

FIRST REGULAR SESSION

SENATE BILL NO. 36

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

0773S.01I

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 620, RSMo, by adding thereto one new section relating to historic buildings.

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

Section A. Chapter 620, RSMo, is amended by adding thereto
2 one new section, to be known as section 620.3210, to read as
3 follows:

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

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

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

8 (2) "Capitol complex", the following buildings located
9 in Jefferson 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
16 under this section;

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

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

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

35 (7) "Eligible monetary donation", donations received
36 from a qualified donor to the capitol complex fund, created
37 in this section, or to an organization exempt from taxation
38 under 501(c)(3) of the Internal Revenue Service Code of
39 1986, as amended, whose mission and purpose is to restore,
40 renovate, improve, and maintain one or more buildings in the
41 capitol complex, that are to be used solely for projects to
42 restore, renovate, improve, and maintain buildings and their
43 furnishings in the capitol complex and the administration
44 thereof. Eligible donations may include:

45 (a) Cash, including checks, money orders, credit card
46 payments, or similar cash equivalents valued at the face
47 value of the currency. Currency of other nations shall be
48 valued based on the exchange rate on the date of the gift.
49 The date of the donation shall be the date that cash or

50 check is received by the applicant or the date posted to the
51 donor's account in the case of credit or debit cards;

52 (b) Stocks from a publicly traded company;

53 (c) Bonds which are publicly traded;

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

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

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

68 (b) A corporation subject to the annual corporation
69 franchise tax imposed in chapter 147;

70 (c) An insurance company paying an annual tax on its
71 gross premium receipts in this state;

72 (d) Any other financial institution paying taxes to
73 the state of Missouri or any political subdivision of this
74 state under chapter 148;

75 (e) An individual subject to the state income tax
76 imposed in chapter 143;

77 (f) Any charitable organization, including any
78 foundation or not-for-profit corporation, which is exempt
79 from federal income tax and whose Missouri unrelated
80 business taxable income, if any, would be subject to the
81 state income tax imposed under chapter 143.

82 3. There is hereby created a fund to be known as the
83 "Capitol Complex Fund", separate and distinct from all other
84 board funds, which is hereby authorized to receive any
85 eligible monetary donation as provided in this section. The
86 capitol complex fund shall be segregated into two accounts:
87 a rehabilitation and renovation account and a maintenance
88 account. Ninety percent of the revenues received from
89 eligible donations pursuant to the provisions of this
90 section shall be deposited in the rehabilitation and
91 renovation account and seven and one-half percent of such
92 revenues shall be deposited in the maintenance account. The
93 assets of these accounts, together with any interest which
94 may accrue thereon, shall be used by the board solely for
95 the purposes of restoration and maintenance of the building
96 of the capitol complex as defined in this section, and for
97 no other purpose. The remaining two and one-half percent of
98 the revenues deposited into the fund may be used for the
99 purposes of soliciting donations to the fund, advertising
100 and promoting the fund, and administrative costs of
101 administering the fund. Any amounts not used for those
102 purposes shall be deposited back into the rehabilitation and
103 renovation account and the maintenance account divided in
104 the manner set forth in this section. The board may, as an
105 administrative cost, use the funds to hire fund raising
106 professionals and such other experts or advisors as may be
107 necessary to carry out the board's duties under this
108 section. The choice of projects for which the money is to
109 be used, as well as the determination of the methods of
110 carrying out the project and the procurement of goods and
111 services thereon shall be made by the commissioner of
112 administration. No moneys shall be released from the fund
113 for any expense without the approval of the commissioner of

administration, who may delegate that authority as deemed appropriate. All contracts for rehabilitation, renovation, or maintenance work shall be the responsibility of the commissioner of administration. A memorandum of understanding may be executed between the commissioner of administration and the board determining the processes for obligation, reservation, and payment of eligible costs from the fund. The commission of administration shall not obligate costs in excess of the fund balance. The board shall not be responsible for any costs obligated in excess of available funds and shall be held harmless in any contracts related to rehabilitation, renovation, and maintenance of capitol complex buildings. No other board funds shall be used to pay obligations made by the commissioner of administration related to activities under this section.

4. For all taxable years beginning on or after January 1, 2021, any qualified donor shall be allowed a credit against the taxes otherwise due under chapters 143 and 148, except for sections 143.191 to 143.265, in an amount of fifty percent of the eligible monetary donation. The amount of the tax credit claimed may exceed the amount of the donor's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that exceeds the qualified donor's state income tax liability may be refundable or may be carried forward to any of the taxpayer's four subsequent taxable years.

5. For all taxable years beginning on or after January 1, 2021, any qualified donor shall be allowed a credit against the taxes otherwise due under chapters 143 and 148, except for sections 143.191 to 143.265, in an amount of thirty percent of the eligible artifact donation. The

amount of the tax credit claimed may not exceed the amount of the qualified donor's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that exceeds the qualified donor's state income tax liability shall not be refundable but may be carried forward to any other taxpayer's four subsequent taxable years.

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

7. To claim a credit for an eligible artifact donation as set forth in subsection 5 of this section, a qualified donor shall donate an eligible artifact to the board of public buildings. If the board of public buildings determines that artifact is an eligible artifact, and has determined to accept the artifact, it shall issue a statement of donation to the eligible donor specifying the value placed on the artifact by the board of public buildings, with a copy to the department. Upon receiving a statement from the board of public buildings, the department shall issue a tax credit certificate equal to thirty percent of the amount of the donation, to the qualified donor as

177 indicated in the statement from the board of public
178 buildings.

179 8. The department shall not authorize more than ten
180 million dollars in tax credits provided under this section
181 in any calendar year. Donations shall be processed for tax
182 credits on a first come, first serve basis. Donations
183 received in excess of the tax credit cap shall be placed in
184 line for tax credits issued the following year or shall be
185 given the opportunity to complete their donation without the
186 expectation of a tax credit, or shall request to have their
187 donation returned.

188 9. Tax credits issued under the provisions of this
189 section shall not be subject to the payment of any fee
190 required under the provisions of section 620.1900.

191 10. Tax credits issued under this section may be
192 assigned, transferred, sold, or otherwise conveyed, and the
193 new owner of the tax credit shall have the same rights in
194 the credit as the taxpayer. Whenever a certificate is
195 assigned, transferred, sold, or otherwise conveyed, a
196 notarized endorsement shall be filed with the department
197 specifying the name and address of the new owner of the tax
198 credit and the value of the credit.

199 11. The department may promulgate rules to implement
200 the provisions of this section. Any rule or portion of a
201 rule, as that term is defined in section 536.010, that is
202 created under the authority delegated in this section shall
203 become effective only if it complies with and is subject to
204 all of the provisions of chapter 536 and, if applicable,
205 section 536.028. This section and chapter 536 are
206 nonseverable and if any of the powers vested with the
207 general assembly pursuant to chapter 536 to review, to delay
208 the effective date, or to disapprove and annul a rule are

209 subsequently held unconstitutional, then the grant of
210 rulemaking authority and any rule proposed or adopted after
211 August 28, 2021, shall be invalid and void.

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

214 (1) The provisions of the new program authorized under
215 this section shall sunset automatically six years after
216 August 28, 2021, unless reauthorized by an act of the
217 general assembly;

218 (2) If such program is reauthorized, the program
219 authorized under this section shall sunset automatically
220 twelve years after August 28, 2021; and

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

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