

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 0591,
2 Page 10, Section 34.057, Line 152, by after all of said line inserting the following:

3
4 “67.3000. 1. As used in this section and section 67.3005, the following words shall mean:

5 (1) "Active member", an organization located in the state of Missouri, which solicits and
6 services sports events, sports organizations, and other types of sports-related activities in that
7 community;

8 (2) "Applicant" or "applicants", one or more certified sponsors, endorsing counties,
9 endorsing municipalities, or a local organizing committee, acting individually or collectively;

10 (3) "Certified sponsor" or "certified sponsors", a nonprofit organization which is an active
11 member of the National Association of Sports Commissions;

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

13 (5) "Director", the director of revenue;

14 (6) "Eligible costs", shall include:

15 (a) Costs necessary for conducting the sporting event;

16 (b) Costs relating to the preparations necessary for the conduct of the sporting event; and

17 (c) An applicant's pledged obligations to the site selection organization as evidenced by
18 the support contract for the sporting event.

19
20 "Eligible costs" shall not include any cost associated with the rehabilitation or construction of any
21 facilities used to host the sporting event or any direct payments to a for-profit site selection
22 organization, but may include costs associated with the retrofitting of a facility necessary to

1 accommodate the sporting event;

2 (7) "Eligible donation", donations received, by a certified sponsor or local organizing
3 committee, from a taxpayer that may include cash, publically traded stocks and bonds, and real
4 estate that will be valued and documented according to rules promulgated by the department.

5 Such donations shall be used solely to provide funding to attract sporting events to this state;

6 (8) "Endorsing municipality" or "endorsing municipalities", any city, town, incorporated
7 village, or county that contains a site selected by a site selection organization for one or more
8 sporting events;

9 (9) "Joinder agreement", an agreement entered into by one or more applicants, acting
10 individually or collectively, and a site selection organization setting out representations and
11 assurances by each applicant in connection with the selection of a site in this state for the location
12 of a sporting event;

13 (10) "Joinder undertaking", an agreement entered into by one or more applicants, acting
14 individually or collectively, and a site selection organization that each applicant will execute a
15 joinder agreement in the event that the site selection organization selects a site in this state for a
16 sporting event;

17 (11) "Local organizing committee", a nonprofit corporation or its successor in interest
18 that:

19 (a) Has been authorized by one or more certified sponsors, endorsing municipalities, or
20 endorsing counties, acting individually or collectively, to pursue an application and bid on its or
21 the applicant's behalf to a site selection organization for selection to host one or more sporting
22 events; or

23 (b) With the authorization of one or more certified sponsors, endorsing municipalities, or
24 endorsing counties, acting individually or collectively, executes an agreement with a site selection
25 organization regarding a bid to host one or more sporting events;

26 (12) "Site selection organization", the National Collegiate Athletic Association (NCAA);

1 an NCAA member conference, university, or institution; the National Association of
2 Intercollegiate Athletics (NAIA); the United States Olympic Committee (USOC); a national
3 governing body (NGB) or international federation of a sport recognized by the USOC; the United
4 States Golf Association (USGA); the United States Tennis Association (USTA); the Amateur
5 Softball Association of America (ASA); other major regional, national, and international sports
6 associations, and amateur organizations that promote, organize, or administer sporting games, or
7 competitions; or other major regional, national, and international organizations that promote or
8 organize sporting events;

9 (13) "Sporting event" or "sporting events", an amateur or Olympic sporting event that is
10 competitively bid or is awarded to a community by a site selection organization;

11 (14) "Support contract" or "support contracts", an event award notification, joinder
12 undertaking, joinder agreement, or contract executed by an applicant and a site selection
13 organization;

14 (15) "Tax credit" or "tax credits", a credit or credits issued by the department against the
15 tax otherwise due under chapter 143 or 148, excluding withholding tax imposed by sections
16 143.191 to 143.265;

17 (16) "Taxpayer", any of the following individuals or entities who make an eligible
18 donation:

19 (a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation
20 doing business in the state of Missouri and subject to the state income tax imposed under chapter
21 143;

22 (b) A corporation subject to the annual corporation franchise tax imposed under chapter
23 147;

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

26 (d) Any other financial institution paying taxes to the state of Missouri or any political

1 subdivision of this state under chapter 148;

2 (e) An individual subject to the state income tax imposed under chapter 143;

3 (f) Any charitable organization which is exempt from federal income tax and whose
4 Missouri unrelated business taxable income, if any, would be subject to the state income tax
5 imposed under chapter 143.

6 2. An applicant may submit a copy of a support contract for a sporting event to the
7 department. Within sixty days of receipt of the sporting event support contract, the department
8 may review the applicant's support contract and certify such support contract if it complies with
9 the requirements of this section. Upon certification of the support contract by the department, the
10 applicant may be authorized to receive the tax credit under subsection 4 of this section.

11 3. No more than thirty days following the conclusion of the sporting event, the applicant
12 shall submit eligible costs and documentation of the costs evidenced by receipts, paid invoices, or
13 other documentation in a manner prescribed by the department.

14 4. No later than seven days following the conclusion of the sporting event, the
15 department, in consultation with the director, may determine the total number of tickets sold at
16 face value for such event. No later than sixty days following the receipt of eligible costs and
17 documentation of such costs from the applicant as required in subsection 3 of this section, the
18 department may issue a refundable tax credit to the applicant for the lesser of one hundred percent
19 of eligible costs incurred by the applicant or an amount equal to five dollars multiplied by the
20 event's average per-session admission tickets sold and paid registered participants multiplied by
21 the number of days from the first to the last day of the event. Tax credits authorized by this
22 section may be transferred, sold, or assigned by filing a notarized endorsement thereof with the
23 department that names the transferee, the amount of tax credit transferred, and the value received
24 for the credit, as well as any other information reasonably requested by the department.

25 5. In no event shall the amount of tax credits issued by the department under this section
26 exceed ten million dollars in any fiscal year. In any fiscal year, no more than eight million dollars

1 in tax credits shall be available to all applicants that submit support contracts for sporting events
2 to be held in any city not within a county or in any county with more than three hundred thousand
3 inhabitants.

4 6. An applicant shall provide any information necessary as determined by the department
5 for the department and the director to fulfill the duties required by this section. At any time upon
6 the request of the state of Missouri, a certified sponsor shall subject itself to an audit conducted by
7 the state.

8 7. This section shall not be construed as creating or requiring a state guarantee of
9 obligations imposed on an endorsing municipality under a support contract or any other agreement
10 relating to hosting one or more sporting events in this state.

11 8. The department shall only certify an applicant's support contract for a sporting event in
12 which the site selection organization has yet to select a location for the sporting event as of
13 August 28, 2012. Support contracts shall not be certified by the department after August 28,
14 2018, provided that the support contracts may be certified on or prior to August 28, 2018, for
15 sporting events that will be held after such date.

16 9. The department may promulgate rules as necessary to implement the provisions of this
17 section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created
18 under the authority delegated in this section shall become effective only if it complies with and is
19 subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section
20 and chapter 536 are nonseverable and if any of the powers vested with the general assembly
21 pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule
22 are subsequently held unconstitutional, then the grant of rulemaking authority and any rule
23 proposed or adopted after August 28, 2012, shall be invalid and void.

24 67.3005. 1. For all taxable years beginning on or after January 1, 2012, any taxpayer shall
25 be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148, excluding
26 withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of

1 the amount of an eligible donation, subject to the restrictions in this section. The amount of the
2 tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the
3 tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by
4 this section from claiming in a tax year shall not be refundable, but may be carried forward to any
5 of the taxpayer's four subsequent taxable years.

6 2. To claim the credit authorized in this section, a certified sponsor or local organizing
7 committee shall submit to the department an application for the tax credit authorized by this
8 section on behalf of taxpayers. The department shall verify that the applicant has submitted the
9 following items accurately and completely:

10 (1) A valid application in the form and format required by the department;

11 (2) A statement attesting to the eligible donation received, which shall include the name
12 and taxpayer identification number of the individual making the eligible donation, the amount of
13 the eligible donation, and the date the eligible donation was received; and

14 (3) Payment from the certified sponsor or local organizing committee equal to the value of
15 the tax credit for which application is made.

16
17 If the certified sponsor or local organizing committee applying for the tax credit meets all criteria
18 required by this subsection, the department shall issue a certificate in the appropriate amount.

19 3. Tax credits issued under this section may be assigned, transferred, sold, or otherwise
20 conveyed, and the new owner of the tax credit shall have the same rights in the credit as the
21 taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized
22 endorsement shall be filed with the department specifying the name and address of the new owner
23 of the tax credit or the value of the credit. In no event shall the amount of tax credits issued by the
24 department under this section exceed ten million dollars in any fiscal year.

25 4. The department shall promulgate rules to implement the provisions of this section.

26 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the

1 authority delegated in this section shall become effective only if it complies with and is subject to
2 all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter
3 536, are nonseverable and if any of the powers vested with the general assembly pursuant to
4 chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are
5 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
6 or adopted after August 28, 2012, shall be invalid and void.

7 5. Under section 23.253 of the Missouri sunset act:

8 (1) The provisions of the new program authorized under this section shall automatically
9 sunset six years after August 28, 2012, unless reauthorized by an act of the general assembly; and

10 (2) If such program is reauthorized, the program authorized under this section shall
11 automatically sunset on December thirty-first twelve years after the effective date of the
12 reauthorization of this section; and

13 (3) This section shall terminate on September first of the calendar year immediately
14 following the calendar year in which the program authorized under this section is sunset.”; and

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16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.