

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend _____ Bill No. _____, Page _____, Section _____, Line _____

2 by inserting after all of said line the following:

3 "135.750. 1. As used in this section, the following terms
4 mean: (1) "Highly compensated individual", any individual who
5 receives compensation in excess of one million dollars in
6 connection with a single qualified film production project; (2)
7 "Qualified film production project", any film, video, commercial,
8 or television production, as approved by the department of
9 economic development and the office of the Missouri film
10 commission, that is under thirty minutes in length with an
11 expected in-state expenditure budget in excess of fifty thousand
12 dollars, or that is over thirty minutes in length with an
13 expected in-state expenditure budget in excess of one hundred
14 thousand dollars. Regardless of the production costs, "qualified
15 film production project" shall not include any:

16 (a) News or current events programming;

17 (b) Talk show;

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

20 (d) Sports event or sports program;

21 (e) Gala presentation or awards show;

22 (f) Infomercial or any production that directly solicits

1 funds;

2 (g) Political ad;

3 (h) Production that is considered obscene, as defined in
4 section 573.010; (3) "Qualifying expenses", the sum of the total
5 amount spent in this state for the following by a production
6 company in connection with a qualified film production project:

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

13 (b) Compensation and wages paid by the production company
14 on which the production company remitted withholding payments to
15 the department of revenue under chapter 143. For purposes of
16 this section, compensation and wages shall not include any
17 amounts paid to a highly compensated individual; (4) "Tax
18 credit", a credit against the tax otherwise due under chapter
19 143, excluding withholding tax imposed by sections 143.191 to
20 143.265, or otherwise due under chapter 148; (5) "Taxpayer", any
21 individual, partnership, or corporation as described in section
22 143.441, 143.471, or section 148.370 that is subject to the tax
23 imposed in chapter 143, excluding withholding tax imposed by
24 sections 143.191 to 143.265, or the tax imposed in chapter 148 or
25 any charitable organization which is exempt from federal income
26 tax and whose Missouri unrelated business taxable income, if any,
27 would be subject to the state income tax imposed under chapter
28 143.

29 2. For all taxable years beginning on or after January 1,

1 1999, but ending on or before December 31, 2007, a taxpayer shall
2 be granted a tax credit for up to fifty percent of the amount of
3 investment in production or production-related activities in any
4 film production project with an expected in-state expenditure
5 budget in excess of three hundred thousand dollars. For all
6 taxable years beginning on or after January 1, 2008, a taxpayer
7 shall be allowed a tax credit for up to thirty-five percent of
8 the amount of qualifying expenses in a qualified film production
9 project. Each film production company shall be limited to one
10 qualified film production project per year. Activities
11 qualifying a taxpayer for the tax credit pursuant to this
12 subsection shall be approved by the office of the Missouri film
13 commission and the department of economic development.

14 3. Taxpayers shall apply for the film production tax credit
15 by submitting an application to the department of economic
16 development, on a form provided by the department. As part of
17 the application, the expected in-state expenditures of the
18 qualified film production project shall be documented. In
19 addition, the application shall include an economic impact
20 statement, showing the economic impact from the activities of the
21 film production project. Such economic impact statement shall
22 indicate the impact on the region of the state in which the film
23 production or production-related activities are located and on
24 the state as a whole.

25 4. For all taxable years ending on or before December 31,
26 2007, tax credits certified pursuant to subsection 2 of this
27 section shall not exceed one million dollars per taxpayer per
28 year, and shall not exceed a total for all tax credits certified
29 of one million five hundred thousand dollars per year. For all

1 taxable years beginning on or after January 1, 2008, but ending
2 on or before December 31, 2013, tax credits certified under
3 subsection 1 of this section shall not exceed a total for all tax
4 credits certified of four million five hundred thousand dollars
5 per year. For all taxable years beginning on or after January 1,
6 2014, tax credits certified under subsection 1 of this section
7 shall not exceed a total for all tax credits certified of three
8 million five hundred thousand dollars per calendar year.

9 Taxpayers may carry forward unused credits for up to five tax
10 periods, provided all such credits shall be claimed within ten
11 tax periods following the tax period in which the film production
12 or production-related activities for which the credits are
13 certified by the department occurred.

14 5. Notwithstanding any provision of law to the contrary,
15 any taxpayer may sell, assign, exchange, convey or otherwise
16 transfer tax credits allowed in subsection 2 of this section.
17 The taxpayer acquiring the tax credits may use the acquired
18 credits to offset the tax liabilities otherwise imposed by
19 chapter 143, excluding withholding tax imposed by sections
20 143.191 to 143.265, or chapter 148. Unused acquired credits may
21 be carried forward for up to five tax periods, provided all such
22 credits shall be claimed within ten tax periods following the tax
23 period in which the film production or production-related
24 activities for which the credits are certified by the department
25 occurred.

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

27 (1) [The provisions of the new program authorized under
28 this section shall automatically sunset six years after November
29 28, 2007, unless reauthorized by an act of the general assembly;

1 and

2 (2) If such program is reauthorized,] The program
3 authorized under this section shall [automatically sunset twelve
4 years after the effective date of the reauthorization of this
5 section] expire on December 31, 2018, unless reauthorized by the
6 general assembly; and

7 [(3)] (2) This section shall terminate on September first
8 of the calendar year immediately following the calendar year in
9 which the program authorized under this section is sunset; and

10 (3) The provisions of this subsection shall not be
11 construed to limit or in any way impair the department of
12 economic development's ability to issue tax credits authorized on
13 or before the date the program authorized under this section
14 expires or a taxpayer's ability to redeem such tax credits."; and

15 Further amend the title and enacting clause accordingly.