and the remaining  
160 percentage may be issued when the department of natural resources issues a  
161 letter of completion letter or covenant not to sue following completion of the  
162 voluntary remediation activities. It shall not include any costs associated with  
163 ongoing operational environmental compliance of the facility or remediation costs  
164 arising out of spills, leaks, or other releases arising out of the ongoing business  
165 operations of the facility. In the event the department of natural resources issues  
166 a letter of completion for a portion of a property, an impacted media such as soil  
167 or groundwater, or for a site or a portion of a site improvement, a prorated  
168 amount of the remaining percentage may be released based on the percentage of  
169 the total site receiving a letter of completion.

170 4. In the exercise of the sound discretion of the director of the department  
171 of economic development or the director's designee, the tax credits and  
172 exemptions described in this section may be terminated, suspended or revoked,  
173 if the eligible project fails to continue to meet the conditions set forth in this  
174 section. In making such a determination, the director shall consider the severity  
175 of the condition violation, actions taken to correct the violation, the frequency of  
176 any condition violations and whether the actions exhibit a pattern of conduct by  
177 the eligible facility owner and operator. The director shall also consider changes  
178 in general economic conditions and the recommendation of the director of the



179 department of natural resources, or his or her designee, concerning the severity,  
180 scope, nature, frequency and extent of any violations of the environmental  
181 compliance conditions. The taxpayer or person claiming the tax credits or  
182 exemptions may appeal the decision regarding termination, suspension or  
183 revocation of any tax credit or exemption in accordance with the procedures  
184 outlined in subsections 4 to 6 of section 135.250. The director of the department  
185 of economic development shall notify the directors of the departments of natural  
186 resources and revenue of the termination, suspension or revocation of any tax  
187 credits as determined in this section or pursuant to the provisions of section  
188 447.716.

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

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

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

199           (2) One hundred percent of the total business' income tax if the eligible  
200 facility does not replace a similar facility that closed elsewhere in Missouri prior  
201 to the end of the taxpayer's tax period in which the tax credits are earned, and  
202 further provided the taxpayer does not operate any other facilities besides the  
203 eligible project in Missouri; fifty percent of the total business' income tax if the  
204 eligible facility replaces a similar facility that closed elsewhere in Missouri prior  
205 to the end of the taxpayer's tax period in which the credits are earned, and  
206 further provided the taxpayer does not operate any other facilities besides the  
207 eligible project in Missouri; or twenty-five percent of the total business income if  
208 the taxpayer operates, in addition to the eligible facility, any other facilities in  
209 Missouri. In no case shall a taxpayer operating more than one eligible project in  
210 Missouri be allowed to offset more than twenty-five percent of the taxpayer's  
211 business income in any tax period. That portion of the taxpayer's income  
212 attributed to the eligible project as referenced in subdivision (1) of this  
213 subsection, for which the credits allowed in sections 135.110 and 135.225 and  
214 subsection 3 of this section, may apply, shall be determined in the same manner

215 as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's  
216 franchise tax attributed to the eligible project for which the remediation tax  
217 credit may offset, shall be determined in the same manner as prescribed in  
218 paragraph (a) of subdivision (6) of section 135.100.

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

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

234 9. The recipient of remediation tax credits, for the purpose of this  
235 subsection referred to as assignor, may assign, sell or transfer, in whole or in  
236 part, the remediation tax credit allowed in subsection 3 of this section to any  
237 other person, for the purpose of this subsection referred to as assignee. To perfect  
238 the transfer, the assignor shall provide written notice to the director of the  
239 assignor's intent to transfer the tax credits to the assignee, the date the transfer  
240 is effective, the assignee's name, address and the assignee's tax period and the  
241 amount of tax credits to be transferred. The number of tax periods during which  
242 the assignee may subsequently claim the tax credits shall not exceed twenty tax  
243 periods, less the number of tax periods the assignor previously claimed the credits  
244 before the transfer occurred.

245 10. In the case where an operator and assignor of an eligible project has  
246 been certified to claim state tax benefits allowed in subdivisions (2) and (3) of  
247 subsection 1 of this section, and sells or otherwise transfers title of the eligible  
248 project to another taxpayer or assignee who continues the same or substantially  
249 similar operations at the eligible project, the director shall allow the assignee to  
250 claim the credits for a period of time to be determined by the director; except

251 that, the total number of tax periods the tax credits may be earned by the  
252 assignor and the assignee shall not exceed ten. To perfect the transfer, the  
253 assignor shall provide written notice to the director of the assignor's intent to  
254 transfer the tax credits to the assignee, the date the transfer is effective, the  
255 assignee's name, address, and the assignee's tax period, and the amount of tax  
256 credits to be transferred.

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

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

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

266 **12. Notwithstanding any provision of law to the contrary, no tax**  
267 **credits provided under sections 447.700 to 447.718 shall be authorized**  
268 **on or after August 28, 2014. The provisions of this subsection shall not**  
269 **be construed to limit or in any way impair the department's ability to**  
270 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**  
271 **ability to redeem such tax credits.**

620.1910. 1. This section shall be known and may be cited as the  
2 "Manufacturing 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  
6 be provided under this section;

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

11 (3) "County average wage", the same meaning as such term is defined in  
12 section 620.1878;

13 (4) "Department", the department of economic development;

14 (5) "Facility", a building or buildings located in Missouri at which the  
15 qualified manufacturing company manufactures a product;

16 (6) "Full-time job", a job for which a person is compensated for an average  
17 of at least thirty-five hours per week for a twelve-month period, and one for which  
18 the qualified manufacturing company or qualified supplier offers health insurance  
19 and pays at least fifty percent of such insurance premiums;

20 (7) "NAICS industry classification", the most recent edition of the North  
21 American Industry Classification System as prepared by the Executive Office of  
22 the President, Office of Management and Budget;

23 (8) "New job", the same meaning as such term is defined in section  
24 620.1878;

25 (9) "New product", a new model or line of a manufactured good that has  
26 not been manufactured in Missouri by the qualified manufacturing company at  
27 any time prior to the date of the notice of intent, or an existing brand, model, or  
28 line of a manufactured good that is redesigned with more than seventy-five  
29 percent new exterior body parts and incorporates new powertrain options;

30 (10) "Notice of intent", a form developed by the department, completed by  
31 the qualified manufacturing company or qualified supplier and submitted to the  
32 department which states the qualified manufacturing company's or qualified  
33 supplier's intent to create new jobs or retain current jobs and make additional  
34 capital investment, as applicable, and request benefits under this section. The  
35 notice of intent shall specify the minimum number of such new or retained jobs  
36 and the minimum amount of such capital investment;

37 (11) "Qualified manufacturing company", a business with a NAICS code  
38 of 33611 that:

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

40 (b) In the case of the manufacture of a new product, commits to make a  
41 capital investment of at least seventy-five thousand dollars per retained job  
42 within no more than two years of the date the qualified manufacturing company  
43 begins to retain withholding tax under this section, or in the case of the  
44 modification or expansion of the manufacture of an existing product, commits to  
45 make a capital investment of at least fifty thousand dollars per retained job  
46 within no more than two years of the date the qualified manufacturing company  
47 begins to retain withholding tax under this section;

48 (c) Manufactures a new product or has commenced making capital  
49 improvements to the facility necessary for the manufacturing of such new  
50 product, or modifies or expands the manufacture of an existing product or has  
51 commenced making capital improvements to the facility necessary for the

52 modification or expansion of the manufacture of such existing product; and

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

55 (12) "Qualified supplier", a manufacturing company that:

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

59 (b) Adds five or more new jobs;

60 (c) Has an average wage, as defined in section 135.950, for such new jobs  
61 that are equal to or exceed the lower of the county average wage for Missouri as  
62 determined by the department using NAICS industry classifications, but not  
63 lower than sixty percent of the statewide average wage; and

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

66 (13) "Retained job", the number of full-time jobs of persons employed by  
67 the qualified manufacturing company located at the facility that existed as of the  
68 last working day of the month immediately preceding the month in which notice  
69 of intent is submitted;

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

76 (15) "Withholding period", the seven- or ten-year period in which a  
77 qualified manufacturing company may receive benefits under this section;

78 (16) "Withholding tax", the same meaning as such term is defined in  
79 section 620.1878.

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

85 4. A qualified manufacturing company that manufactures a new product  
86 may, upon the department's approval of a notice of intent and the execution of an  
87 agreement that meets the requirements of subsection 9 of this section, but no

88 earlier than January 1, 2012, retain one hundred percent of the withholding tax  
89 from full-time jobs at the facility for a period of ten years. A qualified  
90 manufacturing company that modifies or expands the manufacture of an existing  
91 product may, upon the department's approval of a notice of intent and the  
92 execution of an agreement that meets the requirements of subsection 9 of this  
93 section, but no earlier than January 1, 2012, retain fifty percent of the  
94 withholding tax from full-time jobs at the facility for a period of seven  
95 years. Except as otherwise allowed under subsection 7 of this section, the  
96 commencement of the withholding period may be delayed by no more than  
97 twenty-four months after execution of the agreement at the option of the qualified  
98 manufacturing company. Such qualified manufacturing company shall be eligible  
99 for participation in the Missouri quality jobs program in sections 620.1875 to  
100 620.1890 for any new jobs for which it does not retain withholding tax under this  
101 section, provided all qualifications for such program are met.

102         5. A qualified supplier may, upon approval of a notice of intent by the  
103 department, retain all withholding tax from new jobs for a period of three years  
104 from the date of approval of the notice of intent or for a period of five years if the  
105 supplier pays wages for the new jobs equal to or greater than one hundred twenty  
106 percent of county average wage. Notwithstanding any other provision of law to  
107 the contrary, a qualified supplier that is awarded benefits under this section shall  
108 not receive any tax credit or exemption or be entitled to retain withholding under  
109 sections 100.700 to 100.850, sections 135.100 to 135.150, sections 135.200 to  
110 135.286, section 135.535, sections 135.900 to 135.906, sections 135.950 to 135.970,  
111 or section 620.1881 for the same jobs.

112         6. Notwithstanding any other provision of law to the contrary, the  
113 maximum amount of withholding tax that may be retained by any one qualified  
114 manufacturing company under this section shall not exceed ten million dollars  
115 per calendar year. The aggregate amount of withholding tax that may be  
116 retained by all qualified manufacturing companies under this section shall not  
117 exceed fifteen million dollars per calendar year.

118         7. Notwithstanding any other provision of law to the contrary, any  
119 qualified manufacturing company that is awarded benefits under this section  
120 shall not simultaneously receive tax credits or exemptions under sections 100.700  
121 to 100.850, sections 135.100 to 135.150, sections 135.200 to 135.286, section  
122 135.535, or sections 135.900 to 135.906 for the jobs created or retained or capital  
123 improvement which qualified for benefits under this section. The benefits

124 available to the qualified manufacturing company under any other state programs  
125 for which the qualified manufacturing company is eligible and which utilize  
126 withholding tax from the jobs at the facility shall first be credited to the other  
127 state program before the applicable withholding period for benefits provided  
128 under this section shall begin. These other state programs include, but are not  
129 limited to, the Missouri works jobs training program under sections 620.800 to  
130 620.809, the real property tax increment allocation redevelopment act under  
131 sections 99.800 to 99.865, or the Missouri downtown and rural economic stimulus  
132 act under sections 99.915 to 99.980. If any qualified manufacturing company also  
133 participates in the Missouri works jobs training program in sections 620.800 to  
134 620.809, such qualified manufacturing company shall not retain any withholding  
135 tax that has already been allocated for use in the new jobs training program. Any  
136 qualified manufacturing company or qualified supplier that is awarded benefits  
137 under this program and knowingly hires individuals who are not allowed to work  
138 legally in the United States shall immediately forfeit such benefits and shall  
139 repay the state an amount equal to any withholding taxes already  
140 retained. Subsection 5 of section 285.530 shall not apply to qualified  
141 manufacturing companies or qualified suppliers which are awarded benefits  
142 under this program.

143         8. The department may promulgate rules to implement the provisions of  
144 this section. Any rule or portion of a rule, as that term is defined in section  
145 536.010, that is created under the authority delegated in this section shall  
146 become effective only if it complies with and is subject to all of the provisions of  
147 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are  
148 nonseverable and if any of the powers vested with the general assembly under  
149 chapter 536 to review, to delay the effective date, or to disapprove and annul a  
150 rule are subsequently held unconstitutional, then the grant of rulemaking  
151 authority and any rule proposed or adopted after the effective date of this section  
152 shall be invalid and void.

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

158             (1) If the amount of capital investment made by the qualified  
159 manufacturing company is not made within the two-year period provided for such

160 investment, the qualified manufacturing company shall immediately cease  
161 retaining any withholding tax with respect to jobs at the facility and it shall  
162 forfeit all rights to retain withholding tax for the remainder of the withholding  
163 period. In addition, the qualified manufacturing company shall repay any  
164 amounts of withholding tax retained plus interest of five percent per  
165 annum. However, in the event that such capital investment shortfall is due to  
166 economic conditions beyond the control of the qualified manufacturing company,  
167 the director may, at the qualified manufacturing company's request, suspend  
168 rather than terminate its privilege to retain withholding tax under this section  
169 for up to three years. Any such suspension shall extend the withholding period  
170 by the same amount of time. No more than one such suspension shall be granted  
171 to a qualified manufacturing company;

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

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

185 11. [Under section 23.253 of the Missouri sunset act:

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

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

192 (3) This section shall terminate on September first of the calendar year  
193 immediately following the calendar year in which the program authorized under  
194 this section is sunset.] **Notwithstanding any provision of law to the**  
195 **contrary, the department shall not approve any new notices of intent**



196 **or enter into any new agreements pursuant to this section after August**  
197 **28, 2014. The provisions of this subsection shall not be construed to**  
198 **limit or in any way impair the department's ability to award benefits**  
199 **agreed to prior to August 28, 2014, or a taxpayer's ability to retain**  
200 **withholding tax under an approval issued prior to August 28, 2014.**

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

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

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

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

32 which he or she deems appropriate.

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

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