

SECOND REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 590

99TH GENERAL ASSEMBLY

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Reported from the Committee on Local Government and Elections, February 1, 2018, with recommendation that the Senate Committee Substitute do pass.

4244S.07C

ADRIANE D. CROUSE, Secretary.

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## AN ACT

To repeal sections 253.545, 253.550, and 253.559, RSMo, and to enact in lieu thereof six new sections relating to historic buildings, with an emergency clause.

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

Section A. Sections 253.545, 253.550, and 253.559, RSMo, are repealed  
2 and six new sections enacted in lieu thereof, to be known as sections 253.545,  
3 253.550, 253.559, 620.3200, 620.3210, and 620.3220, to read as follows:

253.545. As used in sections 253.545 to 253.559, the following terms  
2 mean, unless the context requires otherwise:

3 (1) "Certified historic structure", a property located in Missouri and listed  
4 individually on the National Register of Historic Places;

5 (2) "Deed in lieu of foreclosure or voluntary conveyance", a transfer of title  
6 from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

7 (3) "Eligible property", property located in Missouri and offered or used  
8 for residential or business purposes;

9 (4) "Leasehold interest", a lease in an eligible property for a term of not  
10 less than thirty years;

11 (5) "Principal", a managing partner, general partner, or president of a  
12 taxpayer;

13 (6) **"Projected net fiscal benefit", the total fiscal benefit to the**  
14 **state or municipality, less any state or local benefits offered to the**  
15 **taxpayer for a project, as determined by the department of economic**  
16 **development;**

17 (7) "Structure in a certified historic district", a structure located in

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

18 Missouri which is certified by the department of natural resources as contributing  
19 to the historic significance of a certified historic district listed on the National  
20 Register of Historic Places, or a local district that has been certified by the  
21 United States Department of the Interior;

22 [(7)] (8) "Taxpayer", any person, firm, partnership, trust, estate, limited  
23 liability company, or corporation.

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 **be determined by the department of economic**  
7 **development pursuant to subsection 4 of section 253.559, but not to**  
8 **exceed** twenty-five percent of the total costs and expenses of rehabilitation  
9 incurred after January 1, 1998, which shall include, but not be limited to,  
10 qualified rehabilitation expenditures as defined under section 47(c)(2)(A) of the  
11 Internal Revenue Code of 1986, as amended, and the related regulations  
12 thereunder, provided the rehabilitation costs associated with rehabilitation and  
13 the expenses exceed fifty percent of the total basis in the property and the  
14 rehabilitation meets standards consistent with the standards of the Secretary of  
15 the United States Department of the Interior for rehabilitation as determined by  
16 the state historic preservation officer of the Missouri department of natural  
17 resources.

18 2. During the period beginning on January 1, 2010, but ending on or after  
19 June 30, 2010, the department of economic development shall not approve  
20 applications for tax credits under the provisions of subsections [3] 4 and [8] 9 of  
21 section 253.559 which, in the aggregate, exceed seventy million dollars, increased  
22 by any amount of tax credits for which approval shall be rescinded under the  
23 provisions of section 253.559. For each fiscal year beginning on or after July 1,  
24 2010, **but ending before June 30, 2018**, the department of economic  
25 development shall not approve applications for tax credits under the provisions  
26 of subsections [3] 4 and [8] 9 of section 253.559 which, in the aggregate, exceed  
27 one hundred forty million dollars, increased by any amount of tax credits for  
28 which approval shall be rescinded under the provisions of section 253.559. **For**  
29 **each fiscal year beginning on or after July 1, 2018, the department of**  
30 **economic development shall not approve applications for tax credits**

31 **under the provisions of subsections 4 and 9 of section 253.559 which, in**  
32 **the aggregate, exceed seventy million dollars, increased by any amount**  
33 **of tax credits for which approval shall be rescinded under the**  
34 **provisions of section 253.559.** The limitations provided under this subsection  
35 shall not apply to applications approved under the provisions of subsection [3] 4  
36 of section 253.559 for projects to receive less than two hundred seventy-five  
37 thousand dollars in tax credits.

38 3. For all applications for tax credits approved on or after January 1,  
39 2010, **but on or before June 30, 2018,** no more than two hundred fifty  
40 thousand dollars in tax credits may be issued for eligible costs and expenses  
41 incurred in the rehabilitation of an eligible property which is a nonincome  
42 producing single-family, owner-occupied residential property and is either a  
43 certified historic structure or a structure in a certified historic district. **For all**  
44 **fiscal years beginning on or after July 1, 2018, no new applications for**  
45 **tax credits under sections 253.545 to 253.559 shall be authorized for**  
46 **nonincome producing single-family, owner-occupied residential**  
47 **property.**

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

50 (1) Any application submitted by a taxpayer, which has received approval  
51 from the department prior to January 1, 2010; or

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

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

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

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] 9 of this  
13 section, 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) **The significance of the taxpayer's need for the tax credit to**  
31 **complete the project, including whether the taxpayer has applied for**  
32 **or received any other federal, state, or local benefits for the project;**  
33 **and**

34 (6) Any other information which the department of economic development  
35 may reasonably require to review the project for approval.

36 Only the property for which a property address is provided in the application  
37 shall be reviewed for approval. Once selected for review, a taxpayer shall not be  
38 permitted to request the review of another property for approval in the place of  
39 the property contained in such application. [Any disapproved application shall

40 be removed from the review process. If an application is removed from the review  
41 process, the department of economic development shall notify the taxpayer in  
42 writing of the decision to remove such application. Disapproved applications  
43 shall lose priority in the review process. A disapproved application, which is  
44 removed from the review process, may be resubmitted, but shall be deemed to be  
45 a new submission for purposes of the priority procedures described in this  
46 section.]

47 **3. In evaluating an application for tax credits submitted under**  
48 **this section, the department of economic development shall also**  
49 **consider:**

50 **(1) The amount of projected net fiscal benefit of the project to**  
51 **the state and local municipality, and the period in which the state and**  
52 **municipality would realize such net fiscal benefit;**

53 **(2) The overall size and quality of the proposed project,**  
54 **including the estimated number of new jobs to be created by the**  
55 **project, the potential multiplier effect of the project, and similar**  
56 **factors;**

57 **(3) The level of economic distress in the area; and**

58 **(4) Input from the local municipality in which the proposed**  
59 **project is located as to the importance of the proposed project to the**  
60 **municipality.**

61 **4. If the department of economic development [deems] determines that**  
62 **the application is sufficient and in the best interest of the state and the**  
63 **local municipality, the taxpayer shall be notified in writing of the approval for**  
64 **an amount of tax credits [equal to the amount provided under section 253.550]**  
65 **which is the least amount for the project to occur, less any amount of tax**  
66 **credits previously approved. Such approvals shall [be granted to applications in**  
67 **the order of priority established under this section and shall] require full**  
68 **compliance thereafter with all other requirements of law as a condition to any**  
69 **claim for such credits. If the department of economic development**  
70 **disapproves an application, the taxpayer shall be notified in writing of**  
71 **the reasons for such disapproval. A disapproved application may be**  
72 **resubmitted.**

73 **[4.] 5. Following approval of an application, the identity of the taxpayer**  
74 **contained in such application shall not be modified except:**

75 **(1) The taxpayer may add partners, members, or shareholders as part of**

76 the ownership structure, so long as the principal remains the same, provided  
77 however, that subsequent to the commencement of renovation and the  
78 expenditure of at least ten percent of the proposed rehabilitation budget, removal  
79 of the principal for failure to perform duties and the appointment of a new  
80 principal thereafter shall not constitute a change of the principal; or

81 (2) Where the ownership of the project is changed due to a foreclosure,  
82 deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

83 [5.] 6. In the event that the department of economic development grants  
84 approval for tax credits equal to the total amount available under subsection 2  
85 of section 253.550, or sufficient that when totaled with all other approvals, the  
86 amount available under subsection 2 of section 253.550 is exhausted, all  
87 taxpayers with applications then awaiting approval or thereafter submitted for  
88 approval shall be notified by the department of economic development that no  
89 additional approvals shall be granted during the fiscal year [and shall be notified  
90 of the priority given to such taxpayer's application then awaiting approval]. Such  
91 applications shall be kept on file by the department of economic development and  
92 shall be considered for approval for tax credits [in the order established in this  
93 section] in the event that additional credits become available due to the rescission  
94 of approvals or when a new fiscal year's allocation of credits becomes available  
95 for approval.

96 [6.] 7. All taxpayers with applications receiving approval on or after the  
97 effective date of this act shall commence rehabilitation within two years of the  
98 date of issuance of the letter from the department of economic development  
99 granting the approval for tax credits. "Commencement of rehabilitation" shall  
100 mean that as of the date in which actual physical work, contemplated by the  
101 architectural plans submitted with the application, has begun, the taxpayer has  
102 incurred no less than ten percent of the estimated costs of rehabilitation provided  
103 in the application. Taxpayers with approval of a project shall submit evidence of  
104 compliance with the provisions of this subsection. If the department of economic  
105 development determines that a taxpayer has failed to comply with the  
106 requirements provided under this section, the approval for the amount of tax  
107 credits for such taxpayer shall be rescinded and such amount of tax credits shall  
108 then be included in the total amount of tax credits, provided under subsection 2  
109 of section 253.550, from which approvals may be granted. Any taxpayer whose  
110 approval shall be subject to rescission shall be notified of such from the  
111 department of economic development and, upon receipt of such notice, may submit

112 a new application for the project.

113 [7.] 8. To claim the credit authorized under sections 253.550 to 253.559,  
114 a taxpayer with approval shall apply for final approval and issuance of tax credits  
115 from the department of economic development which, in consultation with the  
116 department of natural resources, shall determine the final amount of eligible  
117 rehabilitation costs and expenses and whether the completed rehabilitation meets  
118 the standards of the Secretary of the United States Department of the Interior  
119 for rehabilitation as determined by the state historic preservation officer of the  
120 Missouri department of natural resources. For financial institutions credits  
121 authorized pursuant to sections 253.550 to 253.561 shall be deemed to be  
122 economic development credits for purposes of section 148.064. The approval of all  
123 applications and the issuing of certificates of eligible credits to taxpayers shall  
124 be performed by the department of economic development. The department of  
125 economic development shall inform a taxpayer of final approval by letter and  
126 shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the  
127 certificate to all Missouri income tax returns on which the credit is claimed.

128 [8.] 9. Except as expressly provided in this subsection, tax credit  
129 certificates shall be issued in the final year that costs and expenses of  
130 rehabilitation of the project are incurred, or within the twelve-month period  
131 immediately following the conclusion of such rehabilitation. In the event the  
132 amount of eligible rehabilitation costs and expenses incurred by a taxpayer would  
133 result in the issuance of an amount of tax credits in excess of the amount  
134 provided under such taxpayer's approval granted under subsection [3] 4 of this  
135 section, such taxpayer may apply to the department for issuance of tax credits in  
136 an amount equal to such excess. Applications for issuance of tax credits in excess  
137 of the amount provided under a taxpayer's application shall be made on a form  
138 prescribed by the department. [Such applications shall be subject to all  
139 provisions regarding priority provided under subsection 1 of this section.]

140 [9.] 10. The department of economic development shall determine, on an  
141 annual basis, the overall economic impact to the state from the rehabilitation of  
142 eligible property.

**620.3200. The department of economic development may, in  
2 addition to the fees provided under section 620.1900, charge a fee to the  
3 recipient of any tax credits issued by the department under the  
4 provisions of chapter 253 in an amount not to exceed one percent of the  
5 amount of tax credits issued. The fee shall be payable to the Missouri**

6 development finance board for the benefit of the capitol complex fund  
7 established pursuant to section 620.3210 and shall be paid by the  
8 recipient upon the issuance of the tax credits. The department of  
9 economic development shall issue invoices for fees payable under this  
10 section.

2 620.3210. 1. This section shall be known and may be cited as the  
3 "Capitol Complex Tax Credit Act".

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

5 (1) "Board", the Missouri development finance board, a body  
6 corporate and politic created under sections 100.250 to 100.297 and  
7 100.700 to 100.850;

8 (2) "Capitol complex", the following buildings located in Jefferson  
9 City, Missouri:

10 (a) State capitol building, 201 West Capitol Avenue;

11 (b) Supreme court building, 207 West High Street;

12 (c) Old Federal Courthouse, 131 West High Street;

13 (d) Highway building, 105 Capitol Avenue;

14 (e) Governor's mansion, 100 Madison Street;

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

16 (4) "Department", the Missouri department of economic  
17 development;

18 (5) "Eligible artifact", any items of personal property specifically  
19 for display in a building in the capitol complex or former fixtures  
20 which were previously owned by the state and used within the capitol  
21 complex, but which had been removed. The board of public buildings  
22 shall, in their sole discretion, make all determinations as to which  
23 items are eligible artifacts and may employ such experts as may be  
24 useful to them in making such a determination;

25 (6) "Eligible artifact donation", a donation of an eligible artifact  
26 to the board of public buildings. The value of such donation shall be  
27 set by the board of public buildings who may employ such experts as  
28 may be useful to them in making such a determination. The board of  
29 public buildings shall, in their sole discretion, determine if an artifact  
30 is to be accepted;

31 (7) "Eligible monetary donation", donations received from a  
32 qualified donor to the capitol complex fund, created in this section, or  
to an organization exempt from taxation under 501(c)(3) of the Internal



33 Revenue Service Code of 1986, as amended, whose mission and purpose  
34 is to restore, renovate, improve, and maintain one or more buildings in  
35 the capitol complex, that are to be used solely for projects to restore,  
36 renovate, improve, and maintain buildings and their furnishings in the  
37 capitol complex and the administration thereof. Eligible donations may  
38 include:

39 (a) Cash, including checks, money orders, credit card payments,  
40 or similar cash equivalents valued at the face value of the  
41 currency. Currency of other nations shall be valued based on the  
42 exchange rate on the date of the gift. The date of the donation shall be  
43 the date that cash or check is received by the applicant or the date  
44 posted to the donor's account in the case of credit or debit cards;

45 (b) Stocks from a publicly traded company;

46 (c) Bonds which are publicly traded;

47 (8) "Eligible recipient", the capitol complex fund, created in this  
48 section, or an organization exempt from taxation under 501(c)(3) of the  
49 Internal Revenue Service Code of 1986, as amended, whose mission and  
50 purpose is to restore, renovate, improve, and maintain one or more  
51 buildings in the capitol complex;

52 (9) "Qualified donor", any of the following individuals or entities  
53 who make an eligible monetary donation or eligible artifact donation  
54 to the capitol complex fund or other eligible recipient:

55 (a) A person, firm, partner in a firm, corporation, or a  
56 shareholder in an S corporation doing business in the state of Missouri  
57 and subject to the state income tax imposed in chapter 143;

58 (b) An insurance company paying an annual tax on its gross  
59 premium receipts in this state;

60 (c) Any other financial institution paying taxes to the state of  
61 Missouri or any political subdivision of this state under chapter 148;

62 (d) An individual subject to the state income tax imposed in  
63 chapter 143;

64 (e) Any charitable organization, including any foundation or not-  
65 for-profit corporation, which is exempt from federal income tax and  
66 whose Missouri unrelated business taxable income, if any, would be  
67 subject to the state income tax imposed under chapter 143.

68 3. There is hereby created a fund to be known as the "Capitol  
69 Complex Fund", separate and distinct from all other board funds, which

70 is hereby authorized to receive any eligible monetary donation as  
71 provided in this section and revenues derived from fees imposed  
72 pursuant to section 620.3200. The capitol complex fund shall be  
73 segregated into two accounts: a rehabilitation and renovation account  
74 and a maintenance account. Ninety percent of the revenues received  
75 from eligible donations pursuant to the provisions of this section and  
76 fees collected pursuant to section 620.3000 shall be deposited in the  
77 rehabilitation and renovation account and seven and one-half percent  
78 of such revenues shall be deposited in the maintenance account. The  
79 assets of these accounts, together with any interest which may accrue  
80 thereon, shall be used by the board solely for the purposes of  
81 restoration and maintenance of the buildings of the capitol complex as  
82 defined in this section, and for no other purpose. The remaining two  
83 and one-half percent of the revenues deposited into the fund may be  
84 used for the purposes of soliciting donations to the fund, advertising  
85 and promoting the fund, and administrative costs of administering the  
86 fund. Any amounts not used for those purposes shall be deposited back  
87 into the rehabilitation and renovation account and the maintenance  
88 account divided in the manner set forth in this section. The board may,  
89 as an administrative cost, use the funds to hire fund raising  
90 professionals and such other experts or advisors as may be necessary  
91 to carry out the board's duties under this section. The choice of  
92 projects for which the money is to be used, as well as the determination  
93 of the methods of carrying out the project and the procurement of  
94 goods and services thereon shall be made by the commissioner of  
95 administration. No monies shall be released from the fund for any  
96 expense without the approval of the commissioner of administration,  
97 who may delegate that authority as deemed appropriate. All contracts  
98 for rehabilitation, renovation, or maintenance work shall be the  
99 responsibility of the commissioner of administration. A memorandum  
100 of understanding may be executed between the commissioner of  
101 administration and the board determining the processes for obligation,  
102 reservation, and payment of eligible costs from the fund. The  
103 commissioner of administration shall not obligate costs in excess of the  
104 fund balance. The board shall not be responsible for any costs  
105 obligated in excess of available funds and shall be held harmless in any  
106 contracts related to rehabilitation, renovation, and maintenance of

107 capitol complex buildings. No other board funds shall be used to pay  
108 obligations made by the commissioner of administration related to  
109 activities under this section.

110 4. For all taxable years beginning on or after January 1, 2018,  
111 any qualified donor shall be allowed a credit against the taxes  
112 otherwise due under chapters 143 and 148, except for sections 143.191  
113 to 143.265, in an amount of fifty percent of the eligible monetary  
114 donation. The amount of the tax credit claimed may exceed the amount  
115 of the donor's state income tax liability in the tax year for which the  
116 credit is claimed. Any amount of credit that exceeds the qualified  
117 donor's state income tax liability shall not be refundable but may be  
118 carried forward to any of the taxpayer's four subsequent taxable years.

119 5. For all taxable years beginning on or after January 1, 2018,  
120 any qualified donor shall be allowed a credit against the taxes  
121 otherwise due under chapters 143 and 148, except for sections 143.191  
122 to 143.265, in an amount of thirty percent of the eligible artifact  
123 donation. The amount of the tax credit claimed may exceed the amount  
124 of the qualified donor's state income tax liability in the tax year for  
125 which the credit is claimed. Any amount of credit that exceeds the  
126 qualified donor's state income tax liability shall not be refundable but  
127 may be carried forward to any other taxpayer's four subsequent taxable  
128 years.

129 6. To claim a credit for an eligible monetary donation as set forth  
130 in subsection 4 of this section, a qualified donor shall make an eligible  
131 monetary donation to the board as custodian of the capitol complex  
132 fund or other eligible recipient. Upon receipt of such donation, the  
133 board or other eligible recipient shall issue to the qualified donor a  
134 statement evidencing receipt of such donation, including the value of  
135 such donation, with a copy to the department. Upon receipt of the  
136 statement from the eligible recipient, the department shall issue a tax  
137 credit certificate equal to fifty percent of the amount of the donation,  
138 to the qualified donor, as indicated in the statement from the eligible  
139 recipient.

140 7. To claim a credit for an eligible artifact donation as set forth  
141 in subsection 5 of this section, a qualified donor shall donate an eligible  
142 artifact to the board of public buildings. If the board of public  
143 buildings determines that artifact is an eligible artifact and has

144 determined to accept the artifact, it shall issue a statement of donation  
145 to the eligible donor specifying the value placed on the artifact by the  
146 board of public buildings, with a copy to the department. Upon  
147 receiving a statement from the board of public buildings, the  
148 department shall issue a tax credit certificate equal to thirty percent  
149 of the amount of the donation, to the qualified donor as indicated in the  
150 statement from the board of public buildings.

151 8. The department shall not authorize more than five million  
152 dollars in tax credits provided under this section in any calendar  
153 year. Donations shall be processed for tax credits on a first come, first  
154 serve basis. Donations received in excess of the tax credit cap shall be  
155 placed in line for tax credits issued the following year or shall be given  
156 the opportunity to complete their donation without the expectation of  
157 a tax credit, or shall request to have their donation returned.

158 9. Tax credits issued under the provisions of this section shall  
159 not be subject to the payment of any fee required under the provisions  
160 of section 620.1900.

161 10. Tax credits issued under this section may be assigned,  
162 transferred, sold, or otherwise conveyed, and the new owner of the tax  
163 credit shall have the same rights in the credit as the  
164 taxpayer. Whenever a certificate is assigned, transferred, sold, or  
165 otherwise conveyed, a notarized endorsement shall be filed with the  
166 department specifying the name and address of the new owner of the  
167 tax credit and the value of the credit.

168 11. The department may promulgate rules to implement the  
169 provisions of this section. Any rule or portion of a rule, as that term is  
170 defined in section 536.010 that is created under the authority delegated  
171 in this section shall become effective only if it complies with and is  
172 subject to all of the provisions of chapter 536, and, if applicable, section  
173 536.028. This section and chapter 536 are nonseverable and if any of  
174 the powers vested with the general assembly pursuant to chapter 536,  
175 to review, to delay the effective date, or to disapprove and annul a rule  
176 are subsequently held unconstitutional, then the grant of rulemaking  
177 authority and any rule proposed or adopted after August 28, 2018, shall  
178 be invalid and void.

179 12. Pursuant to section 23.253 of the Missouri sunset act:

180 (1) The provisions of the new program authorized under this

181 section shall sunset automatically six years after August 28, 2018,  
182 unless reauthorized by an act of the general assembly; and

183 (2) If such program is reauthorized, the program authorized  
184 under this section shall sunset automatically twelve years after August  
185 28, 2018; and

186 (3) This section shall terminate on September first of the  
187 calendar year immediately following the calendar year in which the  
188 program authorized under this section is sunset.

620.3220. 1. This section shall be known and may be cited as the  
2 "Public Buildings Preservation Tax Credit Act".

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

4 (1) "Certificate", a tax credit certificate issued under this section;

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

7 (3) "Eligible monetary donation", donations received from a  
8 qualified donor to a public entity for the express purpose of restoring,  
9 renovating, improving, or maintaining one or more buildings owned by  
10 the public entity. Eligible donations may include:

11 (a) Cash, including checks, money orders, credit card payments,  
12 or similar cash equivalents valued at the face value of the  
13 currency. Currency of other nations shall be valued based on the  
14 exchange rate on the date of the gift. The date of the donation shall be  
15 the date that cash or check is received by the applicant or the date  
16 posted to the donor's account in the case of credit or debit cards;

17 (b) Stocks from a publicly traded company;

18 (c) Bonds which are publicly traded;

19 (4) "Public entity", the state of Missouri, or any city, county,  
20 township, village, town, or municipal corporation in this state;

21 (5) "Qualified donor", any of the following individuals or entities  
22 who make an eligible monetary donation to a public entity:

23 (a) A person, firm, partner in a firm, corporation, or a  
24 shareholder in an S corporation doing business in the state of Missouri  
25 and subject to the state income tax imposed in chapter 143;

26 (b) An insurance company paying an annual tax on its gross  
27 premium receipts in this state;

28 (c) Any other financial institution paying taxes to the state of  
29 Missouri or any political subdivision of this state under chapter 148;

30 (d) An individual subject to the state income tax imposed in  
31 chapter 143;

32 (e) Any charitable organization, including any foundation or not-  
33 for-profit corporation, which is exempt from federal income tax and  
34 whose Missouri unrelated business taxable income, if any, would be  
35 subject to the state income tax imposed under chapter 143.

36 3. For all taxable years beginning on or after January 1, 2018,  
37 any qualified donor shall be allowed a credit against the taxes  
38 otherwise due under chapters 143 and 148, except for sections 143.191  
39 to 143.265, for an eligible monetary donation for the maintenance or  
40 repair of any building owned by a public entity. The tax credit shall be  
41 in an amount of fifty percent of the eligible monetary donation. The  
42 amount of the tax credit claimed may exceed the amount of the donor's  
43 state income tax liability in the tax year for which the credit is  
44 claimed. Any amount of credit that exceeds the qualified donor's state  
45 income tax liability shall not be refundable but may be carried forward  
46 to any of the taxpayer's four subsequent taxable years.

47 4. To claim a credit for an eligible monetary donation as set forth  
48 in subsection 3 of this section, a qualified donor shall make an eligible  
49 monetary donation to a public entity. Upon receipt of such donation,  
50 the public entity shall issue to the qualified donor a statement  
51 evidencing receipt of such donation, including the value of such  
52 donation, with a copy to the department. Upon receipt of the statement  
53 from the public entity, the department shall issue a tax credit  
54 certificate equal to fifty percent of the amount of the donation to the  
55 qualified donor, as indicated in the statement from the public entity.

56 5. Any public entity which receives an eligible monetary  
57 donation under this section shall establish a fund called the "Public  
58 Building Preservation Fund", into which such donations shall be  
59 deposited. Moneys in such fund shall be used solely for the restoration,  
60 renovation, improvement, or maintenance of one or more buildings  
61 owned by the public entity.

62 6. The department shall not authorize more than five million  
63 dollars in tax credits provided under this section in any calendar  
64 year. Donations shall be processed for tax credits on a first come, first  
65 serve basis. Donations received in excess of the tax credit cap shall be  
66 placed in line for tax credits issued the following year or shall be given

67 the opportunity to complete their donation without the expectation of  
68 a tax credit, or shall request to have their donation returned.

69 7. Tax credits issued under the provisions of this section shall  
70 not be subject to the payment of any fee required under the provisions  
71 of section 620.1900.

72 8. Tax credits issued under this section may be assigned,  
73 transferred, sold, or otherwise conveyed, and the new owner of the tax  
74 credit shall have the same rights in the credit as the  
75 taxpayer. Whenever a certificate is assigned, transferred, sold, or  
76 otherwise conveyed, a notarized endorsement shall be filed with the  
77 department specifying the name and address of the new owner of the  
78 tax credit and the value of the credit.

79 9. The department may promulgate rules to implement the  
80 provisions of this section. Any rule or portion of a rule, as that term is  
81 defined in section 536.010 that is created under the authority delegated  
82 in this section shall become effective only if it complies with and is  
83 subject to all of the provisions of chapter 536, and, if applicable, section  
84 536.028. This section and chapter 536 are nonseverable and if any of  
85 the powers vested with the general assembly pursuant to chapter 536,  
86 to review, to delay the effective date, or to disapprove and annul a rule  
87 are subsequently held unconstitutional, then the grant of rulemaking  
88 authority and any rule proposed or adopted after August 28, 2018, shall  
89 be invalid and void.

90 10. Pursuant to section 23.253 of the Missouri sunset act:

91 (1) The provisions of the new program authorized under this  
92 section shall sunset automatically six years after August 28, 2018,  
93 unless reauthorized by an act of the general assembly; and

94 (2) If such program is reauthorized, the program authorized  
95 under this section shall sunset automatically twelve years after August  
96 28, 2018; and

97 (3) This section shall terminate on September first of the  
98 calendar year immediately following the calendar year in which the  
99 program authorized under this section is sunset.

Section B. Because of the need to provide for the preservation of historic  
2 buildings, section A of this act is deemed necessary for the immediate  
3 preservation of the public health, welfare, peace and safety, and is hereby  
4 declared to be an emergency act within the meaning of the constitution, and

5 section A of this act shall be in full force and effect upon its passage and  
6 approval.

✓

Unofficial

Bill

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