

FIRST REGULAR SESSION

SENATE BILL NO. 142

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BARTLE.

Pre-filed December 23, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

0241S.011

AN ACT

To repeal section 23.253, RSMo, and to enact in lieu thereof two new sections relating to the reauthorization of certain tax credit programs.

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

Section A. Section 23.253, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 23.253 and 135.820, to read as
3 follows:

23.253. 1. As used in sections 23.250 to 23.298, the following terms mean:

2 (1) "Agency", any department, division, or agency of the state responsible
3 for the administration of a program;

4 (2) "Committee", the committee on legislative research established in
5 section 35, article III, Constitution of Missouri and section 23.010;

6 (3) "Program", a distinct and coherent set of activities authorized by the
7 general assembly through the legislative process intended to affect a clearly
8 definable target group, problem, or issue and which can be appropriated through
9 the budget process or nonappropriated, as in the case of tax credits;

10 (4) "Sunset", the termination of legislative authorization of a program.

11 2. After August 28, 2003, any new program authorized by the general
12 assembly shall sunset not more than ~~[six]~~ **three** years after its effective date
13 unless reauthorized by an act of the general assembly. No funds may be
14 expended on a program after its authorization has terminated. Legislation
15 passed after August 28, 2003, shall indicate whether it contains a program
16 subject to the Missouri sunset act. Any such program shall have a sunset clause
17 clearly indicating the date of termination without reauthorization.

18 3. Any program reauthorized by the general assembly pursuant to this

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

19 section shall include a provision specifying that the program shall sunset at a
20 date not more than [twelve] **three** years from the effective date of the program's
21 reauthorization.

22 4. Any program to which money was appropriated prior to August 28,
23 2003, may at any time be subject to review of the committee by a majority vote
24 of its members for the purpose of recommending to the general assembly its
25 continuation or sunset. The committee shall conduct public hearings concerning
26 but not limited to the application to the program of the criteria provided in
27 section 23.268, and shall issue a report pursuant to subsection 1 of section
28 23.271. The committee may recommend to the general assembly by a majority
29 vote of its members that a program under review, to which money was
30 appropriated prior to August 28, 2003, be sunset, continued, or reorganized. The
31 committee shall submit such recommendation to all members of the general
32 assembly within thirty calendar days of the vote in which such recommendation
33 is made.

**135.820. 1. All tax credits, authorized under Missouri law which
2 as of the effective date of this section are not subject to the provisions
3 of section 23.253, RSMo, shall be reviewed by the joint committee on tax
4 policy with any findings made by such committee to be reported to the
5 general assembly in the following manner:**

6 **(1) All domestic and social tax credits, environmental tax credits,
7 and training and educational tax credits, as such terms are defined in
8 section 135.800, shall be reviewed and a report made to the general
9 assembly no later than February 1, 2010;**

10 **(2) All agricultural tax credits, housing tax credits, and
11 redevelopment tax credits, as such terms are defined in section 135.800,
12 shall be reviewed and a report made to the general assembly no later
13 than February 1, 2011; and**

14 **(3) All business recruitment tax credits, community development
15 tax credits, and entrepreneurial tax credits, as such terms are defined
16 in section 135.800, and all remaining tax credits not reviewed by the
17 joint committee shall be reviewed and a report made to the general
18 assembly no later than February 1, 2012.**

19 **2. Other provisions of law to the contrary notwithstanding, tax
20 credits authorized under any provision of Missouri law which, as of the
21 effective date of this section, are not subject to the provisions of section**

22 **23.253, RSMo, shall not be approved after December 31, 2013, unless:**

23 **(1) The general assembly adopts a concurrent resolution**
24 **authorizing the approval of such tax credits thereby reauthorizing such**
25 **tax credit program, after such program has been subject to review and**
26 **had findings reported by the joint committee on tax policy as provided**
27 **in this section; or**

28 **(2) By enactment of a general law modifying the provisions of**
29 **such tax credit program.**

30 **Any program so reauthorized or reenacted shall constitute a new**
31 **program, as such term is used under section 23.253, RSMo, and shall be**
32 **subject to the provisions of such section. Nothing in this section shall**
33 **be construed to prohibit a taxpayer from being issued or redeeming tax**
34 **credits approved prior to December 31, 2013, subject to the limitations**
35 **provided in the provisions of law authorizing such tax credit.**

Bill ✓

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