

HOUSE AMENDMENT NO. _____
TO
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Offered By

1 AMEND House Amendment No. _____ to House Bill No. 948, Page 1, Line 1, by inserting after,
2 "No. 948" the following:

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4 "Page 1, Section A, Line 2, by inserting after said section and line the following:

5
6 135.679. 1. This section shall be known and may be cited as the "Qualified Beef Tax Credit
7 Act".

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

9 (1) "Agricultural property", any real and personal property, including but not limited to
10 buildings, structures, improvements, equipment, and livestock, that is used in or is to be used in this
11 state by residents of this state for:

12 (a) The operation of a farm or ranch; and

13 (b) Grazing, feeding, or the care of livestock;

14 (2) "Authority", the agricultural and small business development authority established in
15 chapter 348;

16 (3) "Backgrounded", any additional weight at the time of the first qualifying sale, before
17 being finished, above the established baseline weight;

18 (4) "Baseline weight", the average weight in the immediate past two years of all beef
19 animals sold that are thirty months of age or younger, categorized by sex. Baseline weight for
20 qualified beef animals that are physically out-of-state but whose ownership is retained by a resident
21 of this state shall be established by the average transfer weight in the immediate past two years of all
22 beef animals that are thirty months of age or younger and that are transferred out-of-state but whose
23 ownership is retained by a resident of this state, categorized by sex. The established baseline weight
24 shall be effective for a period of three years. If the taxpayer is a qualifying beef animal producer
25 with fewer than two years of production, the baseline weight shall be established by the available
26 average weight in the immediate past year of all beef animals sold that are thirty months of age or
27 younger, categorized by sex. If the qualifying beef animal producer has no previous production, the
28 baseline weight shall be established by the authority;

29 (5) "Finished", the period from backgrounded to harvest;

30 (6) "Qualifying beef animal", any beef animal that is certified by the authority, that was born
31 in this state after August 28, 2008, that was raised and backgrounded or finished in this state by the
32 taxpayer, excluding any beef animal more than thirty months of age as verified by certified written
33 birth records;

34 (7) "Qualifying sale", the first time a qualifying beef animal is sold in this state after the

Action Taken _____ Date _____

1 qualifying beef animal is backgrounded, and a subsequent sale if the weight of the qualifying beef
2 animal at the time of the subsequent sale is greater than the weight of the qualifying beef animal at
3 the time of the first qualifying sale of such beef animal;

4 (8) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding
5 withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 147;

6 (9) "Taxpayer", any individual or entity who:

7 (a) Is subject to the tax imposed in chapter 143, excluding withholding tax imposed by
8 sections 143.191 to 143.265, or the tax imposed in chapter 147;

9 (b) In the case of an individual, is a resident of this state as verified by a 911 address or in
10 the absence of a 911 system, a physical address; and

11 (c) Owns or rents agricultural property and principal place of business is located in this
12 state.

13 3. (1) For all tax years beginning on or after January 1, 2009, but ending on or before
14 December 31, 2021, a taxpayer shall be allowed a tax credit for the first qualifying sale and for a
15 subsequent qualifying sale of all qualifying beef animals.

16 (2) The tax credit amount for the first qualifying sale shall be ten cents per pound for
17 qualifying sale weights under six hundred pounds and twenty-five cents per pound for qualifying
18 sale weights of six hundred pounds or greater, shall be based on the backgrounded weight of all
19 qualifying beef animals at the time of the first qualifying sale, and shall be calculated as follows:

20 (a) If the qualifying sale weight is under six hundred pounds, the qualifying sale weight
21 minus the baseline weight multiplied by ten cents, as long as the qualifying sale weight is equal to or
22 greater than one hundred pounds above the baseline weight; or

23 (b) If the qualifying sale weight is six hundred pounds or greater, the qualifying sale weight
24 minus the baseline weight multiplied by twenty-five cents, as long as the qualifying sale weight is
25 equal to or greater than one hundred pounds above the baseline weight.

26 (3) The tax credit amount for each subsequent qualifying sale shall be ten cents per pound
27 for qualifying sale weights under six hundred pounds and twenty-five cents per pound for qualifying
28 sale weights of six hundred pounds or greater, shall be based on the backgrounded weight of all
29 qualifying beef animals at the time of the subsequent qualifying sale, and shall be calculated as
30 follows:

31 (a) If the qualifying sale weight is under six hundred pounds, the qualifying sale weight
32 minus the baseline weight multiplied by ten cents, as long as the qualifying sale weight is equal to or
33 greater than one hundred pounds above the baseline weight; or

34 (b) If the qualifying sale weight is six hundred pounds or greater, the qualifying sale weight
35 minus the baseline weight multiplied by twenty-five cents, as long as the qualifying sale weight is
36 equal to or greater than one hundred pounds above the baseline weight.

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38 The authority may waive no more than twenty-five percent of the one-hundred-pound weight gain
39 requirement, but any such waiver shall be based on a disaster declaration issued by the U.S.
40 Department of Agriculture.

41 4. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state
42 tax liability for the tax year for which the credit is claimed. No tax credit claimed under this section
43 shall be refundable. The tax credit shall be claimed in the tax year in which the qualifying sale of
44 the qualifying beef occurred, but any amount of credit that the taxpayer is prohibited by this section
45 from claiming in a tax year may be carried forward to any of the taxpayer's four subsequent tax
46 years. The total amount of tax credits that any taxpayer may claim shall not exceed fifteen thousand
47 dollars per year. No taxpayer shall be allowed to claim tax credits under this section for more than
48 three years. The amount of tax credits that may be issued to all eligible applicants claiming tax
49 credits authorized in this section and section 135.686 in a calendar year shall not exceed two million

1 dollars, subject to appropriations. Tax credits shall be issued on an as-received application basis
2 until the calendar year limit is reached. Any credits not issued in any calendar year shall expire and
3 shall not be issued in any subsequent years.

4 5. To claim the tax credit allowed under this section, the taxpayer shall submit to the
5 authority an application for the tax credit on a form provided by the authority and any application
6 fee imposed by the authority. The application shall be filed with the authority at the end of each
7 calendar year in which a qualified sale was made and for which a tax credit is claimed under this
8 section. The application shall include any certified documentation and information required by the
9 authority. All required information obtained by the authority shall be confidential and not disclosed
10 except by court order, subpoena, or as otherwise provided by law. If the taxpayer and the qualified
11 sale meet all criteria required by this section and approval is granted by the authority, the authority
12 shall issue a tax credit certificate in the appropriate amount. Tax credit certificates issued under this
13 section may be assigned, transferred, sold, or otherwise conveyed, and the new owner of the tax
14 credit certificate shall have the same rights in the tax credit as the original taxpayer. Whenever a tax
15 credit certificate is assigned, transferred, sold or otherwise conveyed, a notarized endorsement shall
16 be filed with the authority specifying the name and address of the new owner of the tax credit
17 certificate or the value of the tax credit.

18 6. Any information provided under this section shall be confidential information, to be
19 shared with no one except state and federal animal health officials, except as provided in subsection
20 5 of this section.

21 7. The authority shall, at least annually, submit a report to the Missouri general assembly
22 reviewing the costs and benefits of the program established under this section.

23 8. The authority may promulgate rules to implement the provisions of this section. Any rule
24 or portion of a rule, as that term is defined in section 536.010, that is created under the authority
25 delegated in this section shall become effective only if it complies with and is subject to all of the
26 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
27 nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to
28 review, to delay the effective date, or to disapprove and annul a rule are subsequently held
29 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
30 August 28, 2007, shall be invalid and void.

31 9. This section shall not be subject to the Missouri sunset act, sections 23.250 to 23.298.

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33 Further amend said bill, Page 3, Section 135.686, Line 60, by inserting after the word "dollars" the
34 words ", subject to appropriations"; and

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36 Further amend said bill, "; and"; and

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38 Further amend said bill by amending the title, enacting clause, and intersectional references
39 accordingly.

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41 AMENDS 2107H01.04H