

SECOND REGULAR SESSION

SENATE BILL NO. 571

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KRAUS.

Pre-filed December 15, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

4208S.011

AN ACT

To repeal section 135.802, RSMo, and to enact in lieu thereof two new sections relating to campaign finance disclosure for tax recipients.

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

Section A. Section 135.802, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 130.045 and 135.802, to read as
3 follows:

**130.045. Pursuant to subsection 10 of section 135.802, a recipient
2 of an agricultural product utilization contributor tax credit created
3 under section 348.430, a new generation cooperative incentive tax
4 credit created under section 348.432, a business recruitment tax credit,
5 an entrepreneurial tax credit, a low-income housing tax credit created
6 under sections 135.350 to 135.363, a redevelopment tax credit or tax
7 credit authorized under any tax credit program established by law
8 after August 28, 2012, shall, for ten years after the receipt of any such
9 credit, file a yearly report with the Missouri ethics commission by
10 January first of each year, documenting all contributions and
11 expenditures made to or on behalf of any committee within the prior
12 year. Each report shall include the following:**

13 **(1) The type of tax credit and amount the entity received and the
14 date of receipt;**

15 **(2) The full name and mailing address of the committee receiving
16 the contribution;**

17 **(3) The amount of the contribution made to each committee; and**

18 **(4) A separate cumulative accounting of the amount of**

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

19 **contributions made for or against a candidate or ballot measure, and**
20 **contributions made to each political action committee and each**
21 **political party committee.**

135.802. 1. Beginning January 1, 2005, all applications for all tax credit
2 programs shall include, in addition to any requirements provided by the enacting
3 statutes of a particular credit program, the following information to be submitted
4 to the department administering the tax credit:

5 (1) Name, address, and phone number of the applicant or applicants, and
6 the name, address, and phone number of a contact person or agent for the
7 applicant or applicants;

8 (2) Taxpayer type, whether individual, corporation, nonprofit or other, and
9 taxpayer identification number, if applicable;

10 (3) Standard industry code, if applicable;

11 (4) Program name and type of tax credit, including the identity of any
12 other state or federal program being utilized for the same activity or project; and

13 (5) Number of estimated jobs to be created, as a result of the tax credits,
14 if applicable, separated by construction, part-time permanent, and full-time
15 permanent.

16 2. In addition to the information required by subsection 1 of this section,
17 an applicant for a community development tax credit shall also provide
18 information detailing the title and location of the corresponding project, the
19 estimated time period for completion of the project, and all geographic areas
20 impacted by the project.

21 3. In addition to the information required by subsection 1 of this section,
22 an applicant for a redevelopment tax credit shall also provide information
23 detailing the location and legal description of the property, age of the structure,
24 if applicable, whether the property is residential, commercial, or governmental,
25 and the projected project cost, labor cost, and projected date of completion. Where
26 a redevelopment tax credit applicant is required to submit contemporaneously a
27 federal application for a similar credit on the same underlying project, the
28 submission of a copy of the federal application shall be sufficient to meet the
29 requirements of this subsection.

30 4. In addition to the information required by subsection 1 of this section,
31 an applicant for a business recruitment tax credit shall also provide information
32 detailing the category of business by size, the address of the business
33 headquarters and all offices located within this state, the number of employees

34 at the time of the application, the number of employees projected to increase as
35 a result of the completion of the project, and the estimated project cost.

36 5. In addition to the information required by subsection 1 of this section,
37 an applicant for a training and educational tax credit shall also provide
38 information detailing the name and address of the educational institution to be
39 used, the average salary of workers to be served, the estimated project cost, and
40 the number of employees and number of students to be served.

41 6. In addition to the information required by subsection 1 of this section,
42 an applicant for a housing tax credit also shall provide information detailing the
43 address, legal description, and fair market value of the property, and the
44 projected labor cost and projected completion date of the project. Where a
45 housing tax credit applicant is required to submit contemporaneously a federal
46 application for a similar credit on the same underlying project, the submission of
47 a copy of the federal application shall be sufficient to meet the requirements of
48 this subsection. For the purposes of this subsection, "fair market value" means
49 the value as of the purchase of the property or the most recent assessment,
50 whichever is more recent.

51 7. In addition to the information required by subsection 1 of this section,
52 an applicant for an entrepreneurial tax credit shall also provide information
53 detailing the amount of investment and the names of the project, fund, and
54 research project.

55 8. In addition to the information required by subsection 1 of this section,
56 an applicant for an agricultural tax credit shall also provide information detailing
57 the type of agricultural commodity, the amount of contribution, the type of
58 equipment purchased, and the name and description of the facility.

59 9. In addition to the information required by subsection 1 of this section,
60 an applicant for an environmental tax credit shall also include information
61 detailing the type of equipment, if applicable, purchased and any environmental
62 impact statement, if required by state or federal law.

63 **10. In addition to the information required by the provisions of**
64 **this section, a recipient of an agricultural product utilization**
65 **contributor tax credit created under section 348.430, a new generation**
66 **cooperative incentive tax credit created under section 348.432, a**
67 **business recruitment tax credit, an entrepreneurial tax credit, a low-**
68 **income housing tax credit created under sections 135.350 to 135.363, a**
69 **redevelopment tax credit or any tax credit authorized under any tax**

70 credit program established by law after August 28, 2012, shall, for ten
71 years after the receipt of any such credit, file a yearly report with the
72 Missouri ethics commission by January first of each year, documenting
73 all contributions and expenditures made to or on behalf of any
74 committee within the prior year. For the purposes of this subsection,
75 the words "committee", "contributions", and "expenditures" shall have
76 the same meaning as in section 130.011.

77 11. An administering agency may, by rule, require additional information
78 to be submitted by an applicant. Any rule or portion of a rule, as that term is
79 defined in section 536.010, that is created pursuant to the authority delegated in
80 this section shall become effective only if it complies with and is subject to all of
81 the provisions of chapter 536 and if applicable, section 536.028. This section and
82 chapter 536 are nonseverable and if any of the powers vested with the general
83 assembly pursuant to chapter 536 to review, to delay the effective date or to
84 disapprove and annul a rule are subsequently held unconstitutional, then the
85 grant of rulemaking authority and any rule proposed or adopted after August 28,
86 2004, shall be void.

87 [11.] 12. Where the sole requirement for receiving a tax credit in the
88 enabling legislation of any tax credit is an obligatory assessment upon a taxpayer
89 or a monetary contribution to a particular group or entity, the application
90 requirements provided in this section shall apply to the recipient of such
91 assessment or contribution and shall not apply to the assessed nor the
92 contributor.

93 [12.] 13. It shall be the duty of each administering agency to provide
94 information to every applicant, at some time prior to authorization of an
95 applicant's tax credit application, wherein the requirements of this section, the
96 annual reporting requirements of section 135.805, and the penalty provisions of
97 section 135.810 are described in detail.

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