

SENATE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1865

AN ACT

To repeal sections 67.463, 67.469, 67.1305, 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, 135.800, 135.1150, 253.550, and 253.559, RSMo, and to enact in lieu thereof twenty-two new sections relating solely to due diligence given in consideration of economic development incentives, with an emergency clause for a certain section.

---

---

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
AS FOLLOWS:

1           Section A. Sections 67.463, 67.469, 67.1305, 135.090,  
2 135.327, 135.535, 135.562, 135.630, 135.647, 135.800, 135.1150,  
3 253.550, and 253.559, RSMo, are repealed and twenty-two new  
4 sections enacted in lieu thereof, to be known as sections 67.095,  
5 67.463, 67.469, 67.1305, 67.3000, 67.3005, 135.090, 135.327,  
6 135.535, 135.562, 135.630, 135.647, 135.800, 135.1150, 135.1180,  
7 253.550, 253.559, 620.007, 620.009, 620.019, 620.1895, and 1, to  
8 read as follows:

9           67.095. 1. A political subdivision shall hold a public  
10 hearing on the issuance of any of the political subdivision's  
11 bonds that have a pledge of future appropriations securing the  
12 bond's debt service before issuing any such bond. Notice of the  
13 public hearing shall be published once each week for two  
14 consecutive weeks in a newspaper of general circulation located

1 in the political subdivision and qualified to publish legal  
2 notices under section 493.050. If there is no such newspaper  
3 located in the political subdivision, the notice of public  
4 hearing shall be published in a newspaper of general circulation  
5 located in the county where the political subdivision is located  
6 and qualified under section 493.050. If there is no such  
7 newspaper in the county, the notice of public hearing shall be  
8 published in a newspaper of general circulation located in an  
9 adjoining county and qualified under section 493.080. The last  
10 insertion of the notice shall not be less than ten days before  
11 the date stated for the public hearing.

12 2. Such notice provided pursuant to this section shall  
13 inform the public that:

14 (1) Issuance of the bond may result in adverse consequences  
15 for the political subdivision, including a reduction in the  
16 political subdivision's credit rating or an increase in the cost  
17 of future borrowing by the political subdivision; and

18 (2) That a successful bond may have a positive impact on the  
19 community.

20 3. Any political subdivision holding a public hearing as  
21 provided in subsection 1 of this section shall allow public  
22 testimony and such hearing shall be held at a regularly scheduled  
23 meeting of the governing body of the political subdivision.

24 4. This section shall not apply to refinancing of current  
25 indebtedness.

26 5. This section shall not apply to a political subdivision  
27 that, pursuant to either a charter or other ballot measure  
28 approved by its voters, has enacted a policy that reflects best

1 practices for the prudent use of debt, including bonds, and the  
2 use of economic incentives, that contains, at a minimum, the  
3 following components:

4 (1) Use of an annual appropriation pledge;

5 (2) Debt capacity;

6 (3) Use of third-party professionals;

7 (4) Structuring and marketing of the bonds; and

8 (5) Management of credit ratings.

9 67.463. 1. At the hearing to consider the proposed  
10 improvements and assessments, the governing body shall hear and  
11 pass upon all objections to the proposed improvements and  
12 proposed assessments, if any, and may amend the proposed  
13 improvements, and the plans and specifications therefor, or  
14 assessments as to any property, and thereupon by ordinance or  
15 resolution the governing body of the city or county shall order  
16 that the improvement be made and direct that financing for the  
17 cost thereof be obtained as provided in sections 67.453 to  
18 67.475.

19 2. After construction of the improvement has been completed  
20 in accordance with the plans and specifications therefor, the  
21 governing body shall compute the final costs of the improvement  
22 and apportion the costs among the property benefitted by such  
23 improvement in such equitable manner as the governing body shall  
24 determine, charging each parcel of property with its  
25 proportionate share of the costs, and by resolution or ordinance,  
26 assess the final cost of the improvement or the amount of general  
27 obligation bonds issued or to be issued therefor as special  
28 assessments against the property described in the assessment

1 roll.

2 3. After the passage or adoption of the ordinance or  
3 resolution assessing the special assessments, the city clerk or  
4 county clerk shall mail a notice to each property owner within  
5 the district which sets forth a description of each parcel of  
6 real property to be assessed which is owned by such owner, the  
7 special assessment assigned to such property, and a statement  
8 that the property owner may pay such assessment in full, together  
9 with interest accrued thereon from the effective date of such  
10 ordinance or resolution, on or before a specified date determined  
11 by the effective date of the ordinance or resolution, or may pay  
12 such assessment in annual installments as provided in subsection  
13 4 of this section.

14 4. The special assessments shall be assessed upon the  
15 property included therein concurrent with general property taxes,  
16 and shall be payable in substantially equal annual installments  
17 for a duration stated in the ballot measure prescribed in  
18 subsection 2 of section 67.457 or in the petition prescribed in  
19 subsection 3 of section 67.457, and, if authorized, an assessment  
20 in each year thereafter levied and collected in the same manner  
21 with the proceeds thereof used solely for maintenance of the  
22 improvement, taking into account such assessments and interest  
23 thereon, as the governing body determines. The first installment  
24 shall be payable after the first collection of general property  
25 taxes following the adoption of the assessment ordinance or  
26 resolution unless such ordinance or resolution was adopted and  
27 certified too late to permit its collection at such time. All  
28 assessments shall bear interest at such rate as the governing

1 body determines, not to exceed the rate permitted for bonds by  
2 section 108.170. Interest on the assessment between the  
3 effective date of the ordinance or resolution assessing the  
4 assessment and the date the first installment is payable shall be  
5 added to the first installment. The interest for one year on all  
6 unpaid installments shall be added to each subsequent installment  
7 until paid. In the case of a special assessment by a city, all  
8 of the installments, together with the interest accrued or to  
9 accrue thereon, may be certified by the city clerk to the county  
10 clerk in one instrument at the same time. Such certification  
11 shall be good for all of the installments, and the interest  
12 thereon payable as special assessments.

13 5. Special assessments shall be collected and paid over to  
14 the city treasurer or county treasurer in the same manner as  
15 taxes of the city or county are collected and paid. In any  
16 county [of the first classification with more than one hundred  
17 thirty-five thousand four hundred but fewer than one hundred  
18 thirty-five thousand five hundred inhabitants], the county  
19 collector may collect a fee as prescribed by section 52.260 for  
20 collection of assessments under this section.

21 67.469. A special assessment authorized under the  
22 provisions of sections 67.453 to 67.475 shall be a lien, from the  
23 date of the assessment, on the property against which it is  
24 assessed on behalf of the city or county assessing the same to  
25 the same extent as a tax upon real property. The lien may be  
26 foreclosed in the same manner as a tax upon real property by land  
27 tax sale pursuant to chapter 140 or, if applicable to that  
28 county, chapter 141, or, [by judicial foreclosure proceeding,] at

1 the option of the governing body, by judicial foreclosure  
2 proceeding. Upon the foreclosure of any such lien, whether by  
3 land tax sale or by judicial foreclosure proceeding, the entire  
4 remaining assessment may become due and payable and may be  
5 recoverable in such foreclosure proceeding at the option of the  
6 governing body.

7 67.1305. 1. As used in this section, the term "city" shall  
8 mean any incorporated city, town, or village.

9 2. In lieu of the sales taxes authorized under sections  
10 67.1300 and 67.1303, the governing body of any city or county may  
11 impose, by order or ordinance, a sales tax on all retail sales  
12 made in the city or county which are subject to sales tax under  
13 chapter 144. The tax authorized in this section shall not be  
14 more than one-half of one percent. The order or ordinance  
15 imposing the tax shall not become effective unless the governing  
16 body of the city or county submits to the voters of the city or  
17 county at any citywide, county or state general, primary or  
18 special election a proposal to authorize the governing body to  
19 impose a tax under this section. The tax authorized in this  
20 section shall be in addition to all other sales taxes imposed by  
21 law, and shall be stated separately from all other charges and  
22 taxes. The tax authorized in this section shall not be imposed  
23 by any city or county that has imposed a tax under section  
24 67.1300 or 67.1303 unless the tax imposed under those sections  
25 has expired or been repealed.

26 3. The ballot of submission for the tax authorized in this  
27 section shall be in substantially the following form:

28 Shall ..... (insert the name of the city or county)

1 impose a sales tax at a rate of ..... (insert rate of  
2 percent) percent for economic development purposes?

3  YES  NO

4

5 If a majority of the votes cast on the question by the qualified  
6 voters voting thereon are in favor of the question, then the tax  
7 shall become effective on the first day of the second calendar  
8 quarter following the calendar quarter in which the election was  
9 held. If a majority of the votes cast on the question by the  
10 qualified voters voting thereon are opposed to the question, then  
11 the tax shall not become effective unless and until the question  
12 is resubmitted under this section to the qualified voters and  
13 such question is approved by a majority of the qualified voters  
14 voting on the question, provided that no proposal shall be  
15 resubmitted to the voters sooner than twelve months from the date  
16 of the submission of the last proposal.

17 4. All sales taxes collected by the director of revenue  
18 under this section on behalf of any county or municipality, less  
19 one percent for cost of collection which shall be deposited in  
20 the state's general revenue fund after payment of premiums for  
21 surety bonds as provided in section 32.087, shall be deposited in  
22 a special trust fund, which is hereby created, to be known as the  
23 "Local Option Economic Development Sales Tax Trust Fund".

24 5. The moneys in the local option economic development  
25 sales tax trust fund shall not be deemed to be state funds and  
26 shall not be commingled with any funds of the state. The  
27 director of revenue shall keep accurate records of the amount of  
28 money in the trust fund and which was collected in each city or

1 county imposing a sales tax pursuant to this section, and the  
2 records shall be open to the inspection of officers of the city  
3 or county and the public.

4 6. Not later than the tenth day of each month the director  
5 of revenue shall distribute all moneys deposited in the trust  
6 fund during the preceding month to the city or county which  
7 levied the tax. Such funds shall be deposited with the county  
8 treasurer of each such county or the appropriate municipal  
9 officer in the case of a municipal tax, and all expenditures of  
10 funds arising from the local economic development sales tax trust  
11 fund shall be in accordance with this section.

12 7. The director of revenue may authorize the state  
13 treasurer to make refunds from the amounts in the trust fund and  
14 credited to any city or county for erroneous payments and  
15 overpayments made, and may redeem dishonored checks and drafts  
16 deposited to the credit of such cities and counties.

17 8. If any county or municipality abolishes the tax, the  
18 city or county shall notify the director of revenue of the action  
19 at least ninety days prior to the effective date of the repeal  
20 and the director of revenue may order retention in the trust  
21 fund, for a period of one year, of two percent of the amount  
22 collected after receipt of such notice to cover possible refunds  
23 or overpayment of the tax and to redeem dishonored checks and  
24 drafts deposited to the credit of such accounts. After one year  
25 has elapsed after the effective date of abolition of the tax in  
26 such city or county, the director of revenue shall remit the  
27 balance in the account to the city or county and close the  
28 account of that city or county. The director of revenue shall



1 notify each city or county of each instance of any amount  
2 refunded or any check redeemed from receipts due the city or  
3 county.

4 9. Except as modified in this section, all provisions of  
5 sections 32.085 and 32.087 shall apply to the tax imposed  
6 pursuant to this section.

7 10. (1) No revenue generated by the tax authorized in this  
8 section shall be used for any retail development project, except  
9 for the redevelopment of downtown areas and historic districts.  
10 Not more than twenty-five percent of the revenue generated shall  
11 be used annually for administrative purposes, including staff and  
12 facility costs.

13 (2) At least twenty percent of the revenue generated by the  
14 tax authorized in this section shall be used solely for projects  
15 directly related to long-term economic development preparation,  
16 including, but not limited to, the following:

17 (a) Acquisition of land;

18 (b) Installation of infrastructure for industrial or  
19 business parks;

20 (c) Improvement of water and wastewater treatment capacity;

21 (d) Extension of streets;

22 (e) Public facilities directly related to economic  
23 development and job creation; and

24 (f) Providing matching dollars for state or federal grants  
25 relating to such long-term projects.

26 (3) The remaining revenue generated by the tax authorized  
27 in this section may be used for, but shall not be limited to, the  
28 following:

1 (a) Marketing;

2 (b) Providing grants and loans to companies for job  
3 training, equipment acquisition, site development, and  
4 infrastructures;

5 (c) Training programs to prepare workers for advanced  
6 technologies and high skill jobs;

7 (d) Legal and accounting expenses directly associated with  
8 the economic development planning and preparation process;

9 (e) Developing value-added and export opportunities for  
10 Missouri agricultural products.

11 11. All revenue generated by the tax shall be deposited in  
12 a special trust fund and shall be used solely for the designated  
13 purposes. If the tax is repealed, all funds remaining in the  
14 special trust fund shall continue to be used solely for the  
15 designated purposes. Any funds in the special trust fund which  
16 are not needed for current expenditures may be invested by the  
17 governing body in accordance with applicable laws relating to the  
18 investment of other city or county funds.

19 12. (1) Any city or county imposing the tax authorized in  
20 this section shall establish an economic development tax board.  
21 The volunteer board shall receive no compensation or operating  
22 budget.

23 (2) The economic development tax board established by a  
24 city shall consist of at least five members, but may be increased  
25 to nine members. Either a five-member or nine-member board shall  
26 be designated in the order or ordinance imposing the sales tax  
27 authorized by this section, and the members are to be appointed  
28 as follows:

1 (a) One member of a five member board, or two members of a  
2 nine member board, shall be appointed by the school districts  
3 included within any economic development plan or area funded by  
4 the sales tax authorized in this section. Such member or members  
5 shall be appointed in any manner agreed upon by the affected  
6 districts;

7 (b) Three members of a five member board, or five members  
8 of a nine member board, shall be appointed by the chief elected  
9 officer of the city with the consent of the majority of the  
10 governing body of the city;

11 (c) One member of a five member board, or two members of a  
12 nine member board, shall be appointed by the governing body of  
13 the county in which the city is located.

14 (3) The economic development tax board established by a  
15 county shall consist of seven members, to be appointed as  
16 follows:

17 (a) One member shall be appointed by the school districts  
18 included within any economic development plan or area funded by  
19 the sales tax authorized in this section. Such member shall be  
20 appointed in any manner agreed upon by the affected districts;

21 (b) Four members shall be appointed by the governing body  
22 of the county; and

23 (c) Two members from the cities, towns, or villages within  
24 the county appointed in any manner agreed upon by the chief  
25 elected officers of the cities or villages.

26  
27 Of the members initially appointed, three shall be designated to  
28 serve for terms of two years, except that when a nine member

1 board is designated, seven of the members initially appointed  
2 shall be designated to serve for terms of two years, and the  
3 remaining members shall be designated to serve for a term of four  
4 years from the date of such initial appointments. Thereafter,  
5 the members appointed shall serve for a term of four years,  
6 except that all vacancies shall be filled for unexpired terms in  
7 the same manner as were the original appointments.

8 (4) If an economic development tax board established by a  
9 city is already in existence on August 28, 2012, any increase in  
10 the number of members of the board shall be designated in an  
11 order or ordinance. The four board members added to the board  
12 shall be appointed to a term with an expiration coinciding with  
13 the expiration of the terms of the three board member positions  
14 that were originally appointed to terms of two years.

15 Thereafter, the additional members appointed shall serve for a  
16 term of four years, except that all vacancies shall be filled for  
17 unexpired terms in the same manner as were the additional  
18 appointments.

19 13. The board, subject to approval of the governing body of  
20 the city or county, shall consider economic development plans,  
21 economic development projects, or designations of an economic  
22 development area, and shall hold public hearings and provide  
23 notice of any such hearings. The board shall vote on all  
24 proposed economic development plans, economic development  
25 projects, or designations of an economic development area, and  
26 amendments thereto, within thirty days following completion of  
27 the hearing on any such plan, project, or designation, and shall  
28 make recommendations to the governing body within ninety days of

1 the hearing concerning the adoption of or amendment to economic  
2 development plans, economic development projects, or designations  
3 of an economic development area. The governing body of the city  
4 or county shall have the final determination on use and  
5 expenditure of any funds received from the tax imposed under this  
6 section.

7 14. The board may consider and recommend using funds  
8 received from the tax imposed under this section for plans,  
9 projects or area designations outside the boundaries of the city  
10 or county imposing the tax if, and only if:

11 (1) The city or county imposing the tax or the state  
12 receives significant economic benefit from the plan, project or  
13 area designation; and

14 (2) The board establishes an agreement with the governing  
15 bodies of all cities and counties in which the plan, project or  
16 area designation is located detailing the authority and  
17 responsibilities of each governing body with regard to the plan,  
18 project or area designation.

19 15. Notwithstanding any other provision of law to the  
20 contrary, the economic development sales tax imposed under this  
21 section when imposed within a special taxing district, including  
22 but not limited to a tax increment financing district,  
23 neighborhood improvement district, or community improvement  
24 district, shall be excluded from the calculation of revenues  
25 available to such districts, and no revenues from any sales tax  
26 imposed under this section shall be used for the purposes of any  
27 such district unless recommended by the economic development tax  
28 board established under this section and approved by the

1 governing body imposing the tax.

2 16. The board and the governing body of the city or county  
3 imposing the tax shall report at least annually to the governing  
4 body of the city or county on the use of the funds provided under  
5 this section and on the progress of any plan, project, or  
6 designation adopted under this section and shall make such report  
7 available to the public.

8 17. Not later than the first day of March each year the  
9 board shall submit to the joint committee on economic development  
10 a report, not exceeding one page in length, which must include  
11 the following information for each project using the tax  
12 authorized under this section:

13 (1) A statement of its primary economic development goals;

14 (2) A statement of the total economic development sales tax  
15 revenues received during the immediately preceding calendar year;

16 (3) A statement of total expenditures during the preceding  
17 calendar year in each of the following categories:

18 (a) Infrastructure improvements;

19 (b) Land and or buildings;

20 (c) Machinery and equipment;

21 (d) Job training investments;

22 (e) Direct business incentives;

23 (f) Marketing;

24 (g) Administration and legal expenses; and

25 (h) Other expenditures.

26 18. The governing body of any city or county that has  
27 adopted the sales tax authorized in this section may submit the  
28 question of repeal of the tax to the voters on any date available

1 for elections for the city or county. The ballot of submission  
2 shall be in substantially the following form:

3 Shall ..... (insert the name of the city or county)  
4 repeal the sales tax imposed at a rate of ..... (insert rate  
5 of percent) percent for economic development purposes?

6  YES  NO

7

8 If a majority of the votes cast on the proposal are in favor of  
9 the repeal, that repeal shall become effective on December  
10 thirty-first of the calendar year in which such repeal was  
11 approved. If a majority of the votes cast on the question by the  
12 qualified voters voting thereon are opposed to the repeal, then  
13 the sales tax authorized in this section shall remain effective  
14 until the question is resubmitted under this section to the  
15 qualified voters of the city or county, and the repeal is  
16 approved by a majority of the qualified voters voting on the  
17 question.

18 19. Whenever the governing body of any city or county that  
19 has adopted the sales tax authorized in this section receives a  
20 petition, signed by ten percent of the registered voters of the  
21 city or county voting in the last gubernatorial election, calling  
22 for an election to repeal the sales tax imposed under this  
23 section, the governing body shall submit to the voters a proposal  
24 to repeal the tax. If a majority of the votes cast on the  
25 question by the qualified voters voting thereon are in favor of  
26 the repeal, that repeal shall become effective on December  
27 thirty-first of the calendar year in which such repeal was  
28 approved. If a majority of the votes cast on the question by the

1 qualified voters voting thereon are opposed to the repeal, then  
2 the tax shall remain effective until the question is resubmitted  
3 under this section to the qualified voters and the repeal is  
4 approved by a majority of the qualified voters voting on the  
5 question.

6 20. If any provision of this section or section 67.1303 or  
7 the application thereof to any person or circumstance is held  
8 invalid, the invalidity shall not affect other provisions or  
9 application of this section or section 67.1303 which can be given  
10 effect without the invalid provision or application, and to this  
11 end the provisions of this section and section 67.1303 are  
12 declared severable.

13 67.3000. 1. As used in this section and section 67.3005,  
14 the following words shall mean:

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

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

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

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

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

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



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

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

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

7  
8 "Eligible costs" shall not include any cost associated with the  
9 rehabilitation or construction of any facilities used to host the  
10 sporting event, but may include costs associated with the  
11 retrofitting of a facility necessary to accommodate the sporting  
12 event and direct payments to a for-profit site selection  
13 organization;

14 (7) "Eligible donation", donations received, by a certified  
15 sponsor or local organizing committee, from a taxpayer that may  
16 include cash, publically traded stocks and bonds, and real estate  
17 that will be valued and documented according to rules promulgated  
18 by the department. Such donations shall be used solely to  
19 provide funding to attract sporting events to this state;

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

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

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

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

8 (a) Has been authorized by one or more certified sponsors,  
9 endorsing municipalities, or endorsing counties, acting  
10 individually or collectively, to pursue an application and bid on  
11 its or the applicant's behalf to a site selection organization  
12 for selection as the site of one or more sporting events; or

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

18 (12) "Site selection organization", the National Collegiate  
19 Athletic Association (NCAA); an NCAA member conference,  
20 university, or institution; the National Association of  
21 Intercollegiate Athletics (NAIA); the United States Olympic  
22 Committee (USOC); a national governing body (NGB) or  
23 international federation of a sport recognized by the USOC; the  
24 United States Golf Association (USGA); the United States Tennis  
25 Association (USTA); the Amateur Softball Association of America  
26 (ASA); other major regional, national, and international sports  
27 associations, and amateur organizations that promote, organize,  
28 or administer sporting games, or competitions; or other major

1 regional, national, and international organizations that promote  
2 or organize sporting events;

3 (13) "Sporting event" or "sporting events", an amateur  
4 sporting event that is competitively bid;

5 (14) "Support contract" or "support contracts", an event  
6 award notification, joinder undertaking, joinder agreement, or  
7 contract executed by an applicant and a site selection  
8 organization;

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

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

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

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

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

23 (d) Any other financial institution paying taxes to the  
24 state of Missouri or any political subdivision of this state  
25 under chapter 148;

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

28 (f) Any charitable organization which is exempt from

1 federal income tax and whose Missouri unrelated business taxable  
2 income, if any, would be subject to the state income tax imposed  
3 under chapter 143.

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

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

16 4. No later than seven days following the conclusion of the  
17 sporting event, the department, in consultation with the  
18 director, may determine the total number of tickets sold at face  
19 value for such event. No later than sixty days following the  
20 receipt of eligible costs and documentation of such costs from  
21 the applicant as required in subsection 3 of this section, the  
22 department may issue a refundable tax credit to the applicant for  
23 the lesser of one hundred percent of eligible costs incurred by  
24 the applicant or an amount equal to five dollars for every  
25 admission ticket sold to such event. Tax credits authorized by  
26 this section may be claimed against taxes imposed by chapters 143  
27 and 148 and shall be claimed within one year of the close of the  
28 taxable year for which the credits were issued. Tax credits

1 authorized by this section may be transferred, sold, or assigned  
2 by filing a notarized endorsement thereof with the department  
3 that names the transferee, the amount of tax credit transferred,  
4 and the value received for the credit, as well as any other  
5 information reasonably requested by the department.

6 5. In no event shall the amount of tax credits issued by  
7 the department under subsection 4 of this section exceed three  
8 million dollars in any fiscal year.

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

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

19 8. The department shall only certify an applicant's support  
20 contract for a sporting event in which the site selection  
21 organization has yet to select a location for the sporting event  
22 as of August 28, 2012. Support contracts shall not be certified  
23 by the department after August 28, 2017, provided that the  
24 support contracts may be certified prior to August 28, 2017, for  
25 sporting events that will be held after such date.

26 9. The department may promulgate rules as necessary to  
27 implement the provisions of this section. Any rule or portion of  
28 a rule, as that term is defined in section 536.010 that is

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

11 67.3005. 1. For all taxable years beginning on or after  
12 January 1, 2012, any taxpayer shall be allowed a credit against  
13 the taxes otherwise due under chapter 143, 147, or 148, excluding  
14 withholding tax imposed by sections 143.191 to 143.265, in an  
15 amount equal to fifty percent of the amount of an eligible  
16 donation, subject to the restrictions in this section. The  
17 amount of the tax credit claimed shall not exceed the amount of  
18 the taxpayer's state income tax liability in the tax year for  
19 which the credit is claimed. Any amount of credit that the  
20 taxpayer is prohibited by this section from claiming in a tax  
21 year shall not be refundable, but may be carried forward to any  
22 of the taxpayer's four subsequent taxable years.

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

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

3 (2) A statement attesting to the eligible donation  
4 received, which shall include the name and taxpayer  
5 identification number of the individual making the eligible  
6 donation, the amount of the eligible donation, and the date the  
7 eligible donation was received; and

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

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

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

24 4. The department shall promulgate rules to implement the  
25 provisions of this section. Any rule or portion of a rule, as  
26 that term is defined in section 536.010, that is created under  
27 the authority delegated in this section shall become effective  
28 only if it complies with and is subject to all of the provisions

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

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

9 (1) The provisions of the new program authorized under this  
10 section shall automatically sunset six years after August 28,  
11 2012, unless reauthorized by an act of the general assembly; and

12 (2) If such program is reauthorized, the program authorized  
13 under this section shall automatically sunset twelve years after  
14 the effective date of the reauthorization of this section; and

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

18 135.090. 1. As used in this section, the following terms  
19 mean:

20 (1) "Homestead", the dwelling in Missouri owned by the  
21 surviving spouse and not exceeding five acres of land surrounding  
22 it as is reasonably necessary for use of the dwelling as a home.  
23 As used in this section, "homestead" shall not include any  
24 dwelling which is occupied by more than two families;

25 (2) "Public safety officer", any firefighter, police  
26 officer, capitol police officer, parole officer, probation  
27 officer, correctional employee, water patrol officer, park  
28 ranger, conservation officer, commercial motor vehicle



1 enforcement officer, emergency medical technician, first  
2 responder, or highway patrolman employed by the state of Missouri  
3 or a political subdivision thereof who is killed in the line of  
4 duty, unless the death was the result of the officer's own  
5 misconduct or abuse of alcohol or drugs;

6 (3) "Surviving spouse", a spouse, who has not remarried, of  
7 a public safety officer.

8 2. For all tax years beginning on or after January 1, 2008,  
9 a surviving spouse shall be allowed a credit against the tax  
10 otherwise due under chapter 143, excluding withholding tax  
11 imposed by sections 143.191 to 143.265, in an amount equal to the  
12 total amount of the property taxes on the surviving spouse's  
13 homestead paid during the tax year for which the credit is  
14 claimed. A surviving spouse may claim the credit authorized  
15 under this section for each tax year beginning the year of death  
16 of the public safety officer spouse until the tax year in which  
17 the surviving spouse remarries. No credit shall be allowed for  
18 the tax year in which the surviving spouse remarries. If the  
19 amount allowable as a credit exceeds the income tax reduced by  
20 other credits, then the excess shall be considered an overpayment  
21 of the income tax.

22 3. The department of revenue shall promulgate rules to  
23 implement the provisions of this section.

24 4. Any rule or portion of a rule, as that term is defined  
25 in section 536.010, that is created under the authority delegated  
26 in this section shall become effective only if it complies with  
27 and is subject to all of the provisions of chapter 536 and, if  
28 applicable, section 536.028. This section and chapter 536 are

1 nonseverable and if any of the powers vested with the general  
2 assembly pursuant to chapter 536 to review, to delay the  
3 effective date, or to disapprove and annul a rule are  
4 subsequently held unconstitutional, then the grant of rulemaking  
5 authority and any rule proposed or adopted after August 28, 2007,  
6 shall be invalid and void.

7 5. Pursuant to section 23.253 of the Missouri sunset act:

8 (1) [The provisions of the new program authorized under  
9 this section shall automatically sunset six years after August  
10 28, 2007, unless reauthorized by an act of the general assembly;  
11 and

12 (2) If such program is reauthorized,] The program  
13 authorized under this section shall [automatically sunset twelve  
14 years after the effective date of the reauthorization of this  
15 section] expire on December 31, 2014, unless reauthorized by the  
16 general assembly; and

17 [(3)] (2) This section shall terminate on September first  
18 of the calendar year immediately following the calendar year in  
19 which the program authorized under this section is sunset; and

20 (3) The provisions of this subsection shall not be  
21 construed to limit or in any way impair the department's ability  
22 to issue tax credits authorized on or before the date the program  
23 authorized under this section expires or a taxpayer's ability to  
24 redeem such tax credits.

25 135.327. 1. As used in this section, the following terms  
26 shall mean:

27 (1) "CASA", an entity which receives funding from the  
28 court-appointed special advocate fund established under section

1 476.777, including an association based in this state, affiliated  
2 with a national association, organized to provide support to  
3 entities receiving funding from the court-appointed special  
4 advocate fund;

5 (2) "Child advocacy centers", the regional child  
6 assessment centers listed in subsection 2 of section 210.001;

7 (3) "Contribution", the amount of a donation to a  
8 qualified agency;

9 (4) "Crisis care center", entities contracted with this  
10 state which provide temporary care for children whose age ranges  
11 from birth through seventeen years of age whose parents or  
12 guardian are experiencing an unexpected and unstable or serious  
13 condition that requires immediate action resulting in short-term  
14 care, usually three to five continuous, uninterrupted days, for  
15 children who may be at risk for child abuse, neglect, or in an  
16 emergency situation;

17 (5) "Department", the department of revenue;

18 (6) "Director", the director of the department of revenue;

19 (7) "Qualified agency", CASA, child advocacy centers, or a  
20 crisis care center;

21 (8) "Tax liability", the tax due under chapter 143 other  
22 than taxes withheld under sections 143.191 to 143.265.

23 2. Any person residing in this state who legally adopts a  
24 special needs child on or after January 1, 1988, and before  
25 January 1, 2000, shall be eligible to receive a tax credit of up  
26 to ten thousand dollars for nonrecurring adoption expenses for  
27 each child adopted that may be applied to taxes due under chapter  
28 143. Any business entity providing funds to an employee to

1 enable that employee to legally adopt a special needs child shall  
2 be eligible to receive a tax credit of up to ten thousand dollars  
3 for nonrecurring adoption expenses for each child adopted that  
4 may be applied to taxes due under such business entity's state  
5 tax liability, except that only one ten thousand dollar credit is  
6 available for each special needs child that is adopted.

7 3. Any person residing in this state who proceeds in good  
8 faith with the adoption of a special needs child on or after  
9 January 1, 2000, shall be eligible to receive a tax credit of up  
10 to ten thousand dollars for nonrecurring adoption expenses for  
11 each child that may be applied to taxes due under chapter 143;  
12 provided, however, that beginning on or after July 1, 2004, two  
13 million dollars of the tax credits allowed shall be allocated for  
14 the adoption of special needs children who are residents or wards  
15 of residents of this state at the time the adoption is initiated.  
16 Any business entity providing funds to an employee to enable that  
17 employee to proceed in good faith with the adoption of a special  
18 needs child shall be eligible to receive a tax credit of up to  
19 ten thousand dollars for nonrecurring adoption expenses for each  
20 child that may be applied to taxes due under such business  
21 entity's state tax liability, except that only one ten thousand  
22 dollar credit is available for each special needs child that is  
23 adopted.

24 4. Individuals and business entities may claim a tax credit  
25 for their total nonrecurring adoption expenses in each year that  
26 the expenses are incurred. A claim for fifty percent of the  
27 credit shall be allowed when the child is placed in the home. A  
28 claim for the remaining fifty percent shall be allowed when the

1 adoption is final. The total of these tax credits shall not  
2 exceed the maximum limit of ten thousand dollars per child. The  
3 cumulative amount of tax credits which may be claimed by  
4 taxpayers claiming the credit for nonrecurring adoption expenses  
5 in any one fiscal year prior to July 1, 2004, shall not exceed  
6 two million dollars. The cumulative amount of tax credits that  
7 may be claimed by taxpayers claiming the credit for nonrecurring  
8 adoption expenses shall not be more than four million dollars but  
9 may be increased by appropriation in any fiscal year beginning on  
10 or after July 1, 2004; provided, however, that by December  
11 thirty-first following each July, if less than two million  
12 dollars in credits have been issued for adoption of special needs  
13 children who are not residents or wards of residents of this  
14 state at the time the adoption is initiated, the remaining amount  
15 of the cap shall be available for the adoption of special needs  
16 children who are residents or wards of residents of this state at  
17 the time the adoption is initiated. For all fiscal years  
18 beginning on or after July 1, 2006, applications to claim the  
19 adoption tax credit for special needs children who are residents  
20 or wards of residents of this state at the time the adoption is  
21 initiated shall be filed between July first and April fifteenth  
22 of each fiscal year. For all fiscal years beginning on or after  
23 July 1, 2006, applications to claim the adoption tax credit for  
24 special needs children who are not residents or wards of  
25 residents of this state at the time the adoption is initiated  
26 shall be filed between July first and December thirty-first of  
27 each fiscal year.

28 5. Notwithstanding any provision of law to the contrary,

1 any individual or business entity may assign, transfer or sell  
2 tax credits allowed in this section. Any sale of tax credits  
3 claimed pursuant to this section shall be at a discount rate of  
4 seventy-five percent or greater of the amount sold.

5 6. The director of revenue shall establish a procedure by  
6 which, for each fiscal year, the cumulative amount of tax credits  
7 authorized in this section is equally apportioned among all  
8 taxpayers within the two categories specified in subsection 3 of  
9 this section claiming the credit in that fiscal year. To the  
10 maximum extent possible, the director of revenue shall establish  
11 the procedure described in this subsection in such a manner as to  
12 ensure that taxpayers within each category can claim all the tax  
13 credits possible up to the cumulative amount of tax credits  
14 available for the fiscal year.

15 7. For all tax years beginning on or after January 1, 2006,  
16 a tax credit may be claimed in an amount equal to up to fifty  
17 percent of a verified contribution to a qualified agency and  
18 shall be named the children in crisis tax credit. The minimum  
19 amount of any tax credit issued shall not be less than fifty  
20 dollars and shall be applied to taxes due under chapter 143,  
21 excluding sections 143.191 to 143.265. A contribution  
22 verification shall be issued to the taxpayer by the agency  
23 receiving the contribution. Such contribution verification shall  
24 include the taxpayer's name, Social Security number, amount of  
25 tax credit, amount of contribution, the name and address of the  
26 agency receiving the credit, and the date the contribution was  
27 made. The tax credit provided under this subsection shall be  
28 initially filed for the year in which the verified contribution

1 is made.

2 8. The cumulative amount of the tax credits redeemed shall  
3 not exceed the unclaimed portion of the resident adoption  
4 category allocation as described in this section. The director  
5 of revenue shall determine the unclaimed portion available. The  
6 amount available shall be equally divided among the three  
7 qualified agencies: CASA, child advocacy centers, or crisis care  
8 centers to be used towards tax credits issued. In the event tax  
9 credits claimed under one agency do not total the allocated  
10 amount for that agency, the unused portion for that agency will  
11 be made available to the remaining agencies equally. In the  
12 event the total amount of tax credits claimed for any one agency  
13 exceeds the amount available for that agency, the amount redeemed  
14 shall and will be apportioned equally to all eligible taxpayers  
15 claiming the credit under that agency. After all children in  
16 crisis tax credits have been claimed, any remaining unclaimed  
17 portion of the reserved allocation for adoptions of special needs  
18 children who are residents or wards of residents of this state  
19 shall then be made available for adoption tax credit claims of  
20 special needs children who are not residents or wards of  
21 residents of this state at the time the adoption is initiated.

22 9. Prior to December thirty-first of each year, [the  
23 entities listed under the definition of] each qualified agency  
24 shall apply to the department of social services in order to  
25 verify their qualified agency status. Upon a determination that  
26 the agency is eligible to be a qualified agency, the department  
27 of social services shall provide a letter of eligibility to such  
28 agency. No later than February first of each year, the

1 department of social services shall provide a list of qualified  
2 agencies to the department of revenue. All tax credit  
3 applications to claim the children in crisis tax credit shall be  
4 filed between July first and April fifteenth of each fiscal year.  
5 A taxpayer shall apply for the children in crisis tax credit by  
6 attaching a copy of the contribution verification provided by a  
7 qualified agency to such taxpayer's income tax return.

8 10. The tax credits provided under this section shall be  
9 subject to the provisions of section 135.333.

10 11. (1) In the event a credit denial, due to lack of  
11 available funds, causes a balance-due notice to be generated by  
12 the department of revenue, or any other redeeming agency, the  
13 taxpayer will not be held liable for any penalty or interest,  
14 provided the balance is paid, or approved payment arrangements  
15 have been made, within sixty days from the notice of denial.

16 (2) In the event the balance is not paid within sixty days  
17 from the notice of denial, the remaining balance shall be due and  
18 payable under the provisions of chapter 143.

19 12. The director shall calculate the level of appropriation  
20 necessary to issue all tax credits for nonresident special needs  
21 adoptions applied for under this section and provide such  
22 calculation to the speaker of the house of representatives, the  
23 president pro tempore of the senate, and the director of the  
24 division of budget and planning in the office of administration  
25 by January thirty-first of each year.

26 13. The department may promulgate such rules or regulations  
27 as are necessary to administer the provisions of this section.  
28 Any rule or portion of a rule, as that term is defined in section



1 536.010, that is created under the authority delegated in this  
2 section shall become effective only if it complies with and is  
3 subject to all of the provisions of chapter 536 and, if  
4 applicable, section 536.028. This section and chapter 536 are  
5 nonseverable and if any of the powers vested with the general  
6 assembly pursuant to chapter 536 to review, to delay the  
7 effective date, or to disapprove and annul a rule are  
8 subsequently held unconstitutional, then the grant of rulemaking  
9 authority and any rule proposed or adopted after August 28, 2006,  
10 shall be invalid and void.

11 14. Pursuant to section 23.253 of the Missouri sunset act:

12 (1) [The provisions of the new program authorized under  
13 subsections 7 to 12 of this section shall automatically sunset  
14 six years after August 28, 2006, unless reauthorized by an act of  
15 the general assembly; and

16 (2) If such program is reauthorized,] The program  
17 authorized under subsections 7 to 12 of this section shall  
18 [automatically sunset twelve years after the effective date of  
19 the reauthorization of this section] expire on December 31, 2013,  
20 unless reauthorized by the general assembly; and

21 [(3)] (2) This section shall terminate on September first  
22 of the calendar year immediately following the calendar year in  
23 which the program authorized under this section is sunset; and

24 (3) The provisions of this subsection shall not be  
25 construed to limit or in any way impair the department's ability  
26 to issue tax credits authorized on or before the date the program  
27 authorized under subsections 7 to 12 of this section expires or a  
28 taxpayer's ability to redeem such tax credits.

1           135.535. 1. A corporation, limited liability corporation,  
2 partnership or sole proprietorship, which moves its operations  
3 from outside Missouri or outside a distressed community into a  
4 distressed community, or which commences operations in a  
5 distressed community on or after January 1, 1999, and in either  
6 case has more than seventy-five percent of its employees at the  
7 facility in the distressed community, and which has fewer than  
8 one hundred employees for whom payroll taxes are paid, and which  
9 is a manufacturing, biomedical, medical devices, scientific  
10 research, animal research, computer software design or  
11 development, computer programming, including Internet, web  
12 hosting, and other information technology, wireless or wired or  
13 other telecommunications or a professional firm shall receive a  
14 forty percent credit against income taxes owed pursuant to  
15 chapter 143, 147 or 148, other than taxes withheld pursuant to  
16 sections 143.191 to 143.265, for each of the three years after  
17 such move, if approved by the department of economic development,  
18 which shall issue a certificate of eligibility if the department  
19 determines that the taxpayer is eligible for such credit. The  
20 maximum amount of credits per taxpayer set forth in this  
21 subsection shall not exceed one hundred twenty-five thousand  
22 dollars for each of the three years for which the credit is  
23 claimed. The department of economic development, by means of  
24 rule or regulation promulgated pursuant to the provisions of  
25 chapter 536, shall assign appropriate North American Industry  
26 Classification System numbers to the companies which are eligible  
27 for the tax credits provided for in this section. Such  
28 three-year credits shall be awarded only one time to any company

1 which moves its operations from outside of Missouri or outside of  
2 a distressed community into a distressed community or to a  
3 company which commences operations within a distressed community.  
4 A taxpayer shall file an application for certification of the tax  
5 credits for the first year in which credits are claimed and for  
6 each of the two succeeding taxable years for which credits are  
7 claimed.

8         2. Employees of such facilities physically working and  
9 earning wages for that work within a distressed community whose  
10 employers have been approved for tax credits pursuant to  
11 subsection 1 of this section by the department of economic  
12 development for whom payroll taxes are paid shall also be  
13 eligible to receive a tax credit against individual income tax,  
14 imposed pursuant to chapter 143, equal to one and one-half  
15 percent of their gross salary paid at such facility earned for  
16 each of the three years that the facility receives the tax credit  
17 provided by this section, so long as they were qualified  
18 employees of such entity. The employer shall calculate the  
19 amount of such credit and shall report the amount to the employee  
20 and the department of revenue.

21         3. A tax credit against income taxes owed pursuant to  
22 chapter 143, 147 or 148, other than the taxes withheld pursuant  
23 to sections 143.191 to 143.265, in lieu of the credit against  
24 income taxes as provided in subsection 1 of this section, may be  
25 taken by such an entity in a distressed community in an amount of  
26 forty percent of the amount of funds expended for computer  
27 equipment and its maintenance, medical laboratories and  
28 equipment, research laboratory equipment, manufacturing

1 equipment, fiber optic equipment, high speed telecommunications,  
2 wiring or software development expense up to a maximum of  
3 seventy-five thousand dollars in tax credits for such equipment  
4 or expense per year per entity and for each of three years after  
5 commencement in or moving operations into a distressed community.

6 4. A corporation, partnership or sole partnership, which  
7 has no more than one hundred employees for whom payroll taxes are  
8 paid, which is already located in a distressed community and  
9 which expends funds for such equipment pursuant to subsection 3  
10 of this section in an amount exceeding its average of the prior  
11 two years for such equipment, shall be eligible to receive a tax  
12 credit against income taxes owed pursuant to chapters 143, 147  
13 and 148 in an amount equal to the lesser of seventy-five thousand  
14 dollars or twenty-five percent of the funds expended for such  
15 additional equipment per such entity. Tax credits allowed  
16 pursuant to this subsection or subsection 1 of this section may  
17 be carried back to any of the three prior tax years and carried  
18 forward to any of the next five tax years.

19 5. An existing corporation, partnership or sole  
20 proprietorship that is located within a distressed community and  
21 that relocates employees from another facility outside of the  
22 distressed community to its facility within the distressed  
23 community, and an existing business located within a distressed  
24 community that hires new employees for that facility may both be  
25 eligible for the tax credits allowed by subsections 1 and 3 of  
26 this section. To be eligible for such tax credits, such a  
27 business, during one of its tax years, shall employ within a  
28 distressed community at least twice as many employees as were

1 employed at the beginning of that tax year. A business hiring  
2 employees shall have no more than one hundred employees before  
3 the addition of the new employees. This subsection shall only  
4 apply to a business which is a manufacturing, biomedical, medical  
5 devices, scientific research, animal research, computer software  
6 design or development, computer programming or telecommunications  
7 business, or a professional firm.

8 6. Tax credits shall be approved for applicants meeting the  
9 requirements of this section in the order that such applications  
10 are received. Certificates of tax credits issued in accordance  
11 with this section may be transferred, sold or assigned by  
12 notarized endorsement which names the transferee.

13 7. The tax credits allowed pursuant to subsections 1, 2, 3,  
14 4 and 5 of this section shall be for an amount of no more than  
15 ten million dollars for each year beginning in 1999. [To the  
16 extent there are available tax credits remaining under the ten  
17 million dollar cap provided in this section, up to one hundred  
18 thousand dollars in the remaining credits shall first be used for  
19 tax credits authorized under section 135.562.] The total maximum  
20 credit for all entities already located in distressed communities  
21 and claiming credits pursuant to subsection 4 of this section  
22 shall be seven hundred and fifty thousand dollars. The  
23 department of economic development in approving taxpayers for the  
24 credit as provided for in subsection 6 of this section shall use  
25 information provided by the department of revenue regarding taxes  
26 paid in the previous year, or projected taxes for those entities  
27 newly established in the state, as the method of determining when  
28 this maximum will be reached and shall maintain a record of the

1 order of approval. Any tax credit not used in the period for  
2 which the credit was approved may be carried over until the full  
3 credit has been allowed.

4 8. A Missouri employer relocating into a distressed  
5 community and having employees covered by a collective bargaining  
6 agreement at the facility from which it is relocating shall not  
7 be eligible for the credits in subsection 1, 3, 4 or 5 of this  
8 section, and its employees shall not be eligible for the credit  
9 in subsection 2 of this section if the relocation violates or  
10 terminates a collective bargaining agreement covering employees  
11 at the facility, unless the affected collective bargaining unit  
12 concurs with the move.

13 9. Notwithstanding any provision of law to the contrary, no  
14 taxpayer shall earn the tax credits allowed in this section and  
15 the tax credits otherwise allowed in section 135.110, or the tax  
16 credits, exemptions, and refund otherwise allowed in sections  
17 135.200, 135.220, 135.225 and 135.245, respectively, for the same  
18 business for the same tax period.

19 135.562. 1. If any taxpayer with a federal adjusted gross  
20 income of thirty thousand dollars or less incurs costs for the  
21 purpose of making all or any portion of such taxpayer's principal  
22 dwelling accessible to an individual with a disability who  
23 permanently resides with the taxpayer, such taxpayer shall  
24 receive a tax credit against such taxpayer's Missouri income tax  
25 liability in an amount equal to the lesser of one hundred percent  
26 of such costs or two thousand five hundred dollars per taxpayer,  
27 per tax year.

28 2. Any taxpayer with a federal adjusted gross income

1 greater than thirty thousand dollars but less than sixty thousand  
2 dollars who incurs costs for the purpose of making all or any  
3 portion of such taxpayer's principal dwelling accessible to an  
4 individual with a disability who permanently resides with the  
5 taxpayer shall receive a tax credit against such taxpayer's  
6 Missouri income tax liability in an amount equal to the lesser of  
7 fifty percent of such costs or two thousand five hundred dollars  
8 per taxpayer per tax year. No taxpayer shall be eligible to  
9 receive tax credits under this section in any tax year  
10 immediately following a tax year in which such taxpayer received  
11 tax credits under the provisions of this section.

12 3. Tax credits issued pursuant to this section may be  
13 refundable in an amount not to exceed two thousand five hundred  
14 dollars per tax year.

15 4. Eligible costs for which the credit may be claimed  
16 include:

- 17 (1) Constructing entrance or exit ramps;
- 18 (2) Widening exterior or interior doorways;
- 19 (3) Widening hallways;
- 20 (4) Installing handrails or grab bars;
- 21 (5) Moving electrical outlets and switches;
- 22 (6) Installing stairway lifts;
- 23 (7) Installing or modifying fire alarms, smoke detectors,  
24 and other alerting systems;
- 25 (8) Modifying hardware of doors; or
- 26 (9) Modifying bathrooms.

27 5. The tax credits allowed, including the maximum amount  
28 that may be claimed, pursuant to this section shall be reduced by

1 an amount sufficient to offset any amount of such costs a  
2 taxpayer has already deducted from such taxpayer's federal  
3 adjusted gross income or to the extent such taxpayer has applied  
4 any other state or federal income tax credit to such costs.

5 6. A taxpayer shall claim a credit allowed by this section in  
6 the same taxable year as the credit is issued, and at the time  
7 such taxpayer files his or her Missouri income tax return;  
8 provided that such return is timely filed.

9 7. The department may, in consultation with the department  
10 of social services, promulgate such rules or regulations as are  
11 necessary to administer the provisions of this section. Any rule  
12 or portion of a rule, as that term is defined in section 536.010,  
13 that is created under the authority delegated in this section  
14 shall become effective only if it complies with and is subject to  
15 all of the provisions of chapter 536 and, if applicable, section  
16 536.028. This section and chapter 536 are nonseverable and if  
17 any of the powers vested with the general assembly pursuant to  
18 chapter 536 to review, to delay the effective date or to  
19 disapprove and annul a rule are subsequently held  
20 unconstitutional, then the grant of rulemaking authority and any  
21 rule proposed or adopted after August 28, 2007, shall be invalid  
22 and void.

23 8. The provisions of this section shall apply to all tax  
24 years beginning on or after January 1, 2008.

25 9. The provisions of this section shall expire on December  
26 31, [2013] 2014, unless reauthorized by the general assembly.  
27 This section shall terminate on September first of the calendar  
28 year immediately following the calendar year in which the program



1 authorized under this section is sunset. The provisions of this  
2 subsection shall not be construed to limit or in any way impair  
3 the department's ability to issue tax credits authorized on or  
4 before the date the program authorized under this section expires  
5 or a taxpayer's ability to redeem such tax credits.

6 10. In no event shall the aggregate amount of all tax  
7 credits allowed pursuant to this section exceed one hundred  
8 thousand dollars in any given fiscal year. The tax credits  
9 issued pursuant to this section shall be on a first-come,  
10 first-served filing basis.

11 135.630. 1. As used in this section, the following terms  
12 mean:

13 (1) "Contribution", a donation of cash, stock, bonds, or  
14 other marketable securities, or real property;

15 (2) "Director", the director of the department of social  
16 services;

17 (3) "Pregnancy resource center", a nonresidential facility  
18 located in this state:

19 (a) Established and operating primarily to provide  
20 assistance to women with crisis pregnancies or unplanned  
21 pregnancies by offering pregnancy testing, counseling, emotional  
22 and material support, and other similar services to encourage and  
23 assist such women in carrying their pregnancies to term; and

24 (b) Where childbirths are not performed; and

25 (c) Which does not perform, induce, or refer for abortions  
26 and which does not hold itself out as performing, inducing, or  
27 referring for abortions; and

28 (d) Which provides direct client services at the facility,

1 as opposed to merely providing counseling or referral services by  
2 telephone; and

3 (e) Which provides its services at no cost to its clients;  
4 and

5 (f) When providing medical services, such medical services  
6 must be performed in accordance with Missouri statute; and

7 (g) Which is exempt from income taxation pursuant to the  
8 Internal Revenue Code of 1986, as amended;

9 (4) "State tax liability", in the case of a business  
10 taxpayer, any liability incurred by such taxpayer pursuant to the  
11 provisions of chapters 143, 147, 148, and 153, excluding sections  
12 143.191 to 143.265 and related provisions, and in the case of an  
13 individual taxpayer, any liability incurred by such taxpayer  
14 pursuant to the provisions of chapter 143, excluding sections  
15 143.191 to 143.265 and related provisions;

16 (5) "Taxpayer", a person, firm, a partner in a firm,  
17 corporation, or a shareholder in an S corporation doing business  
18 in the state of Missouri and subject to the state income tax  
19 imposed by the provisions of chapter 143, or a corporation  
20 subject to the annual corporation franchise tax imposed by the  
21 provisions of chapter 147, or an insurance company paying an  
22 annual tax on its gross premium receipts in this state, or other  
23 financial institution paying taxes to the state of Missouri or  
24 any political subdivision of this state pursuant to the  
25 provisions of chapter 148, or an express company which pays an  
26 annual tax on its gross receipts in this state pursuant to  
27 chapter 153, or an individual subject to the state income tax  
28 imposed by the provisions of chapter 143, or any charitable

1 organization which is exempt from federal income tax and whose  
2 Missouri unrelated business taxable income, if any, would be  
3 subject to the state income tax imposed under chapter 143.

4 2. For all tax years beginning on or after January 1, 2007,  
5 a taxpayer shall be allowed to claim a tax credit against the  
6 taxpayer's state tax liability in an amount equal to fifty  
7 percent of the amount such taxpayer contributed to a pregnancy  
8 resource center.

9 3. The amount of the tax credit claimed shall not exceed  
10 the amount of the taxpayer's state tax liability for the taxable  
11 year for which the credit is claimed, and such taxpayer shall not  
12 be allowed to claim a tax credit in excess of fifty thousand  
13 dollars per taxable year. However, any tax credit that cannot be  
14 claimed in the taxable year the contribution was made may be  
15 carried over to the next four succeeding taxable years until the  
16 full credit has been claimed.

17 4. Except for any excess credit which is carried over  
18 pursuant to subsection 3 of this section, a taxpayer shall not be  
19 allowed to claim a tax credit unless the total amount of such  
20 taxpayer's contribution or contributions to a pregnancy resource  
21 center or centers in such taxpayer's taxable year has a value of  
22 at least one hundred dollars.

23 5. The director shall determine, at least annually, which  
24 facilities in this state may be classified as pregnancy resource  
25 centers. The director may require of a facility seeking to be  
26 classified as a pregnancy resource center whatever information  
27 which is reasonably necessary to make such a determination. The  
28 director shall classify a facility as a pregnancy resource center

1 if such facility meets the definition set forth in subsection 1  
2 of this section.

3 6. The director shall establish a procedure by which a  
4 taxpayer can determine if a facility has been classified as a  
5 pregnancy resource center. Pregnancy resource centers shall be  
6 permitted to decline a contribution from a taxpayer. The  
7 cumulative amount of tax credits which may be claimed by all the  
8 taxpayers contributing to pregnancy resource centers in any one  
9 fiscal year shall not exceed two million dollars. Tax credits  
10 shall be issued in the order contributions are received.

11 7. The director shall establish a procedure by which, from  
12 the beginning of the fiscal year until some point in time later  
13 in the fiscal year to be determined by the director, the  
14 cumulative amount of tax credits are equally apportioned among  
15 all facilities classified as pregnancy resource centers. If a  
16 pregnancy resource center fails to use all, or some percentage to  
17 be determined by the director, of its apportioned tax credits  
18 during this predetermined period of time, the director may  
19 reapportion these unused tax credits to those pregnancy resource  
20 centers that have used all, or some percentage to be determined  
21 by the director, of their apportioned tax credits during this  
22 predetermined period of time. The director may establish more  
23 than one period of time and reapportion more than once during  
24 each fiscal year. To the maximum extent possible, the director  
25 shall establish the procedure described in this subsection in  
26 such a manner as to ensure that taxpayers can claim all the tax  
27 credits possible up to the cumulative amount of tax credits  
28 available for the fiscal year.

1           8. Each pregnancy resource center shall provide information  
2 to the director concerning the identity of each taxpayer making a  
3 contribution to the pregnancy resource center who is claiming a  
4 tax credit pursuant to this section and the amount of the  
5 contribution. The director shall provide the information to the  
6 director of revenue. The director shall be subject to the  
7 confidentiality and penalty provisions of section 32.057 relating  
8 to the disclosure of tax information.

9           9. [Notwithstanding any other law to the contrary, any tax  
10 credits granted under this section may be assigned, transferred,  
11 sold, or otherwise conveyed without consent or approval. Such  
12 taxpayer, hereinafter the assignor for purposes of this section,  
13 may sell, assign, exchange, or otherwise transfer earned tax  
14 credits:

15           (1) For no less than seventy-five percent of the par value  
16 of such credits; and

17           (2) In an amount not to exceed one hundred percent of  
18 annual earned credits.

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

20           (1) [Any new program authorized under this section shall  
21 automatically sunset six years after August 28, 2006, unless  
22 reauthorized by an act of the general assembly; and

23           (2) If such program is reauthorized,] The program  
24 authorized under this section shall [automatically sunset twelve  
25 years after the effective date of the reauthorization of this  
26 section] expire on December 31, 2013, unless reauthorized by the  
27 general assembly; and

28           [(3)] (2) This section shall terminate on September first

1 of the calendar year immediately following the calendar year in  
2 which a program authorized under this section is sunset; and

3 (3) The provisions of this subsection shall not be  
4 construed to limit or in any way impair the department's ability  
5 to issue tax credits authorized on or before the date the program  
6 authorized under this section expires or a taxpayer's ability to  
7 redeem such tax credits.

8 135.647. 1. As used in this section, the following terms  
9 shall mean:

10 (1) "Local food pantry", any food pantry that is:

11 (a) Exempt from taxation under section 501(c)(3) of the  
12 Internal Revenue Code of 1986, as amended; and

13 (b) Distributing emergency food supplies to Missouri  
14 low-income people who would otherwise not have access to food  
15 supplies in the area in which the taxpayer claiming the tax  
16 credit under this section resides;

17 (2) "Taxpayer", an individual, a firm, a partner in a  
18 firm, corporation, or a shareholder in an S corporation doing  
19 business in this state and subject to the state income tax  
20 imposed by chapter 143, excluding withholding tax imposed by  
21 sections 143.191 to 143.265.

22 2. For all tax years beginning on or after January 1, 2007,  
23 any taxpayer who donates cash or food, unless such food is  
24 donated after the food's expiration date, to any local food  
25 pantry shall be allowed a credit against the tax otherwise due  
26 under chapter 143, excluding withholding tax imposed by sections  
27 143.191 to 143.265, in an amount equal to fifty percent of the  
28 value of the donations made to the extent such amounts that have

1 been subtracted from federal adjusted gross income or federal  
2 taxable income are added back in the determination of Missouri  
3 adjusted gross income or Missouri taxable income before the  
4 credit can be claimed. Each taxpayer claiming a tax credit under  
5 this section shall file an affidavit with the income tax return  
6 verifying the amount of their contributions. The amount of the  
7 tax credit claimed shall not exceed the amount of the taxpayer's  
8 state tax liability for the tax year that the credit is claimed,  
9 and shall not exceed two thousand five hundred dollars per  
10 taxpayer claiming the credit. Any amount of credit that the  
11 taxpayer is prohibited by this section from claiming in a tax  
12 year shall not be refundable, but may be carried forward to any  
13 of the taxpayer's three subsequent taxable years. No tax credit  
14 granted under this section shall be transferred, sold, or  
15 assigned. No taxpayer shall be eligible to receive a credit  
16 pursuant to this section if such taxpayer employs persons who are  
17 not authorized to work in the United States under federal law.

18 3. The cumulative amount of tax credits under this section  
19 which may be allocated to all taxpayers contributing to a local  
20 food pantry in any one fiscal year shall not exceed two million  
21 dollars. The director of revenue shall establish a procedure by  
22 which the cumulative amount of tax credits is apportioned among  
23 all taxpayers claiming the credit by April fifteenth of the  
24 fiscal year in which the tax credit is claimed. To the maximum  
25 extent possible, the director of revenue shall establish the  
26 procedure described in this subsection in such a manner as to  
27 ensure that taxpayers can claim all the tax credits possible up  
28 to the cumulative amount of tax credits available for the fiscal

1 year.

2 4. Any local food pantry may accept or reject any donation  
3 of food made under this section for any reason. For purposes of  
4 this section, any donations of food accepted by a local food  
5 pantry shall be valued at fair market value, or at wholesale  
6 value if the taxpayer making the donation of food is a retail  
7 grocery store, food broker, wholesaler, or restaurant.

8 5. The department of revenue shall promulgate rules to  
9 implement the provisions of this section. Any rule or portion of  
10 a rule, as that term is defined in section 536.010, that is  
11 created under the authority delegated in this section shall  
12 become effective only if it complies with and is subject to all  
13 of the provisions of chapter 536 and, if applicable, section  
14 536.028. This section and chapter 536 are nonseverable and if  
15 any of the powers vested with the general assembly pursuant to  
16 chapter 536 to review, to delay the effective date, or to  
17 disapprove and annul a rule are subsequently held  
18 unconstitutional, then the grant of rulemaking authority and any  
19 rule proposed or adopted after August 28, 2007, shall be invalid  
20 and void.

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

22 (1) [The provisions of the new program authorized under  
23 this section shall automatically sunset four years after August  
24 28, 2007, unless reauthorized by an act of the general assembly;  
25 and

26 (2) If such program is reauthorized,] The program  
27 authorized under this section shall [automatically sunset twelve  
28 years after the effective date of the reauthorization of this



1 section] expire on December 31, 2014, unless reauthorized by the  
2 general assembly; and

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

6 (3) The provisions of this subsection shall not be  
7 construed to limit or in any way impair the department's ability  
8 to issue tax credits authorized on or before the date the program  
9 authorized under this section expires or a taxpayer's ability to  
10 redeem such tax credits.

11 7. This section shall apply to any donation of cash or food  
12 allowed under this section made on or after the effective date of  
13 this act.

14 135.800. 1. The provisions of sections 135.800 to 135.830  
15 shall be known and may be cited as the "Tax Credit Accountability  
16 Act of 2004".

17 2. As used in sections 135.800 to 135.830, the following  
18 terms mean:

19 (1) "Administering agency", the state agency or department  
20 charged with administering a particular tax credit program, as  
21 set forth by the program's enacting statute; where no department  
22 or agency is set forth, the department of revenue;

23 (2) "Agricultural tax credits", the agricultural product  
24 utilization contributor tax credit created pursuant to section  
25 348.430, the new generation cooperative incentive tax credit  
26 created pursuant to section 348.432, the family farm breeding  
27 livestock loan tax credit created under section 348.505, the  
28 qualified beef tax credit created under section 135.679, and the

1 wine and grape production tax credit created pursuant to section  
2 135.700;

3 (3) "All tax credit programs", or "any tax credit program",  
4 the tax credit programs included in the definitions of  
5 agricultural tax credits, business recruitment tax credits,  
6 community development tax credits, domestic and social tax  
7 credits, entrepreneurial tax credits, environmental tax credits,  
8 financial and insurance tax credits, housing tax credits,  
9 redevelopment tax credits, and training and educational tax  
10 credits;

11 (4) "Business recruitment tax credits", the business  
12 facility tax credit created pursuant to sections 135.110 to  
13 135.150 and section 135.258, the enterprise zone tax benefits  
14 created pursuant to sections 135.200 to 135.270, the business use  
15 incentives for large-scale development programs created pursuant  
16 to sections 100.700 to 100.850, the development tax credits  
17 created pursuant to sections 32.100 to 32.125, the rebuilding  
18 communities tax credit created pursuant to section 135.535, the  
19 film production tax credit created pursuant to section 135.750,  
20 the enhanced enterprise zone created pursuant to sections 135.950  
21 to ~~[135.975]~~ 135.970, and the Missouri quality jobs program  
22 created pursuant to sections 620.1875 to 620.1900;

23 (5) "Community development tax credits", the neighborhood  
24 assistance tax credit created pursuant to sections 32.100 to  
25 32.125, the family development account tax credit created  
26 pursuant to sections 208.750 to 208.775, the dry fire hydrant tax  
27 credit created pursuant to section 320.093, and the  
28 transportation development tax credit created pursuant to section

1 135.545;

2 (6) "Domestic and social tax credits", the youth  
3 opportunities tax credit created pursuant to section 135.460 and  
4 sections 620.1100 to 620.1103, the shelter for victims of  
5 domestic violence created pursuant to section 135.550, the senior  
6 citizen or disabled person property tax credit created pursuant  
7 to sections 135.010 to 135.035, the special needs adoption tax  
8 credit and children in crisis tax credit created pursuant to  
9 sections 135.325 to 135.339, the maternity home tax credit  
10 created pursuant to section 135.600, the surviving spouse tax  
11 credit created pursuant to section 135.090, the residential  
12 treatment agency tax credit created pursuant to section 135.1150,  
13 the pregnancy resource center tax credit created pursuant to  
14 section 135.630, the food pantry tax credit created pursuant to  
15 section 135.647, the health care access fund tax credit created  
16 pursuant to section 135.575, the residential dwelling access tax  
17 credit created pursuant to section 135.562, the developmental  
18 disability care provider tax credit created under section  
19 135.1180, and the shared care tax credit created pursuant to  
20 section 660.055;

21 (7) "Entrepreneurial tax credits", the capital tax credit  
22 created pursuant to sections 135.400 to 135.429, the certified  
23 capital company tax credit created pursuant to sections 135.500  
24 to 135.529, the seed capital tax credit created pursuant to  
25 sections 348.300 to 348.318, the new enterprise creation tax  
26 credit created pursuant to sections 620.635 to 620.653, the  
27 research tax credit created pursuant to section 620.1039, the  
28 small business incubator tax credit created pursuant to section

1 620.495, the guarantee fee tax credit created pursuant to section  
2 135.766, and the new generation cooperative tax credit created  
3 pursuant to sections 32.105 to 32.125;

4 (8) "Environmental tax credits", the charcoal producer tax  
5 credit created pursuant to section 135.313, the wood energy tax  
6 credit created pursuant to sections 135.300 to 135.311, and the  
7 alternative fuel stations tax credit created pursuant to section  
8 135.710;

9 (9) "Financial and insurance tax credits", the bank  
10 franchise tax credit created pursuant to section 148.030, the  
11 bank tax credit for S corporations created pursuant to section  
12 143.471, the exam fee tax credit created pursuant to section  
13 148.400, the health insurance pool tax credit created pursuant to  
14 section 376.975, the life and health insurance guaranty tax  
15 credit created pursuant to section 376.745, the property and  
16 casualty guaranty tax credit created pursuant to section 375.774,  
17 and the self-employed health insurance tax credit created  
18 pursuant to section 143.119;

19 (10) "Housing tax credits", the neighborhood preservation  
20 tax credit created pursuant to sections 135.475 to 135.487, the  
21 low-income housing tax credit created pursuant to sections  
22 135.350 to 135.363, and the affordable housing tax credit created  
23 pursuant to sections 32.105 to 32.125;

24 (11) "Recipient", the individual or entity who is the  
25 original applicant for and who receives proceeds from a tax  
26 credit program directly from the administering agency, the person  
27 or entity responsible for the reporting requirements established  
28 in section 135.805;

1 (12) "Redevelopment tax credits", the historic preservation  
2 tax credit created pursuant to sections 253.545 to [253.561]  
3 253.559, the brownfield redevelopment program tax credit created  
4 pursuant to sections 447.700 to 447.718, the community  
5 development corporations tax credit created pursuant to sections  
6 135.400 to 135.430, the infrastructure tax credit created  
7 pursuant to subsection 6 of section 100.286, the bond guarantee  
8 tax credit created pursuant to section 100.297, the disabled  
9 access tax credit created pursuant to section 135.490, the new  
10 markets tax credit created pursuant to section 135.680, and the  
11 distressed areas land assemblage tax credit created pursuant to  
12 section 99.1205;

13 (13) "Training and educational tax credits", the community  
14 college new jobs tax credit created pursuant to sections 178.892  
15 to 178.896.

16 135.1150. 1. This section shall be known and may be cited  
17 as the "Residential Treatment Agency Tax Credit Act".

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

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

21 (2) "Children's home", a professional home for children who  
22 are victims of abuse or neglect, that provides licensed  
23 counseling and professional social work services, physical  
24 support, and education, and that:

25 (a) Is registered as a nonprofit organization under Section  
26 501(c)(3) of the Internal Revenue Code of 1986, as amended;

27 (b) Is a residential care facility licensed under section  
28 210.484;

1 (c) Is under contract with the department to provide  
2 treatment services for children who are residents or wards of  
3 residents of this state; and

4 (d) Receives eligible donations.

5  
6 Any home that operates more than one facility or at more than one  
7 location shall be eligible for the tax credit under this section  
8 only for any eligible donation made to facilities or locations of  
9 the home that are licensed;

10 (3) "Department", the Missouri department of social  
11 services;

12 [(3)] (4) "Eligible donation", donations received from a  
13 taxpayer by an agency or children's home that are used solely to  
14 provide direct care services to children who are residents of  
15 this state. Eligible donations may include cash, publicly traded  
16 stocks and bonds, and real estate that will be valued and  
17 documented according to rules promulgated by the department of  
18 social services. For purposes of this section, "direct care  
19 services" include but are not limited to increasing the quality  
20 of care and service for children through improved employee  
21 compensation and training;

22 [(4)] (5) "Qualified residential treatment agency" or  
23 "agency", a residential care facility that is licensed under  
24 section 210.484, accredited by the Council on Accreditation  
25 (COA), the Joint Commission on Accreditation of Healthcare  
26 Organizations (JCAHO), or the Commission on Accreditation of  
27 Rehabilitation Facilities (CARF), and is under contract with the  
28 Missouri department of social services to provide treatment

1 services for children who are residents or wards of residents of  
2 this state, and that receives eligible donations. Any agency  
3 that operates more than one facility or at more than one location  
4 shall be eligible for the tax credit under this section only for  
5 any eligible donation made to facilities or locations of the  
6 agency which are licensed and accredited;

7 [(5)] (6) "Taxpayer", any of the following individuals or  
8 entities who make an eligible donation to an agency or children's  
9 home:

10 (a) A person, firm, partner in a firm, corporation, or a  
11 shareholder in an S corporation doing business in the state of  
12 Missouri and subject to the state income tax imposed in chapter  
13 143;

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

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

18 (d) Any other financial institution paying taxes to the  
19 state of Missouri or any political subdivision of this state  
20 under chapter 148;

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

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

27 3. For all taxable years beginning on or after January 1,  
28 2007, any taxpayer shall be allowed a credit against the taxes

1 otherwise due under chapter 147, 148, or 143, excluding  
2 withholding tax imposed by sections 143.191 to 143.265, in an  
3 amount equal to fifty percent of the amount of an eligible  
4 donation, subject to the restrictions in this section. The  
5 amount of the tax credit claimed shall not exceed the amount of  
6 the taxpayer's state income tax liability in the tax year for  
7 which the credit is claimed. Any amount of credit that the  
8 taxpayer is prohibited by this section from claiming in a tax  
9 year shall not be refundable, but may be carried forward to any  
10 of the taxpayer's four subsequent taxable years.

11 4. To claim the credit authorized in this section, an  
12 agency or children's home may submit to the department an  
13 application for the tax credit authorized by this section on  
14 behalf of taxpayers. The department shall verify that the agency  
15 or children's home has submitted the following items accurately  
16 and completely:

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

19 (2) A statement attesting to the eligible donation  
20 received, which shall include the name and taxpayer  
21 identification number of the individual making the eligible  
22 donation, the amount of the eligible donation, and the date the  
23 eligible donation was received by the agency or children's home;  
24 and

25 (3) Payment from the agency or children's home equal to the  
26 value of the tax credit for which application is made. If the  
27 agency or children's home applying for the tax credit meets all  
28 criteria required by this subsection, the department shall issue



1 a certificate in the appropriate amount.

2 5. An agency or children's home may apply for tax credits  
3 in an aggregate amount that does not exceed [forty percent of]  
4 the payments made by the department to the agency or children's  
5 home in the preceding twelve months.

6 6. Tax credits issued under this section may be assigned,  
7 transferred, sold, or otherwise conveyed, and the new owner of  
8 the tax credit shall have the same rights in the credit as the  
9 taxpayer. Whenever a certificate is assigned, transferred, sold,  
10 or otherwise conveyed, a notarized endorsement shall be filed  
11 with the department specifying the name and address of the new  
12 owner of the tax credit or the value of the credit.

13 7. The department shall promulgate rules to implement the  
14 provisions of this section. Any rule or portion of a rule, as  
15 that term is defined in section 536.010, that is created under  
16 the authority delegated in this section shall become effective  
17 only if it complies with and is subject to all of the provisions  
18 of chapter 536 and, if applicable, section 536.028. This section  
19 and chapter 536 are nonseverable and if any of the powers vested  
20 with the general assembly pursuant to chapter 536 to review, to  
21 delay the effective date, or to disapprove and annul a rule are  
22 subsequently held unconstitutional, then the grant of rulemaking  
23 authority and any rule proposed or adopted after August 28, 2006,  
24 shall be invalid and void.

25 8. Under section 23.253 of the Missouri sunset act:

26 (1) [The provisions of the new program authorized under  
27 this section shall automatically sunset six years after August  
28 28, 2006, 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, 2013, 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's ability  
12 to issue tax credits authorized on or before the date the program  
13 authorized under this section expires or a taxpayer's ability to  
14 redeem such tax credits.

15 135.1180. 1. This section shall be known and may be cited  
16 as the "Developmental Disability Care Provider Tax Credit  
17 Program".

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

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

21 (2) "Department", the Missouri department of social  
22 services;

23 (3) "Eligible donation", donations received, by a provider,  
24 from a taxpayer that are used solely to provide direct care  
25 services to persons with developmental disabilities who are  
26 residents of this state. Eligible donations may include cash,  
27 publicly traded stocks and bonds, and real estate that will be  
28 valued and documented according to rules promulgated by the

1 department of social services. For purposes of this section,  
2 "direct care services" include, but are not limited to,  
3 increasing the quality of care and service for persons with  
4 developmental disabilities through improved employee compensation  
5 and training;

6 (4) "Qualified developmental disability care provider" or  
7 "provider", a care provider that provides assistance to persons  
8 with developmental disabilities and is accredited by the Council  
9 on Accreditation (COA), the Joint Commission on Accreditation of  
10 Healthcare Organizations (JCAHO), or the Commission on  
11 Accreditation of Rehabilitation Facilities (CARF), or is under  
12 contract with the Missouri department of social services or  
13 department of mental health to provide treatment services for  
14 such persons, and that receives eligible donations. Any provider  
15 that operates more than one facility or at more than one location  
16 shall be eligible for the tax credit under this section only for  
17 any eligible donation made to facilities or locations of the  
18 provider which are licensed or accredited;

19 (5) "Taxpayer", any of the following individuals or  
20 entities who make an eligible donation to a provider:

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

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

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

1 (d) Any other financial institution paying taxes to the  
2 state of Missouri or any political subdivision of this state  
3 under chapter 148;

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

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

10 3. For all taxable years beginning on or after January 1,  
11 2012, any taxpayer shall be allowed a credit against the taxes  
12 otherwise due under chapter 143, 147, or 148 excluding  
13 withholding tax imposed by sections 143.191 to 143.265 in an  
14 amount equal to fifty percent of the amount of an eligible  
15 donation, subject to the restrictions in this section. The  
16 amount of the tax credit claimed shall not exceed the amount of  
17 the taxpayer's state income tax liability in the tax year for  
18 which the credit is claimed. Any amount of credit that the  
19 taxpayer is prohibited by this section from claiming in a tax  
20 year shall not be refundable, but may be carried forward to any  
21 of the taxpayer's four subsequent taxable years.

22 4. To claim the credit authorized in this section, a  
23 provider may submit to the department an application for the tax  
24 credit authorized by this section on behalf of taxpayers. The  
25 department shall verify that the provider has submitted the  
26 following items accurately and completely:

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

1 (2) A statement attesting to the eligible donation  
2 received, which shall include the name and taxpayer  
3 identification number of the individual making the eligible  
4 donation, the amount of the eligible donation, and the date the  
5 eligible donation was received by the provider; and

6 (3) Payment from the provider equal to the value of the tax  
7 credit for which application is made. If the provider applying  
8 for the tax credit meets all criteria required by this  
9 subsection, the department shall issue a certificate in the  
10 appropriate amount.

11 5. Tax credits issued under this section may be assigned,  
12 transferred, sold, or otherwise conveyed, and the new owner of  
13 the tax credit shall have the same rights in the credit as the  
14 taxpayer. Whenever a certificate is assigned, transferred, sold,  
15 or otherwise conveyed, a notarized endorsement shall be filed  
16 with the department specifying the name and address of the new  
17 owner of the tax credit or the value of the credit.

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

1 after August 28, 2012, shall be invalid and void.

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

3 (1) The provisions of the new program authorized under this  
4 section shall automatically sunset on December 31, 2016, unless  
5 reauthorized by an act of the general assembly; and

6 (2) If such program is reauthorized, the program authorized  
7 under this section shall automatically sunset on December thirty-  
8 first four years after the effective date of the reauthorization  
9 of this section; and

10 (3) This section shall terminate on September first of the  
11 calendar year immediately following the calendar year in which  
12 the program authorized under this section is sunset; and

13 (4) The provisions of this subsection shall not be  
14 construed to limit or in any way impair the department's ability  
15 to issue tax credits authorized on or before the date the program  
16 authorized under this section expires or a taxpayer's ability to  
17 redeem such tax credits.

18 253.550. 1. Any taxpayer incurring costs and expenses for  
19 the rehabilitation of eligible property, which is a certified  
20 historic structure or structure in a certified historic district,  
21 may, subject to the provisions of this section and section  
22 253.559, receive a credit against the taxes imposed pursuant to  
23 chapters 143 and 148, except for sections 143.191 to 143.265, on  
24 such taxpayer in an amount equal to twenty-five percent of the  
25 total costs and expenses of rehabilitation incurred after January  
26 1, 1998, which shall include, but not be limited to, qualified  
27 rehabilitation expenditures as defined under section 47(c)(2)(A)  
28 of the Internal Revenue Code of 1986, as amended, and the related

1 regulations thereunder, provided the rehabilitation costs  
2 associated with rehabilitation and the expenses exceed fifty  
3 percent of the total basis in the property and the rehabilitation  
4 meets standards consistent with the standards of the Secretary of  
5 the United States Department of the Interior for rehabilitation  
6 as determined by the state historic preservation officer of the  
7 Missouri department of natural resources.

8 2. During the period beginning on January 1, 2010, but  
9 ending on or after June 30, 2010, the department of economic  
10 development shall not approve applications for tax credits under  
11 the provisions of subsections 3 and 8 of section 253.559 which,  
12 in the aggregate, exceed seventy million dollars, increased by  
13 any amount of tax credits for which approval shall be rescinded  
14 under the provisions of section 253.559. For each fiscal year  
15 beginning on or after July 1, 2010, but ending on or before June  
16 30, 2012, the department of economic development shall not  
17 approve applications for tax credits under the provisions of  
18 subsections 3 and 8 of section 253.559 which, in the aggregate,  
19 exceed one hundred forty million dollars, increased by any amount  
20 of tax credits for which approval shall be rescinded under the  
21 provisions of section 253.559. The limitations provided under  
22 this subsection shall not apply to applications approved under  
23 the provisions of subsection 3 of section 253.559 for projects to  
24 receive less than two hundred seventy-five thousand dollars in  
25 tax credits.

26 3. For all applications for tax credits approved on or  
27 after January 1, 2010, but before the effective date of this act,  
28 no more than two hundred fifty thousand dollars in tax credits

1 may be issued for eligible costs and expenses incurred in the  
2 rehabilitation of an eligible property which is a nonincome  
3 producing single-family, owner-occupied residential property and  
4 is either a certified historic structure or a structure in a  
5 certified historic district.

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

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

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

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

20 (b) Has received certification, by the state historic  
21 preservation officer, that the rehabilitation plan meets the  
22 standards consistent with the standards of the Secretary of the  
23 United States Department of the Interior, and the rehabilitation  
24 costs and expenses associated with such rehabilitation shall  
25 exceed fifty percent of the total basis in the property.

26 5. For each fiscal year beginning on or after July 1, 2012,  
27 the department of economic development shall not approve  
28 applications for tax credits under the provisions of sections



1 253.545 to 253.559 which, in the aggregate, exceed seventy-five  
2 million dollars, increased by any amount of tax credits for which  
3 approval shall be rescinded under the provisions of section  
4 253.559.

5 6. In lieu of the limitations on tax credit authorization  
6 provided under the provisions of subsection 5 of this section,  
7 the limitations on tax credit authorization provided under the  
8 provisions of subsections 2 and 3 of this section shall apply to:

9 (1) Any application submitted by a taxpayer, which has  
10 received approval from the department prior to the effective date  
11 of this act; or

12 (2) Any application for tax credits provided under this  
13 section for a project, which on or before the effective date of  
14 this act:

15 (a) Received an approved Part I from the Secretary of the  
16 United States Department of Interior and has incurred costs and  
17 expenses for an eligible property which exceed the lesser of  
18 fifteen percent of the total project costs or three million  
19 dollars; or

20 (b) Has received certification, by the state historic  
21 preservation officer, that the rehabilitation plan meets the  
22 standards consistent with the standards of the Secretary of the  
23 United States Department of the Interior, and the rehabilitation  
24 costs and expenses associated with such rehabilitation would,  
25 upon completion, be expected to exceed fifty percent of the total  
26 basis in the property.

27 253.559. 1. To obtain approval for tax credits allowed  
28 under sections 253.545 to 253.559, a taxpayer shall submit an

1 application for tax credits to the department of economic  
2 development. Each application for approval, including any  
3 applications received for supplemental allocations of tax credits  
4 as provided under subsection 8 of this section, shall be  
5 prioritized for review and approval, in the order of the date on  
6 which the application was postmarked, with the oldest postmarked  
7 date receiving priority. Applications postmarked on the same day  
8 shall go through a lottery process to determine the order in  
9 which such applications shall be reviewed.

10 2. Each application shall be reviewed by the department of  
11 economic development for approval. In order to receive approval,  
12 an application, other than applications submitted under the  
13 provisions of subsection 8 of this section, shall include:

14 (1) Proof of ownership or site control. Proof of ownership  
15 shall include evidence that the taxpayer is the fee simple owner  
16 of the eligible property, such as a warranty deed or a closing  
17 statement. Proof of site control may be evidenced by a leasehold  
18 interest or an option to acquire such an interest. If the  
19 taxpayer is in the process of acquiring fee simple ownership,  
20 proof of site control shall include an executed sales contract or  
21 an executed option to purchase the eligible property;

22 (2) Floor plans of the existing structure, architectural  
23 plans, and, where applicable, plans of the proposed alterations  
24 to the structure, as well as proposed additions;

25 (3) The estimated cost of rehabilitation, the anticipated  
26 total costs of the project, the actual basis of the property, as  
27 shown by proof of actual acquisition costs, the anticipated total  
28 labor costs, the estimated project start date, and the estimated

1 project completion date;

2 (4) Proof that the property is an eligible property and a  
3 certified historic structure or a structure in a certified  
4 historic district; and

5 (5) Any other information which the department of economic  
6 development may reasonably require to review the project for  
7 approval. Only the property for which a property address is  
8 provided in the application shall be reviewed for approval. Once  
9 selected for review, a taxpayer shall not be permitted to request  
10 the review of another property for approval in the place of the  
11 property contained in such application. Any disapproved  
12 application shall be removed from the review process. If an  
13 application is removed from the review process, the department of  
14 economic development shall notify the taxpayer in writing of the  
15 decision to remove such application. Disapproved applications  
16 shall lose priority in the review process. A disapproved  
17 application, which is removed from the review process, may be  
18 resubmitted, but shall be deemed to be a new submission for  
19 purposes of the priority procedures described in this section.

20 3. If the department of economic development deems the  
21 application sufficient, the taxpayer shall be notified in writing  
22 of the approval for an amount of tax credits equal to the amount  
23 provided under section 253.550 less any amount of tax credits  
24 previously approved. Such approvals shall be granted to  
25 applications in the order of priority established under this  
26 section and shall require full compliance thereafter with all  
27 other requirements of law as a condition to any claim for such  
28 credits.

1           4. Following approval of an application, the identity of  
2 the taxpayer contained in such application shall not be modified  
3 except:

4           (1) The taxpayer may add partners, members, or shareholders  
5 as part of the ownership structure, so long as the principal  
6 remains the same, provided however, that subsequent to the  
7 commencement of renovation and the expenditure of at least ten  
8 percent of the proposed rehabilitation budget, removal of the  
9 principal for failure to perform duties and the appointment of a  
10 new principal thereafter shall not constitute a change of the  
11 principal; or

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

15           5. In the event that the department of economic development  
16 grants approval for tax credits equal to the total amount  
17 available under subsection 2 or 5 of section 253.550, or  
18 sufficient that when totaled with all other approvals, the  
19 applicable amount available under subsection 2 or 5 of section  
20 253.550 is exhausted, all taxpayers with applications then  
21 awaiting approval or thereafter submitted for approval shall be  
22 notified by the department of economic development that no  
23 additional approvals shall be granted during the fiscal year and  
24 shall be notified of the priority given to such taxpayer's  
25 application then awaiting approval. Such applications shall be  
26 kept on file by the department of economic development and shall  
27 be considered for approval for tax credits in the order  
28 established in this section in the event that additional credits

1 become available due to the rescission of approvals or when a new  
2 fiscal year's allocation of credits becomes available for  
3 approval.

4 6. All taxpayers with applications receiving approval on or  
5 after the effective date of this act shall commence  
6 rehabilitation within two years of the date of issuance of the  
7 letter from the department of economic development granting the  
8 approval for tax credits. "Commencement of rehabilitation" shall  
9 mean that as of the date in which actual physical work,  
10 contemplated by the architectural plans submitted with the  
11 application, has begun, the taxpayer has incurred no less than  
12 ten percent of the estimated costs of rehabilitation provided in  
13 the application. Taxpayers with approval of a project shall  
14 submit evidence of compliance with the provisions of this  
15 subsection. If the department of economic development determines  
16 that a taxpayer has failed to comply with the requirements  
17 provided under this section, the approval for the amount of tax  
18 credits for such taxpayer shall be rescinded and such amount of  
19 tax credits shall then be included in the applicable total amount  
20 of tax credits, provided under subsection 2\_or\_5 of section  
21 253.550, from which approvals may be granted. Any taxpayer whose  
22 approval shall be subject to rescission shall be notified of such  
23 from the department of economic development and, upon receipt of  
24 such notice, may submit a new application for the project.

25 7. To claim the credit authorized under sections 253.550 to  
26 253.559, a taxpayer with approval shall apply for final approval  
27 and issuance of tax credits from the department of economic  
28 development which, in consultation with the department of natural

1 resources, shall determine the final amount of eligible  
2 rehabilitation costs and expenses and whether the completed  
3 rehabilitation meets the standards of the Secretary of the United  
4 States Department of the Interior for rehabilitation as  
5 determined by the state historic preservation officer of the  
6 Missouri department of natural resources. For financial  
7 institutions credits authorized pursuant to sections 253.550 to  
8 253.561 shall be deemed to be economic development credits for  
9 purposes of section 148.064. The approval of all applications and  
10 the issuing of certificates of eligible credits to taxpayers  
11 shall be performed by the department of economic development.  
12 The department of economic development shall inform a taxpayer of  
13 final approval by letter and shall issue, to the taxpayer, tax  
14 credit certificates. The taxpayer shall attach the certificate  
15 to all Missouri income tax returns on which the credit is  
16 claimed.

17 8. Except as expressly provided in this subsection, tax  
18 credit certificates shall be issued in the final year that costs  
19 and expenses of rehabilitation of the project are incurred, or  
20 within the twelve-month period immediately following the  
21 conclusion of such rehabilitation. In the event the amount of  
22 eligible rehabilitation costs and expenses incurred by a taxpayer  
23 would result in the issuance of an amount of tax credits in  
24 excess of the amount provided under such taxpayer's approval  
25 granted under subsection 3 of this section, such taxpayer may  
26 apply to the department for issuance of tax credits in an amount  
27 equal to such excess. Applications for issuance of tax credits  
28 in excess of the amount provided under a taxpayer's application

1 shall be made on a form prescribed by the department. Such  
2 applications shall be subject to all provisions regarding  
3 priority provided under subsection 1 of this section.

4 9. The department of economic development shall determine,  
5 on an annual basis, the overall economic impact to the state from  
6 the rehabilitation of eligible property.

7 620.007. The department of economic development shall  
8 require start-up companies that apply for economic development  
9 incentives, where the incentive is provided up-front, to provide  
10 verification of financial information when an application for  
11 such incentives is submitted to the department. In complying  
12 with this section, the department shall define "start-up  
13 company".

14 620.009. 1. The department of economic development shall  
15 share either by electronic copy of the original source or as  
16 close as a reproduction as possible all adverse information it  
17 has about a company seeking state and local economic development  
18 incentives with all local governments, local not-for-profit  
19 economic development organizations, and economic development  
20 officials competing for the company's business.

21 2. Local governments, local not-for-profit economic  
22 development organizations, and economic development officials  
23 working with a company seeking state or local economic  
24 development incentives shall also share with the department of  
25 economic development all adverse information received about a  
26 company.

27 3. In complying with the provisions of this section, all  
28 adverse information received about a company seeking state or

1 local economic development incentives shall be subject to the  
2 provisions of section 620.014.

3 4. In working with local governments, local not-for-profit  
4 economic development organizations, and economic development  
5 officials on projects, the department of economic development  
6 shall designate one or more persons as the local contact for each  
7 project. The designated contacts shall be the persons through  
8 whom all information required in this section shall be provided.  
9 Such persons shall be required to sign a non-disclosure agreement  
10 agreeing not to divulge information, including company name,  
11 acquired about an applicant for economic development incentives  
12 to the general public.

13 5. In complying with the provisions of this section, no  
14 person or entity shall be required to violate terms of another  
15 nondisclosure agreement related to the project, except that the  
16 department of economic development shall not enter into a  
17 nondisclosure agreement that forbids sharing of adverse  
18 information under this section.

19 620.019. The department of economic development shall  
20 develop a rating system to apprise local governments of the  
21 department's opinion on proposals for discretionary economic  
22 development incentives that combine local and state resources.

23 620.1895. 1. For purposes of this section, the following  
24 terms shall mean:

25 (1) "Benefits", retained withholdings taxes, tax credits,  
26 or grants;

27 (2) "Company", a firm, partnership, joint venture,  
28 association, private or public corporation whether organized for



1 profit or not, which provides goods or services under a contract;

2 (3) "Contract", an agreement entered between a company and  
3 the federal government, or any agency thereof, for the provision  
4 of goods or services;

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

6 (5) "Facility", the building or buildings used by a company  
7 to carry out the terms of a contract;

8 (6) "Projected net fiscal benefit", the total fiscal  
9 benefit to the state less any benefits provided to the taxpayer  
10 under sections 135.100 to 135.150, sections 100.700 to 100.850,  
11 sections 32.100 to 32.125, section 135.535, sections 135.950 to  
12 135.970, or sections 620.1875 to 620.1890, as determined by the  
13 department;

14 (7) "Same or substantially similar business enterprise",  
15 any business activity undertaken pursuant to a contract in which  
16 the nature of the products produced or sold, or activities  
17 conducted, are similar in character and use or are produced,  
18 sold, performed, or conducted in the same or similar manner as  
19 the company;

20 (8) "Taxpayer", a firm, partnership, joint venture,  
21 association, private or public corporation whether organized for  
22 profit or not;

23 (9) "Withholding taxes", the same meaning as such term is  
24 defined under section 620.1878.

25 2. Provisions of law to the contrary notwithstanding, any  
26 taxpayer that occupies a facility previously occupied by another  
27 company for such taxpayer's operation of the same or  
28 substantially similar business enterprise shall be ineligible for

1 benefits under the business facility tax credit program created  
2 pursuant to sections 135.100 to 135.150, the business use  
3 incentives for large scale development program created pursuant  
4 to sections 100.700 to 100.850, the development tax credit  
5 program created pursuant to sections 32.100 to 32.125, the  
6 rebuilding communities tax credit program created pursuant to  
7 section 135.535, the enhanced enterprise zone tax credit program  
8 created pursuant to sections 135.950 to 135.970, or the Missouri  
9 quality jobs program created pursuant to sections 620.1875 to  
10 620.1890, unless the projected net fiscal benefit to the state of  
11 the taxpayer occupying the facility exceeds the fiscal benefit to  
12 the state produced by the previous company occupying the  
13 facility, as determined by the department.

14 Section 1. The department of economic development shall  
15 include a conflict of interest policy in all new consulting  
16 contracts for trade offices located in foreign countries.

17 Section B. Because immediate action is necessary to provide  
18 food for poor and hungry people in this state, the repeal and  
19 reenactment of section 135.647 of this act is deemed necessary  
20 for the immediate preservation of the public health, welfare,  
21 peace, and safety, and is hereby declared to be an emergency act  
22 within the meaning of the constitution, and the repeal and  
23 reenactment of section 135.647 of this act shall be in full force  
24 and effect upon its passage and approval.