

FIRST REGULAR SESSION

HOUSE BILL NO. 842

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GRIFFITH.

1774H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 620, RSMo, by adding thereto two new sections relating to historic buildings.

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

Section A. Chapter 620, RSMo, is amended by adding thereto two new sections, to be known as sections 620.3200 and 620.3210, to read as follows:

620.3200. The department of economic development may, in addition to the fees provided under section 620.1900, charge a fee to the recipient of any tax credits issued by the department under the provisions of chapter 253 in an amount not to exceed one percent of the amount of tax credits issued. The fee shall be payable to the Missouri development finance board for the benefit of the capitol complex fund established under section 620.3210 and shall be paid by the recipient upon the issuance of the tax credits. The department of economic development shall issue invoices for fees payable under this section.

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

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

- (1) "Board", the Missouri development finance board, a body corporate and politic created under sections 100.250 to 100.297 and 100.700 to 100.850;**
- (2) "Capitol complex", the following buildings located in Jefferson City, Missouri:**
 - (a) State capitol building, 201 West Capitol Avenue;**
 - (b) Supreme court building, 207 West High Street;**
 - (c) Old Federal Courthouse, 131 West High Street;**
 - (d) Highway building, 105 West Capitol Avenue;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in bold-face type in the above bill is proposed language.

- 11 (e) Governor's mansion, 100 Madison Street;
- 12 (3) "Certificate", a tax credit certificate issued under this section;
- 13 (4) "Department", the Missouri department of economic development;
- 14 (5) "Eligible artifact", any items of personal property specifically for display in a
15 building in the capitol complex or former fixtures which were previously owned by the
16 state and used within the capitol complex but which had been removed. The board of
17 public buildings shall, in its sole discretion, make all determinations as to which items are
18 eligible artifacts and may employ such experts as may be useful to it in making such a
19 determination;
- 20 (6) "Eligible artifact donation", a donation of an eligible artifact to the board of
21 public buildings. The value of such donation shall be set by the board of public buildings,
22 which may employ such experts as may be useful to it in making such a determination.
23 The board of public buildings shall, in its sole discretion, determine if an artifact is to be
24 accepted;
- 25 (7) "Eligible monetary donation", donations received from a qualified donor to the
26 capitol complex fund, created in this section, or to an organization exempt from taxation
27 under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, whose mission
28 and purpose is to restore, renovate, improve, and maintain one or more buildings in the
29 capitol complex, that are to be used solely for projects to restore, renovate, improve, and
30 maintain buildings and their furnishings in the capitol complex and the administration
31 thereof. Eligible donations may include:
- 32 (a) Cash, including checks, money orders, credit card payments, or similar cash
33 equivalents valued at the face value of the currency. Currency of other nations shall be
34 valued based on the exchange rate on the date of the gift. The date of the donation shall
35 be the date that cash or check is received by the applicant or the date posted to the donor's
36 account in the case of credit or debit cards;
- 37 (b) Stocks from a publicly traded company; or
- 38 (c) Bonds which are publicly traded;
- 39 (8) "Eligible recipient", the capitol complex fund created in this section or an
40 organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code
41 of 1986, as amended, whose mission and purpose is to restore, renovate, improve, and
42 maintain one or more buildings in the capitol complex;
- 43 (9) "Qualified donor", any of the following individuals or entities who make an
44 eligible monetary donation or eligible artifact donation to the capitol complex fund or other
45 eligible recipient:

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

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

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

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

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

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

60 3. There is hereby created a fund, to be known as the "Capitol Complex Fund",
61 separate and distinct from all other board funds, which is hereby authorized to receive any
62 eligible monetary donation as provided in this section and revenues derived from fees
63 imposed under section 620.3200. The capitol complex fund shall be segregated into two
64 accounts: a rehabilitation and renovation account and a maintenance account. Ninety
65 percent of the revenues received from eligible donations under the provisions of this section
66 and fees collected under section 620.3000 shall be deposited in the rehabilitation and
67 renovation account, and seven and one-half percent of such revenues shall be deposited in
68 the maintenance account. The assets of these accounts, together with any interest which
69 may accrue thereon, shall be used by the board solely for the purposes of restoration and
70 maintenance of the buildings of the capitol complex, as defined in this section, and for no
71 other purpose. The remaining two and one-half percent of the revenues deposited into the
72 fund may be used for the purposes of soliciting donations to the fund, advertising and
73 promoting the fund, and administrative costs of administering the fund. Any amounts not
74 used for those purposes shall be deposited back into the rehabilitation and renovation
75 account and the maintenance account, divided in the manner set forth in this section. The
76 board may, as an administrative cost, use the funds to hire fund-raising professionals and
77 such other experts or advisors as may be necessary to carry out the board's duties under
78 this section. The choice of projects for which the moneys are to be used, as well as the
79 determination of the methods of carrying out the projects and the procurement of goods
80 and services thereon, shall be made by the commissioner of administration. No moneys
81 shall be released from the fund for any expense without the approval of the commissioner

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

92 4. For all tax years beginning on or after January 1, 2019, any qualified donor shall
93 be allowed a credit against the taxes otherwise due under chapters 143 and 148, except for
94 sections 143.191 to 143.265, in an amount of fifty percent of the eligible monetary donation.
95 The amount of the tax credit claimed may exceed the amount of the donor's state income
96 tax liability in the tax year for which the credit is claimed. Any amount of credit that
97 exceeds the qualified donor's state income tax liability may be refundable or may be
98 carried forward to any of the taxpayer's four subsequent tax years.

99 5. For all tax years beginning on or after January 1, 2019, any qualified donor shall
100 be allowed a credit against the taxes otherwise due under chapters 143 and 148, except for
101 sections 143.191 to 143.265, in an amount of thirty percent of the eligible artifact donation.
102 The amount of the tax credit claimed shall not exceed the amount of the qualified donor's
103 state income tax liability in the tax year for which the credit is claimed. Any amount of
104 credit that exceeds the qualified donor's state income tax liability shall not be refundable
105 but may be carried forward to any other taxpayer's four subsequent tax years.

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

114 7. To claim a credit for an eligible artifact donation as set forth in subsection 5 of
115 this section, a qualified donor shall donate an eligible artifact to the board of public
116 buildings. If the board of public buildings determines that artifact is an eligible artifact
117 and has determined to accept the artifact, it shall issue a statement of donation to the

118 eligible donor specifying the value placed on the artifact by the board of public buildings,
119 with a copy to the department. Upon receiving a statement from the board of public
120 buildings, the department shall issue a tax credit certificate equal to thirty percent of the
121 amount of the donation, to the qualified donor, as indicated in the statement from the
122 board of public buildings.

123 8. The department shall not authorize more than ten million dollars in tax credits
124 provided under this section in any calendar year. Donations shall be processed for tax
125 credits on a first come, first served basis. Donations received in excess of the tax credit cap
126 shall be placed in line for tax credits issued the following year or donors shall be given the
127 opportunity to complete their donation without the expectation of a tax credit or request
128 to have their donation returned.

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

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

136 11. The department may promulgate rules to implement the provisions of this
137 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
138 created under the authority delegated in this section shall become effective only if it
139 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
140 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
141 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
142 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
143 grant of rulemaking authority and any rule proposed or adopted after August 28, 2019,
144 shall be invalid and void.

145 12. Under section 23.253 of the Missouri Sunset Act:

146 (1) The provisions of the new program authorized under this section shall sunset
147 automatically six years after August 28, 2019, unless reauthorized by an act of the general
148 assembly;

149 (2) If such program is reauthorized, the program authorized under this section
150 shall automatically sunset twelve years after August 28, 2019; and

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

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