

SECOND REGULAR SESSION

SENATE BILL NO. 472

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 1, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4324S.03I

AN ACT

To repeal sections 99.1205, 135.155, 135.305, 135.313, 135.350, 135.352, 135.484, 135.535, 135.679, 135.700, 135.750, 135.967, 137.1018, 143.071, 253.550, 253.557, 253.559, 348.430, 348.432, 348.505, 447.708, and 620.1910, RSMo, and to enact in lieu thereof twenty-one new sections relating to taxation.

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

Section A. Sections 99.1205, 135.155, 135.305, 135.313, 135.350, 135.352, 135.484, 135.535, 135.679, 135.700, 135.750, 135.967, 137.1018, 143.071, 253.550, 253.557, 253.559, 348.430, 348.432, 348.505, 447.708, and 620.1910, RSMo, are repealed and twenty-one new sections enacted in lieu thereof, to be known as sections 99.1205, 135.155, 135.305, 135.350, 135.352, 135.484, 135.535, 135.679, 135.700, 135.750, 135.967, 137.1018, 143.071, 253.550, 253.557, 253.559, 348.430, 348.432, 348.505, 447.708, and 620.1910, to read as follows:

99.1205. 1. This section shall be known and may be cited as the "Distressed Areas Land Assemblage Tax Credit Act".

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

(1) "Acquisition costs", the purchase price for the eligible parcel, costs of environmental assessments, closing costs, real estate brokerage fees, reasonable demolition costs of vacant structures, and reasonable maintenance costs incurred to maintain an acquired eligible parcel for a period of five years after the acquisition of such eligible parcel. Acquisition costs shall not include costs for title insurance and survey, attorney's fees, relocation costs, fines, or bills from a municipality;

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

11 (2) "Applicant", any person, firm, partnership, trust, limited liability
12 company, or corporation which has:

13 (a) Incurred, within an eligible project area, acquisition costs for the
14 acquisition of land sufficient to satisfy the requirements under subdivision (8) of
15 this subsection; and

16 (b) Been appointed or selected, pursuant to a redevelopment agreement
17 by a municipal authority, as a redeveloper or similar designation, under an
18 economic incentive law, to redevelop an urban renewal area or a redevelopment
19 area that includes all of an eligible project area or whose redevelopment plan or
20 redevelopment area, which encompasses all of an eligible project area, has been
21 approved or adopted under an economic incentive law. In addition to being
22 designated the redeveloper, the applicant shall have been designated to receive
23 economic incentives only after the municipal authority has considered the amount
24 of the tax credits in adopting such economic incentives as provided in subsection
25 8 of this section. The redevelopment agreement shall provide that:

26 a. The funds generated through the use or sale of the tax credits issued
27 under this section shall be used to redevelop the eligible project area;

28 b. No more than seventy-five percent of the urban renewal area identified
29 in the urban renewal plan or the redevelopment area identified in the
30 redevelopment plan may be redeveloped by the applicant; and

31 c. The remainder of the urban renewal area or the redevelopment area
32 shall be redeveloped by co-redevelopers or redevelopers to whom the applicant
33 has assigned its redevelopment rights and obligations under the urban renewal
34 plan or the redevelopment plan;

35 (3) "Certificate", a tax credit certificate issued under this section;

36 (4) "Condemnation proceedings", any action taken by, or on behalf of, an
37 applicant to initiate an action in a court of competent jurisdiction to use the
38 power of eminent domain to acquire a parcel within the eligible project
39 area. Condemnation proceedings shall include any and all actions taken after the
40 submission of a notice of intended acquisition to an owner of a parcel within the
41 eligible project area by a municipal authority or any other person or entity under
42 section 523.250;

43 (5) "Department", the Missouri department of economic development;

44 (6) "Economic incentive laws", any provision of Missouri law pursuant to
45 which economic incentives are provided to redevelopers of a parcel or parcels to
46 redevelop the land, such as tax abatement or payments in lieu of taxes, or

47 redevelopment plans or redevelopment projects approved or adopted which
48 include the use of economic incentives to redevelop the land. Economic incentive
49 laws include, but are not limited to, the land clearance for redevelopment
50 authority law under sections 99.300 to 99.660, the real property tax increment
51 allocation redevelopment act under sections 99.800 to 99.865, the Missouri
52 downtown and rural economic stimulus act under sections 99.915 to 99.1060, and
53 the downtown revitalization preservation program under sections 99.1080 to
54 99.1092;

55 (7) "Eligible parcel", a parcel:

56 (a) Which is located within an eligible project area;

57 (b) Which is to be redeveloped;

58 (c) On which the applicant has not commenced construction prior to
59 November 28, 2007;

60 (d) Which has been acquired without the commencement of any
61 condemnation proceedings with respect to such parcel brought by or on behalf of
62 the applicant. Any parcel acquired by the applicant from a municipal authority
63 shall not constitute an eligible parcel; and

64 (e) On which all outstanding taxes, fines, and bills levied by municipal
65 governments that were levied by the municipality during the time period that the
66 applicant held title to the eligible parcel have been paid in full;

67 (8) "Eligible project area", an area which shall have satisfied the following
68 requirements:

69 (a) The eligible project area shall consist of at least seventy-five acres and
70 may include parcels within its boundaries that do not constitute an eligible
71 parcel;

72 (b) At least eighty percent of the eligible project area shall be located
73 within a Missouri qualified census tract area, as designated by the United States
74 Department of Housing and Urban Development under 26 U.S.C. Section 42, or
75 within a distressed community as that term is defined in section 135.530;

76 (c) The eligible parcels acquired by the applicant within the eligible
77 project area shall total at least fifty acres, which may consist of contiguous and
78 noncontiguous parcels;

79 (d) The average number of parcels per acre in an eligible project area
80 shall be four or more;

81 (e) Less than five percent of the acreage within the boundaries of the
82 eligible project area shall consist of owner-occupied residences which the

83 applicant has identified for acquisition under the urban renewal plan or the
84 redevelopment plan pursuant to which the applicant was appointed or selected
85 as the redeveloper or by which the person or entity was qualified as an applicant
86 under this section on the date of the approval or adoption of such plan;

87 (9) "Interest costs", interest, loan fees, and closing costs. Interest costs
88 shall not include attorney's fees;

89 (10) "Maintenance costs", costs of boarding up and securing vacant
90 structures, costs of removing trash, and costs of cutting grass and weeds;

91 (11) "Municipal authority", any city, town, village, county, public body
92 corporate and politic, political subdivision, or land trust of this state established
93 and authorized to own land within the state;

94 (12) "Municipality", any city, town, village, or county;

95 (13) "Parcel", a single lot or tract of land, and the improvements thereon,
96 owned by, or recorded as the property of, one or more persons or entities;

97 (14) "Redeveloped", the process of undertaking and carrying out a
98 redevelopment plan or urban renewal plan pursuant to which the conditions
99 which provided the basis for an eligible project area to be included in a
100 redevelopment plan or urban renewal plan are to be reduced or eliminated by
101 redevelopment or rehabilitation; and

102 (15) "Redevelopment agreement", the redevelopment agreement or similar
103 agreement into which the applicant entered with a municipal authority and which
104 is the agreement for the implementation of the urban renewal plan or
105 redevelopment plan pursuant to which the applicant was appointed or selected
106 as the redeveloper or by which the person or entity was qualified as an applicant
107 under this section; and such appointment or selection shall have been approved
108 by an ordinance of the governing body of the municipality, or municipalities, or
109 in the case of any city not within a county, the board of aldermen, in which the
110 eligible project area is located. The redevelopment agreement shall include a
111 time line for redevelopment of the eligible project area. The redevelopment
112 agreement shall state that the named developer shall be subject to the provisions
113 of chapter 290.

114 3. Any applicant shall be entitled to a tax credit against the taxes
115 imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265,
116 in an amount equal to fifty percent of the acquisition costs, and one hundred
117 percent of the interest costs incurred for a period of five years after the
118 acquisition of an eligible parcel. No tax credits shall be issued under this section

119 until after January 1, 2008.

120 4. If the amount of such tax credit exceeds the total tax liability for the
121 year in which the applicant is entitled to receive a tax credit, the amount that
122 exceeds the state tax liability may be carried forward for credit against the taxes
123 imposed under chapters 143, 147, and 148 for the succeeding six years, or until
124 the full credit is used, whichever occurs first. The applicant shall not be entitled
125 to a tax credit for taxes imposed under sections 143.191 to 143.265. Applicants
126 entitled to receive such tax credits may transfer, sell, or assign the tax
127 credits. Tax credits granted to a partnership, a limited liability company taxed
128 as a partnership, or multiple owners of property shall be passed through to the
129 partners, members, or owners respectively pro rata or pursuant to an executed
130 agreement among the partners, members, or owners documenting an alternate
131 distribution method.

132 5. A purchaser, transferee, or assignee of the tax credits authorized under
133 this section may use acquired tax credits to offset up to one hundred percent of
134 the tax liabilities otherwise imposed under chapters 143, 147, and 148, except for
135 sections 143.191 to 143.265. A seller, transferor, or assignor shall perfect such
136 transfer by notifying the department in writing within thirty calendar days
137 following the effective date of the transfer and shall provide any information as
138 may be required by the department to administer and carry out the provisions of
139 this section.

140 6. To claim tax credits authorized under this section, an applicant shall
141 submit to the department an application for a certificate. An applicant shall
142 identify the boundaries of the eligible project area in the application. The
143 department shall verify that the applicant has submitted a valid application in
144 the form and format required by the department. The department shall verify
145 that the municipal authority held the requisite hearings and gave the requisite
146 notices for such hearings in accordance with the applicable economic incentive
147 act, and municipal ordinances. On an annual basis, an applicant may file for the
148 tax credit for the acquisition costs, and for the tax credit for the interest costs,
149 subject to the limitations of this section. If an applicant applying for the tax
150 credit meets the criteria required under this section, the department shall issue
151 a certificate in the appropriate amount. If an applicant receives a tax credit for
152 maintenance costs as a part of the applicant's acquisition costs, the department
153 shall post on its Internet website the amount and type of maintenance costs and
154 a description of the redevelopment project for which the applicant received a tax

155 credit within thirty days after the department issues the certificate to the
156 applicant.

157 7. The total aggregate amount of tax credits authorized under this section
158 shall not exceed ninety-five million dollars. At no time shall the annual amount
159 of the tax credits issued under this section exceed twenty million dollars. If the
160 tax credits that are to be issued under this section exceed, in any year, the twenty
161 million dollar limitation, the department shall either:

162 (1) Issue tax credits to the applicant in the amount of twenty million
163 dollars, if there is only one applicant entitled to receive tax credits in that year;
164 or

165 (2) Issue the tax credits on a pro rata basis to all applicants entitled to
166 receive tax credits in that year. Any amount of tax credits, which an applicant
167 is, or applicants are, entitled to receive on an annual basis and are not issued due
168 to the twenty million dollar limitation, shall be carried forward for the benefit of
169 the applicant or applicants to subsequent years. No tax credits provided under
170 this section shall be authorized after August 28, [2013] **2012**. Any tax credits
171 which have been authorized on or before August 28, [2013] **2012**, but not issued,
172 may be issued, subject to the limitations provided under this subsection, until all
173 such authorized tax credits have been issued.

174 8. Upon issuance of any tax credits pursuant to this section, the
175 department shall report to the municipal authority the applicant's name and
176 address, the parcel numbers of the eligible parcels for which the tax credits were
177 issued, the itemized acquisition costs and interest costs for which tax credits were
178 issued, and the total value of the tax credits issued. The municipal authority and
179 the state shall not consider the amount of the tax credits as an applicant's cost,
180 but shall include the tax credits in any sources and uses and cost benefit analysis
181 reviewed or created for the purpose of awarding other economic incentives. The
182 amount of the tax credits shall not be considered an applicant's cost in the
183 evaluation of the amount of any award of any other economic incentives, but shall
184 be considered in measuring the reasonableness of the rate of return to the
185 applicant with respect to such award of other economic incentives. The municipal
186 authority shall provide the report to any relevant commission, board, or entity
187 responsible for the evaluation and recommendation or approval of other economic
188 incentives to assist in the redevelopment of the eligible project area. Tax credits
189 authorized under this section shall constitute redevelopment tax credits, as such
190 term is defined under section 135.800, and shall be subject to all provisions

191 applicable to redevelopment tax credits provided under sections 135.800 to
192 135.830.

193 9. The department may promulgate rules to implement the provisions of
194 this section. Any rule or portion of a rule, as that term is defined in section
195 536.010, that is created under the authority delegated in this section shall
196 become effective only if it complies with and is subject to all of the provisions of
197 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
198 nonseverable and if any of the powers vested with the general assembly pursuant
199 to chapter 536 to review, to delay the effective date, or to disapprove and annul
200 a rule are subsequently held unconstitutional, then the grant of rulemaking
201 authority and any rule proposed or adopted after August 28, 2007, shall be
202 invalid and void.

135.155. 1. Notwithstanding any provision of the law to the contrary, no
2 revenue-producing enterprise other than headquarters as defined in subsection
3 10 of section 135.110 shall receive the incentives set forth in sections 135.100 to
4 135.150 for facilities commencing operations on or after January 1, 2005. No
5 headquarters shall receive the incentives set forth in subsections 9 to 14 of
6 section 135.110 for facilities commencing or expanding operations on or after
7 January 1, 2020. **No new incentives under sections 135.100 to 135.150**
8 **shall be authorized for any project that has not received from the**
9 **department a proposal or approval for such benefits prior to August 28,**
10 **2012. The provisions of this subsection shall not be construed to limit**
11 **or impair the ability of any administering agency to authorize or issue**
12 **benefits for any project that had received an approval or a proposal**
13 **from the department prior to August 28, 2012, 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.

135.305. A Missouri wood energy producer shall be eligible for a tax credit
2 on taxes otherwise due under chapter 143, except sections 143.191 to 143.261, as
3 a production incentive to produce processed wood products in a qualified
4 wood-producing facility using Missouri forest product residue. The tax credit to
5 the wood energy producer shall be five dollars per ton of processed material. The
6 credit may be claimed for a period of five years and is to be a tax credit against
7 the tax otherwise due. No new tax credits, provided for under sections 135.300
8 to 135.311, shall be authorized after **[June 30, 2013] August 28, 2012.**

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, 2012**, 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, 2012, but ending on or**
21 **before June 30, 2013, 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, 2013, but ending on or before June 30, 2014, 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, 2014,
28 but ending on or before June 30, 2015, 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, 2015, 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, 2012, but ending on or
39 before June 30, 2013, 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, 2013, but ending on or before June 30, 2014, 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, 2014, but ending on or before June 30,
46 2015, 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, 2015, 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 2012, 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, 2012. 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, 2012, 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 five tax years.

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

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

78 7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this
79 section shall be for an amount of no more than ten million dollars for each year
80 beginning in 1999. To the extent there are available tax credits remaining under
81 the ten million dollar cap provided in this section, up to one hundred thousand
82 dollars in the remaining credits shall first be used for tax credits authorized
83 under section 135.562. The total maximum credit for all entities already located
84 in distressed communities and claiming credits pursuant to subsection 4 of this
85 section shall be seven hundred and fifty thousand dollars. The department of
86 economic development in approving taxpayers for the credit as provided for in
87 subsection 6 of this section shall use information provided by the department of
88 revenue regarding taxes paid in the previous year, or projected taxes for those
89 entities newly established in the state, as the method of determining when this

90 maximum will be reached and shall maintain a record of the order of
91 approval. Any tax credit not used in the period for which the credit was approved
92 may be carried over until the full credit has been allowed.

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

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

105 **10. Notwithstanding any provision of law to the contrary, no tax**
106 **credits provided under this section shall be authorized on or after**
107 **August 28, 2012. The provisions of this subsection shall not be**
108 **construed to limit or in any way impair the department's ability to**
109 **issue tax credits authorized prior to August 28, 2012, or a taxpayer's**
110 **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] **2012**, 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, 2012. 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, 2012, 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, 2012**, 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, 2012.**

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
25 company. For goods with a purchase price of twenty-five thousand dollars or
26 more, the amount included in qualifying expenses shall be the purchase price less
27 the fair 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
77 148. 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 program 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, 2012. 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, 2012, 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, 2012. 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, 2012, 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 provisions of the new program authorized under this section shall
41 automatically sunset six years after August 28, 2008, unless reauthorized by an
42 act of the general assembly; and

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

46 (3) This section shall terminate on September first of the calendar year

47 immediately following the calendar year in which the program authorized under
48 this section is sunset.]

143.071. 1. For all tax years beginning before September 1, 1993, a tax
2 is hereby imposed upon the Missouri taxable income of corporations in an amount
3 equal to five percent of Missouri taxable income.

4 2. For all tax years beginning on or after September 1, 1993, a tax is
5 hereby imposed upon the Missouri taxable income of corporations in an amount
6 equal to six and one-fourth percent of Missouri taxable income.

7 **3. Beginning on July 1, 2013, the director of revenue shall**
8 **examine the revenue generated by taxation from the previous fiscal**
9 **year and determine the amount of any increase in this revenue from**
10 **the prior fiscal year that is due to a reduction in the redemption of tax**
11 **credits attributable to the provisions of this act.**

12 **4. Based on the examination required by subsection 1 of this**
13 **section, effective January 1, 2014, the department of revenue shall**
14 **promulgate a rule reducing the tax rate provided in subsection 2 of this**
15 **section, so that the increase in revenue attributable to this act results**
16 **in a corresponding decrease in the tax rate.**

17 **5. The director shall make such examination and corresponding**
18 **reduction in the tax rate on an annual basis, unless the increase in**
19 **revenue attributable to the provisions of this act would only result in**
20 **a decrease of the tax rate from the prior year of less than one one-**
21 **hundredth of one percent.**

22 **6. Any rule or portion of a rule, as that term is defined in section**
23 **536.010 that is created under the authority delegated in this section**
24 **shall become effective only if it complies with and is subject to all of**
25 **the provisions of chapter 536, and, if applicable, section 536.028. This**
26 **section and chapter 536 are nonseverable and if any of the powers**
27 **vested with the general assembly pursuant to chapter 536, to review, to**
28 **delay the effective date, or to disapprove and annul a rule are**
29 **subsequently held unconstitutional, then the grant of rulemaking**
30 **authority and any rule proposed or adopted after August 28, 2012, shall**
31 **be invalid and void.**

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, 2012**, 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, 2012**, 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, 2012, but**
53 **ending on or before June 30, 2013, 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 **2013, but ending on or before June 30, 2014, 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 **2014, but ending on or before June 30, 2015, 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 **2015, 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, 2012, 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, 2012; or

93 (2) Any application for tax credits provided under this section
94 for a project, which on or before August 28, 2012:

95 (a) Received an approved Part I from the Secretary of the United
96 States Department of Interior and has incurred costs and expenses for
97 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, 2012, but
106 ending on or before June 30, 2013, 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, 2013, but ending on or before June 30, 2014, 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, 2014, but
119 ending on or before June 30, 2015, 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, 2015, 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, 2012; or

135 (2) Any application for tax credits provided under this section
136 for a project, which on or before August 28, 2012:

137 (a) Received an approved Part I from the Secretary of the United
138 States Department of Interior and has incurred costs and expenses for
139 an eligible property which exceed five percent of the total project costs;
140 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, 2012, 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 **applicable** total amount of tax credits, provided under
87 subsection 2, **5, or 8** of section 253.550, from which approvals may be
88 granted. Any taxpayer whose approval shall be subject to rescission shall be
89 notified of such from the department of economic development and, upon receipt
90 of such notice, may submit 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
101 all 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, 2013, 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, 2012, 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, 2012**, 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, 2012**, 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 **2012. 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, 2012, 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, 2012.** 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

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

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

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

4. In the exercise of the sound discretion of the director of the department of economic development or the director's designee, the tax credits and exemptions described in this section may be terminated, suspended or revoked, if the eligible project fails to continue to meet the conditions set forth in this section. In making such a determination, the director shall consider the severity of the condition violation, actions taken to correct the violation, the frequency of any condition violations and whether the actions exhibit a pattern of conduct by the eligible facility owner and operator. The director shall also consider changes in general economic conditions and the recommendation of the director of the department of natural resources, or his or her designee, concerning the severity, scope, nature, frequency and extent of any violations of the environmental 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. The credit provided in this
263 subsection shall be apportioned to the entities described in subdivisions (1) and
264 (2) of this subsection in proportion to their share of ownership on the last day of
265 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, 2012. 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, 2012, 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 new jobs training program under sections 178.892 to 178.896, the
130 job retention program under sections 178.760 to 178.764, the real property tax
131 increment allocation redevelopment act under sections 99.800 to 99.865, or the
132 Missouri downtown and rural economic stimulus act under sections 99.915 to
133 99.980. If any qualified manufacturing company also participates in the new jobs
134 training program in sections 178.892 to 178.896, such qualified manufacturing
135 company shall not retain any withholding tax that has already been allocated for
136 use in the new jobs training program. Any qualified manufacturing company or
137 qualified supplier that is awarded benefits under this program and knowingly
138 hires individuals who are not allowed to work legally in the United States shall
139 immediately forfeit such benefits and shall repay the state an amount equal to
140 any withholding taxes already retained. Subsection 5 of section 285.530 shall not
141 apply to qualified manufacturing companies or qualified suppliers which are
142 awarded benefits 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, 2012. 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, 2012, or a taxpayer's ability to retain**
200 **withholding tax under an approval issued prior to August 28, 2012.**

[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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