



0053813.01F

Mr. Speaker: I am instructed by the Senate to inform the House of

Representatives that the Senate has taken up and passed

SS SCS ACS HB, 116:316

entitled:

AN ACT

To repeal sections 32.028, 32.087, 32.105, 32.110, 32.115, 32.117, 32.120, 99.1205, 100.286, 100.297, 105.716, 135.010, 135.025, 135.030, 135.090, 135.313, 135.326, 135.327, 135.352, 135.460, 135.481, 135.484, 135.487, 135.490, 135.535, 135.550, 135.562, 135.575, 135.600, 135.630, 135.647, 135.679, 135.700, 135.802, 135.815, 135.825, 135.1150, 136.055, 137.1018, 143.119, 144.030, 144.062, 144.083, 168.071, 178.760, 178.761, 178.762, 178.763, 178.764, 178.892, 178.893, 178.894, 178.895, 178.896, 208.770, 253.545, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.470, 620.472, 620.474, 620.475, 620.476, 620.478, 620.479, 620.480, 620.481, 620.482, 620.495, and 660.055, RSMo, and to enact in lieu thereof eighty-nine new sections relating to collection of state money, with a penalty provision and an emergency clause.

WITH SA 1, SA 1 TO SA 2, SA 2, AS AMENDED, SA 3, SA 6, SA 8, SA 9, SA 10, SA 11, SA 12, SA 15, SA 1 TO SA 16, SA 16, AS AMENDED AND SA 17

EC. Adopted.

In which the concurrence of the House is respectfully requested.

Respectfully,

Terry L. Spieler
Secretary of the Senate

MAY 02 2011

SENATE AMENDMENT NO. 1Offered by Purgason of 33Amend SS/SCS/HCS/House Bill Nos. 116 & 316, Page 294, Section 620.2015, Line 12

2 of said page, by striking "subdivision (5) of subsection 3" and
3 inserting in lieu thereof the following: "subsection 7"; and
4 further amend line 13 of said page, by striking "620.2010" and
5 inserting in lieu thereof the following: "620.2020".

offered 4-27-11
adopted 4-27-11

SA 1
to

0053S13.25S

SENATE AMENDMENT NO. 2

Offered by Jason Crowell of _____

Amend ² SA to SS/SCS/HCS/House Bill Nos. 116 & 316, Page 29, Section 348.265, Line 26,

2 by inserting immediately after the word "July 1, 2011," the
3 following: "subject to appropriation"; and further amend line
4 28, by inserting immediately after the word "amount" the
5 following "not to exceed an amount".

offered 4-27-11
adopted 11-27-11

SENATE AMENDMENT NO. 2Offered by Richard of _____Amend ^{SS} SCS/HCS/House Bills Nos. 116 & 316, Page ^{203 TS} 167, Section 168.071, Line ^{4 TS} 132,

by inserting after all of said line the following:

"196.1109. All moneys that are appropriated by the general assembly from the life sciences research trust fund shall be appropriated to the life sciences research board to increase the capacity for quality of life sciences research at public and private not-for-profit institutions in the state of Missouri and to thereby:

(1) Improve the quantity and quality of life sciences research at public and private not-for-profit institutions, including but not limited to basic research (including the discovery of new knowledge), translational research (including translating knowledge into a usable form), and clinical research (including the literal application of a therapy or intervention to determine its efficacy), including but not limited to health research in human development and aging, cancer, endocrine, cardiovascular, neurological, pulmonary, and infectious disease, and plant sciences, including but not limited to nutrition and food safety; and

(2) Enhance technology transfer and technology commercialization derived from research at public and private

Offered 4-27-11
adapted 4-27-11

1 not-for-profit institutions within the centers for excellence.
2 For purposes of sections 196.1100 to 196.1130, "technology
3 transfer and technology commercialization" includes stages of the
4 regular business cycle occurring after research and development
5 of a life science technology, including but not limited to
6 reduction to practice, proof of concept, and achieving federal
7 Food and Drug Administration, United States Department of
8 Agriculture, or other regulatory requirements in addition to the
9 definition in section 348.251. Funds received by the board may
10 be used for purposes authorized in sections 196.1100 to 196.1130
11 and shall be subject to the restrictions of sections 196.1100 to
12 196.1130, including but not limited to the costs of personnel,
13 supplies, equipment, and renovation or construction of physical
14 facilities; provided that in any single fiscal year no more than
15 [ten] thirty percent of the moneys appropriated shall be used for
16 the construction of physical facilities and further provided that
17 in any fiscal year up to eighty percent of the moneys shall be
18 appropriated to build research capacity at public and private
19 not-for-profit institutions and at least twenty percent and no
20 more than fifty percent of the moneys shall be appropriated for
21 grants to public or private not-for-profit institutions to
22 promote life science technology transfer and technology
23 commercialization. Of the moneys appropriated to build research
24 capacity, twenty percent of the moneys shall be appropriated to
25 promote the development of research of tobacco-related illnesses.

26 196.1115. 1. The moneys appropriated to the life sciences
27 research board that are not distributed by the board in any
28 fiscal year to a center for excellence or a center for excellence
29 endorsed program pursuant to section 196.1112, if any, shall be

1 held in reserve by the board or shall be awarded on the basis of
2 peer review panel recommendations for capacity building
3 initiatives proposed by public and private not-for-profit
4 academic, research, or health care institutions or organizations,
5 or individuals engaged in competitive research in targeted fields
6 consistent with the provisions of sections 196.1100 to 196.1130.

7 2. The life sciences research board may, in view of the
8 limitations expressed in section 196.1130:

9 (1) Award and enter into grants or contracts relating to
10 increasing Missouri's research capacity at public or private
11 not-for-profit institutions;

12 (2) Make provision for peer review panels to recommend and
13 review research projects;

14 (3) Contract for [administrative and] support services;

15 (4) Lease or acquire facilities and equipment;

16 (5) Employ administrative staff; and

17 (6) Receive, retain, hold, invest, disburse or administer
18 any moneys that it receives from appropriations or from any other
19 source.

20 3. The Missouri technology corporation, established under
21 section 348.251, shall serve as the administrative agent for the
22 life sciences research board.

23 4. The life sciences research board shall utilize as much
24 of the moneys as reasonably possible for building capacity at
25 public and private not-for-profit institutions to do research
26 rather than for administrative expenses. The board shall not in
27 any fiscal year expend more than two percent of the total moneys
28 appropriated to it and of the moneys that it has in reserve or
29 has received from other sources for its own administrative

1 expenses for appropriations over twenty million dollars; three
2 percent for appropriations less than twenty million dollars but
3 more than fifteen million dollars; four percent for
4 appropriations less than fifteen million dollars but more than
5 ten million dollars; five percent for appropriations less than
6 ten million dollars; provided, however, that the general assembly
7 by appropriation from the life sciences research trust fund may
8 authorize a limited amount of additional moneys to be expended
9 for administrative costs."; and TS

10 Further amend said bill, Page ²¹⁶~~115~~, Section 253.559, Line

11 TS ²⁷~~126~~, by inserting after all of said line the following:

12 "348.250. Sections 348.250 to 348.275 shall be known and
13 may be cited as the "Missouri Science and Innovation Reinvestment
14 Act".

15 348.251. 1. As used in sections 348.251 to 348.266, the
16 following terms mean:

17 (1) "Applicable percentage", six percent for the fiscal
18 year beginning July 1, 2012, and the next fourteen consecutive
19 fiscal years; five percent for the immediately subsequent five
20 fiscal years; and four percent for the immediately subsequent
21 five fiscal years;

22 (2) "Applied research", any activity that seeks to utilize,
23 synthesize, or apply existing knowledge, information, or
24 resources to the resolution of a specific problem, question, or
25 issue of science and innovation, including but not limited to
26 translational research;

27 (3) "Base year", fiscal year ending June 30, 2011;

28 (4) "Base year gross wages", gross wages paid by science
29 and innovation companies to science and innovation employees

1 during fiscal year ending June 30, 2011;

2 (5) "Basic research", any original investigation for the
3 advancement of scientific or technical knowledge of science and
4 innovation;

5 (6) "Commercialization", any of the full spectrum of
6 activities required for a new technology, product, or process to
7 be developed from the basic research or conceptual stage through
8 applied research or development to the marketplace, including
9 without limitation, the steps leading up to and including
10 licensing, sales, and service;

11 (7) "Corporation", the Missouri technology corporation
12 established under this section;

13 (8) "Fields of applicable expertise", any of the following
14 fields: science and innovation research, development, or
15 commercialization, including basic research and applied research;
16 corporate finance, venture capital, and private equity related to
17 science and innovation; the business and management of science
18 and innovation companies; education related to science and
19 innovation; or civic or corporate leadership in areas related to
20 science and innovation;

21 (9) "Inherent conflict of interest", a fundamental or
22 systematic conflict of interest that prevents a person from
23 serving as a disinterested director of the corporation and from
24 routinely performing his or her duties as a director of the
25 corporation;

26 (10) "NAICS industry groups" or "NAICS codes", the North
27 American Industry Classification System developed under the
28 auspices of the United States Office of Management and Budget and
29 adopted in 1997, as may be amended, revised, or replaced by

1 similar classification systems for similar uses from time to
2 time;

3 (11) "Science and innovation", the use of compositions and
4 methods in research, development, and manufacturing processes for
5 such diverse areas as agriculture-biotechnology, animal health,
6 biochemistry, bioinformatics, energy, environment, forestry,
7 homeland security, information technology, medical devices,
8 medical diagnostics, medical instruments, medical therapeutics,
9 microbiology, nanotechnology, pharmaceuticals, plant biology, and
10 veterinary medicine, including future developments in such areas;

11 (12) "Science and innovation company", a corporation,
12 limited liability company, S corporation, partnership, registered
13 limited liability partnership, foundation, association, nonprofit
14 entity, sole proprietorship, business trust, person, group, or
15 other entity that is:

16 (a) Engaged in the research, development,
17 commercialization, or business of science and innovation in the
18 state, including, without limitation, research, development, or
19 production directed toward developing or providing science and
20 innovation products, processes, or services for specific
21 commercial or public purposes, including hospitals, nonprofit
22 research institutions, incubators, accelerators, and universities
23 currently located or involved in the research, development,
24 commercialization, or business of science and innovation in the
25 state; or

26 (b) Identified by the following NAICS industry groups or
27 NAICS codes or any amended or successor code sections covering
28 such areas of research, development, and commercial endeavors:
29 3251; 3253; 3254; 3391; 51121; 54138; 54171; 62231; 111191;

1 111421; 111920; 111998; 311119; 311211; 311221; 311222; 311223;
2 325193; 325199; 325221; 325222; 325611; 325612; 325613; 325311;
3 325312; 325314; 325320; 325411; 325412; 325414; 333298; 334510;
4 334516; 334517; 339111; 339112; 339113; 339114; 339115; 339116;
5 424910; 541710; 621511; and 621512.

6
7 Each of the above listed four-digit and five-digit codes shall
8 include all six-digit codes in such four-digit and five-digit
9 industry; however, each six-digit code shall stand alone and not
10 indicate the inclusion of other omitted six-digit codes that also
11 are subsets of the pertinent four-digit or five-digit industry to
12 which the included six-digit code belongs;

13 (13) "Science and innovation employee", any employee,
14 officer, or director of a science and innovation company who is a
15 state income taxpayer and any employee of a university who is
16 associated with or supports the research, development,
17 commercialization, or business of science and technology in the
18 state and is obligated to pay state income tax to the state;

19 (14) "Technology application", the introduction and
20 adaptation of refined management practices in fields such as
21 scheduling, inventory management, marketing, product development,
22 and training in order to improve the quality, productivity and
23 profitability of an existing firm. Technology application shall
24 be considered a component of business modernization;

25 [(2) "Technology commercialization", the process of moving
26 investment-grade technology from a business, university or
27 laboratory into the marketplace for application;

28 (3)] (15) "Technology development", strategically focused
29 research directed at developing investment-grade technologies

1 which are important for market competitiveness.

2 2. The governor may, on behalf of the state and in
3 accordance with chapter 355, RSMo, establish a private
4 not-for-profit corporation named the "Missouri Technology
5 Corporation", to carry out the provisions of sections 348.251 to
6 348.266. As used in sections [348.251 to 348.266] 348.250 to
7 348.275 the word "corporation" means the Missouri technology
8 corporation authorized by this section. Before certification by
9 the governor, the corporation shall conduct a public hearing for
10 the purpose of giving all interested parties an opportunity to
11 review and comment [upon] on the articles of incorporation,
12 bylaws and [method] methods of operation of the corporation.
13 Notice of the hearing shall be given at least fourteen days prior
14 to the hearing.

15 348.256. 1. The articles of incorporation [and], bylaws,
16 and methods of operation of the Missouri technology corporation
17 shall [provide that:] be consistent with the provisions of
18 sections 348.250 to 348.275.

19 [(1)] 2. The purposes of the corporation are to contribute
20 to the strengthening of the economy of the state through the
21 development of science and [technology] innovation, to promote
22 the modernization of Missouri businesses by supporting the
23 transfer of science, technology and quality improvement methods
24 to the workplace[, and]; to enhance the productivity and
25 modernization of Missouri businesses by providing leadership in
26 the establishment of methods of technology application,
27 technology commercialization and technology development; to make
28 Missouri businesses, institutions, and universities more
29 competitive and increase their likelihood of success; to support

1 and enhance local and regional strategies and initiatives that
2 capitalize on the unique science and innovation assets across the
3 state; to make Missouri a highly desirable state in which to
4 conduct, facilitate, support, fund, and perform science and
5 innovation research, development, and commercialization; to
6 facilitate and effect the creation, attraction, retention,
7 growth, and enhancement of both existing and new science and
8 innovation companies in the state; to make Missouri a national
9 and international leader in economic activity based on science
10 and innovation; to enhance workforce development; to create and
11 retain quality jobs; to advance scientific knowledge; and to
12 improve the quality of life for the citizens of the state of
13 Missouri in both urban and rural communities.

14 [(2)] 3. The board of directors of the corporation [is]
15 shall be composed of fifteen persons. The governor shall
16 annually appoint one of its members, who must be from the private
17 sector, as [chairman] chairperson. The board shall consist of
18 the following members:

19 [(a)] (1) The director of the department of economic
20 development, or the director's designee;

21 [(b)] (2) The president of the University of Missouri
22 system, or the president's designee;

23 [(c)] (3) A member of the state senate, appointed by the
24 president pro tem of the senate;

25 [(d)] (4) A member of the house of representatives,
26 appointed by the speaker of the house;

27 [(e)] (5) Eleven members appointed by the governor, [two of
28 which shall be from the public sector and nine members from the
29 private sector who shall include, but shall not be limited to,

1 individuals who represent technology-based businesses and
2 industrial interests;

3 (f)] with the advice and consent of the senate, who are
4 recognized for outstanding knowledge, leadership, and expertise
5 in one or more of the fields of applicable expertise.
6

7 Each of the directors of the corporation who is appointed by the
8 governor shall serve for a term of four years and until a
9 successor is duly appointed[; except that, of the directors
10 serving on the corporation as of August 28, 1995, three directors
11 shall be designated by the governor to serve a term of four
12 years, three directors shall be designated to serve a term of
13 three years, three directors shall be designated to serve a term
14 of two years, and two directors shall be designated to serve a
15 term of one year. Each director shall continue to serve until a
16 successor is duly appointed by the governor;

17 (3) The corporation may receive money from any source, may
18 borrow money, may enter into contracts, and may expend money for
19 any activities appropriate to its purpose;

20 (4) The corporation may appoint staff and do all other
21 things necessary or incidental to carrying out the functions
22 listed in section 348.261;

23 (5)]_

24 4. Any changes in the articles of incorporation or bylaws
25 must be approved by the governor[;]_

26 [(6) The corporation shall submit an annual report to the
27 governor and to the Missouri general assembly. The report shall
28 be due on the first day of November for each year and shall
29 include detailed information on the structure, operation and

1 financial status of the corporation. The corporation shall
2 conduct an annual public hearing to receive comments from
3 interested parties regarding the report, and notice of the
4 hearing shall be given at least fourteen days prior to the
5 hearing; and

6 (7)] 5. At the discretion of the state auditor, the
7 corporation is subject to an [annual] audit [by the state
8 auditor] and [that] the corporation shall bear the full cost of
9 the audit.

10 6. Each of the directors of the corporation provided for in
11 subdivisions (1) and (2) of subsection 3 of this section shall
12 remain a director until the designating individual specified in
13 such subdivisions designates a replacement by sending a written
14 communication to the governor and the chairperson of the board of
15 the corporation; provided however, that if the director of
16 economic development or the president of the University of
17 Missouri system designates himself or herself to the corporation
18 board, such person's service as a corporation director shall
19 cease immediately when that person no longer serves as the
20 director of economic development or as the president of the
21 University of Missouri system. Each of the directors of the
22 corporation provided for in subdivisions (3) and (4) of
23 subsection 3 of this section shall remain a director until the
24 appointing member of the general assembly specific in such
25 subdivisions appoints a replacement by sending a written
26 communication to the governor and the chairperson of the
27 corporation board; provided however, that if the speaker of the
28 house or the president pro tem of the senate appoints himself or
29 herself to the corporation board, such person's service as a

1 corporation director shall cease immediately when that person no
2 longer serves as the speaker of the house or the president pro
3 tem of the senate.

4 7. Each of the eleven members of the board appointed by the
5 governor shall:

6 (1) Hold office for the term of appointment and until the
7 governor duly appoints his or her successor; provided that if a
8 vacancy is created by the death, permanent disability,
9 resignation, or removal of a director, such vacancy shall become
10 immediately effective;

11 (2) Be eligible for reappointment, but members of the board
12 shall not be eligible to serve more than two consecutive four-
13 year terms and shall not be reappointed to the board until they
14 have not served on the board for a period of at least four
15 interim years;

16 (3) Not have a known inherent conflict of interest at the
17 time of appointment; and

18 (4) Not have served in an elected office or a cabinet
19 position in state government for a period of two years prior to
20 appointment, unless otherwise provided in this section.

21 8. Any member of the board may be removed by affirmative
22 vote of eleven members of the board for malfeasance or
23 misfeasance in office, regularly failing to attend meetings,
24 failure to comply with the corporation's conflicts of interest
25 policy, conviction of a felony, or for any cause that renders the
26 member incapable of or unfit to discharge the duties of a
27 director of the corporation.

28 9. The board shall meet at least four times per year and at
29 such other times as it deems appropriate, or upon call by the

1 president or the chairperson, or upon written request of a
2 majority of the directors of the board. Unless otherwise
3 restricted by Missouri law, the directors may participate in a
4 meeting of the board by means of telephone conference or other
5 electronic communications equipment whereby all persons
6 participating in the meeting can communicate clearly with each
7 other, and participation in a meeting in such manner will
8 constitute presence in person at such meeting.

9 10. A majority of the total voting membership of the board
10 shall constitute a quorum for meetings. The board may act by a
11 majority of those at any meeting where a quorum is present,
12 except upon such issues as the board may determine shall require
13 a vote of more members of the board for approval or as required
14 by law. All resolutions and orders of the board shall be
15 recorded and authenticated by the signature of the secretary or
16 any assistant secretary of the board.

17 11. Members of the board shall serve without compensation.
18 Members of the board attending meetings of the board, or
19 attending committee or advisory meetings thereof, shall be paid
20 mileage and all other applicable expenses, provided that such
21 expenses are reasonable, consistent with policies established
22 from time to time by the board, and not otherwise inconsistent
23 with law.

24 12. The board may adopt, repeal, and amend such articles of
25 incorporation, bylaws, and methods of operation that are not
26 contrary to law or inconsistent with sections 348.250 to 348.275,
27 as it deems expedient for its own governance and for the
28 governance and management of the corporation and its committees
29 and advisory boards; provided that any changes in the articles of

1 incorporation or bylaws approved by the board must also be
2 approved by the governor.

3 13. A president shall direct and supervise the
4 administrative affairs and the general management of the
5 corporation. The president shall be a person of national
6 prominence that has expertise and credibility in one or more of
7 the fields of applicable expertise with a demonstrated track
8 record of success in leading a mission-driven organization. The
9 president's salary and other terms and conditions of employment
10 shall be set by the board. The board may negotiate and enter
11 into an employment agreement with the president of the
12 corporation, which may provide for compensation, allowances,
13 benefits, and expenses. The president of the corporation shall
14 not be eligible to serve as a member of the board until two years
15 after the end of his or her employment with the corporation. The
16 president of the corporation shall be bound by, and agree to
17 obey, the corporation's conflicts of interest policy, including
18 annually completing and submitting to the board a disclosure and
19 compliance certificate in accordance with such conflicts of
20 interest policy.

21 14. The corporation may employ such employees as it may
22 require and upon such terms and conditions as it may establish
23 that are consistent with state and federal law. The corporation
24 may establish personnel, payroll, benefit, and other such systems
25 as authorized by the board, and provide death and disability
26 benefits. Corporation employees, including the president, shall
27 be considered state employees for the purposes of membership in
28 the Missouri state employees' retirement system and the Missouri
29 consolidated health care plan. Compensation paid by the

1 corporation shall constitute pay from a department for purposes
2 of accruing benefits under the Missouri state employees'
3 retirement system. The corporation may also adopt, in accordance
4 with requirements of the federal Internal Revenue Code of 1986,
5 as amended, a defined contribution plan sponsored by the
6 corporation with respect to employees, including the president,
7 employed by the corporation. Nothing in sections 348.250 to
8 348.275 shall be construed as placing any officer or employee of
9 the corporation or member of the board in the classified or the
10 unclassified service of the state of Missouri under Missouri laws
11 and regulations governing civil service. No employee of the
12 corporation shall be eligible to serve as a member of the board
13 until two years immediately following the end of his or her
14 employment with the corporation. All employees of the
15 corporation shall be bound by, and agree to obey, the
16 corporation's conflicts of interest policy, including annually
17 completing and submitting to the board a disclosure and
18 compliance certificate in accordance with such conflicts of
19 interest policy.

20 15. No later than the first day of January each year, the
21 corporation shall submit an annual report to the governor and to
22 the Missouri general assembly which the corporation may contract
23 with a third party to prepare and which shall include:

24 (1) A complete and detailed description of the operating
25 and financial conditions of the corporation during the prior
26 fiscal year;

27 (2) Complete and detailed information about the
28 distributions from the Missouri science and innovation
29 reinvestment fund and from any income of the corporation;

1 (3) Information about the growth of science and innovation
2 research and industry in the state; and

3 (4) Information regarding financial or performance audits
4 performed in such year, including any recommendations with
5 reference to additional legislation or other action that may be
6 necessary to carry out the purposes of the corporation.

7 16. The corporation shall keep its books and records in
8 accordance with generally accepted accounting procedures. Within
9 four months following the end of each fiscal year, the
10 corporation shall cause a firm of independent certified public
11 accountants of national repute to conduct and deliver to the
12 board an audit of the financial statements of the corporation and
13 an opinion thereon, to be conducted in accordance with generally
14 accepted audit standards, provided, however, that this section
15 shall be inapplicable if the board of directors of the
16 corporation determines that insufficient funds have been
17 appropriated to pay for the costs of compliance with these
18 requirements.

19 17. Within four months following the end of every odd
20 numbered fiscal year, beginning with fiscal year 2016, the
21 corporation shall cause an independent firm of national repute
22 that has expertise in science and innovation research and
23 industry to conduct and deliver to the board an evaluation of the
24 performance of the corporation for the prior two fiscal years,
25 including detailed recommendations for improving the performance
26 of the corporation, provided, however, that this section shall be
27 inapplicable if the board of directors of the corporation
28 determines that insufficient funds have been appropriated to pay
29 for the costs of compliance with these requirements.

1 18. The corporation shall provide the state auditor a copy
2 of the financial and performance evaluations prepared under
3 subsections 16 and 17 of this section.

4 19. The corporation shall have perpetual existence until an
5 act of law expressly dissolves the corporation; provided that no
6 such law shall take effect so long as the corporation has
7 obligations or bonds outstanding unless adequate provision has
8 been made for the payment or retirement of such debts or
9 obligations. Upon any such dissolution of the corporation, all
10 property, funds, and assets thereof shall be vested in the state.

11 20. Except as provided under section 348.266, the state
12 hereby pledges to, and agrees with, recipients of corporation
13 funding or beneficiaries of corporation programs under sections
14 348.250 to 348.275 that the state shall not limit or alter the
15 rights vested in the corporation under sections 348.250 to
16 348.275 to fulfill the terms of any agreements made or
17 obligations incurred by the corporation with or to such third
18 parties, or in any way impair the rights and remedies of such
19 third parties until the obligations of the corporation and the
20 state are fully met and discharged in accordance with sections
21 348.250 to 348.275.

22 21. The corporation shall be exempt from:

23 (1) Any general ad valorem taxes upon any property of the
24 corporation acquired and used for its public purposes;

25 (2) Any taxes or assessments upon any projects or upon any
26 operations of the corporation or the income therefrom;

27 (3) Any taxes or assessments upon any project or any
28 property or local obligation acquired or used by the corporation
29 under the provisions of sections 348.250 to 348.275, or upon

1 income therefrom.

2
3 Purchases by the corporation to be used for its public purposes
4 shall not be subject to sales or use tax under chapter 144. The
5 exemptions hereby granted shall not extend to persons or entities
6 conducting business on the corporations' property for which
7 payment of state and local taxes would otherwise be required.

8 22. No funds of the corporation shall be distributed to its
9 employees or members of the board; except that, the corporation
10 may make reasonable payments for expenses incurred on its behalf
11 relating to any of its lawful purposes and the corporation shall
12 be authorized and empowered to pay reasonable compensation for
13 services rendered to, or for, its benefit relating to any of its
14 lawful purposes, including to pay its employees reasonable
15 compensation.

16 23. The corporation shall adopt and maintain a conflicts of
17 interest policy to protect the corporation's interests by
18 requiring disclosure by an interested party, appropriate recusal
19 by such person, and appropriate action by the interested party or
20 the board where a conflict of interest may exist or arise between
21 the corporation and a director, officer, employee, or agent of
22 the corporation.

23 348.257. 1. The board shall establish an executive
24 committee of the corporation, to be composed of the chairperson,
25 the vice-chairperson, and the secretary of the corporation, and
26 two additional directors. The chairperson of the corporation
27 shall serve as the chairperson of the executive committee.

28 2. The executive committee, in intervals between meetings
29 of the board, may transact any business of the board that has

1 been expressly delegated to the executive committee by the board.
2 If so stipulated by the board, action delegated to the executive
3 committee may be subject to subsequent ratification by the board;
4 provided, however that until ratified or rejected by the board,
5 any action delegated to, and taken by, the executive committee
6 between meetings of the board will be binding upon the
7 corporation as if ratified, and may be relied upon by third
8 parties.

9 3. The board shall establish an audit committee of the
10 corporation, to be composed of the chairperson of the corporation
11 and four additional directors. The secretary of the corporation
12 shall serve as the chairperson of the audit committee. The audit
13 committee shall be responsible for oversight of the
14 administration of the conflicts of interest policy, working with
15 the president of the corporation to facilitate communications
16 with the corporation's contract auditors, and such other
17 responsibilities delegated to it by the board.

18 4. The board shall establish and maintain a research
19 alliance of Missouri to be comprised of the chief research
20 officers, or their designee, of the state's leading research
21 universities and a representative of other leading not-for-profit
22 research institutes headquartered in Missouri. Members of the
23 research alliance of Missouri shall be selected for such terms of
24 membership under such terms and condition as the board deems
25 necessary and appropriate to advance the purposes of sections
26 348.250 to 348.275 and as comparable to other similar public
27 sector bodies. The research alliance of Missouri shall elect a
28 chairperson on an annual basis. The research alliance of
29 Missouri shall prepare annual reports at the direction of the

1 corporation that:

2 (1) Evaluate the specific areas of Missouri's research
3 strengths and weaknesses and outline current research priorities
4 of the state;

5 (2) Evaluate the ability of each member to realign their
6 research and development resources, policies, and practices to
7 seize emerging opportunities;

8 (3) Evaluate and summarize the best national and
9 international practices for technology commercialization of
10 university research and describe efforts that each university
11 member has undertaken to implement best practices, including a
12 description of the specific outcomes university members have
13 achieved in technology commercialization; and

14 (4) Describe research collaborations by and between members
15 and identify collaboration best practices that can or should be
16 instituted in Missouri.

17 5. The board may establish other committees, both permanent
18 and temporary, as it deems necessary. Such committees may
19 include national strategic, scientific and/or commercialization
20 advisory boards comprised of individuals of national or
21 international prominence in science and innovation and/or the
22 business and commercialization of science and innovation.

23 6. The board may establish rules, policies, and procedures
24 for the selection and conduct of committees and advisory boards,
25 and the research alliance of Missouri; provided however, that the
26 members of such committees and advisory boards agree to be bound
27 by a conflict of interest policy consistent with the highest
28 ethical standards that is suitable for such advisory roles and
29 annually complete and certify to the board a disclosure and

1 compliance certificate in accordance with such conflicts of
2 interest policy.

3 348.261. 1. The corporation, after being certified by the
4 governor as provided by section 348.251, [may] shall have all of
5 the powers necessary or convenient to carry out the purposes and
6 provisions of sections 348.250 to 348.275, including the powers
7 as specified therein, and without limitation, the power to:

8 (1) Establish a statewide business modernization network to
9 assist Missouri businesses in identifying ways to enhance
10 productivity and market competitiveness;

11 (2) Identify scientific and technological problems and
12 opportunities related to the economy of Missouri and formulate
13 proposals to overcome those problems or realize those
14 opportunities;

15 (3) Identify specific areas where scientific research and
16 technological investigation will contribute to the improvement of
17 productivity of Missouri manufacturers and farmers;

18 (4) Determine specific areas in which financial investment
19 in scientific and technological research and development from
20 private businesses located in Missouri could be enhanced or
21 increased if state resources were made available to assist in
22 financing activities;

23 (5) Assist in establishing cooperative associations of
24 universities in Missouri and of private enterprises for the
25 purpose of coordinating research and development programs that
26 will, consistent with the primary educational function of the
27 universities, aid in the creation of new jobs in Missouri;

28 (6) Assist in financing the establishment and continued
29 development of technology-intensive businesses in Missouri;

1 (7) Advise universities of the research needs of Missouri
2 business and improve the exchange of scientific and technological
3 information for the mutual benefit of universities and private
4 business;

5 (8) Coordinate programs established by universities to
6 provide Missouri businesses with scientific and technological
7 information;

8 (9) Establish programs in scientific education which will
9 support the accelerated development of technology-intensive
10 businesses in Missouri;

11 (10) Provide financial assistance through contracts, grants
12 and loans to programs of scientific and technological research
13 and development;

14 (11) Determine how public universities can increase income
15 derived from the sale or licensure of products or processes
16 having commercial value that are developed as a result of
17 university sponsored research programs;

18 (12) Contract with innovation centers, as established in
19 section 348.271, small business development corporations, as
20 established in sections 620.1000 to 620.1007, centers for
21 advanced technology, as established in section 348.272, and other
22 entities or organizations for the provision of technology
23 application, technology commercialization and technology
24 development services. [Such contracting procedures shall not be
25 subject to the provisions of chapter 34; and];

26 (13) Make direct seed capital or venture capital
27 investments in Missouri business investment funds or businesses
28 [which] that demonstrate the promise of growth and job creation.
29 Investments from the corporation may be in the form of debt or

1 equity in the respective businesses;

2 (14) Make and execute contracts, guarantees, or any other
3 instruments and agreements necessary or convenient for the
4 exercise of its powers and functions;

5 (15) Contract for and to accept any gifts, grants, and
6 loans of funds, property, or any other aid in any form from the
7 federal government, the state, any state agency, or any other
8 source, or any combination thereof, and to comply with the
9 provisions of the terms and conditions thereof;

10 (16) Procure such insurance, participate in such insurance
11 plans, or provide such self insurance or both as it deems
12 necessary or convenient; provided however, the purchase of
13 insurance, participation in an insurance plan, or creation of a
14 self-insurance fund by the corporation shall not be deemed as a
15 waiver or relinquishment of any sovereign immunity to which the
16 corporation or its officers, directors, employees, or agents are
17 otherwise entitled;

18 (17) Partner with universities or other research
19 institutions in Missouri to attract and recruit world-class
20 science and innovation talent to Missouri;

21 (18) Expend any and all funds from the Missouri science and
22 innovation reinvestment fund and all other assets and resources
23 of the corporation for the exclusive purpose of fulfilling any
24 purpose, power, or duty of the corporation under sections 348.250
25 to 348.275, including but not limited to implementing the powers,
26 purposes, and duties of the corporation as enumerated in this
27 section;

28 (19) Participate in joint ventures and collaborate with any
29 taxpayer, governmental body or agency, insurer, university, or

1 college of the state, or any other entity to facilitate any
2 activities or programs consistent with the purpose and intent of
3 sections 348.250 to 348.275; and

4 (20) In carrying out any activities authorized by sections
5 348.250 to 348.275, the corporation provides appropriate
6 assistance, including the making of investments, grants, and
7 loans, and providing time of employees, to any taxpayer,
8 governmental body, or agency, insurer, university, or college of
9 the state, or any other entity, whether or not any such taxpayer,
10 governmental body or agency, insurer, university, or college of
11 the state, or any other entity, is owned or controlled in whole
12 or in part, directly or indirectly, by the corporation.

13 2. The corporation shall endeavor to maximize the amount of
14 leveraging of nonstate resources, including public and private,
15 cash and in-kind, attained with its investments, grants, loans,
16 or other forms of support. In the case of investments, grants,
17 loans, or other forms of support that emphasize or are
18 specifically intended to impact a particular Missouri county,
19 municipality, or other geographic subdivision of the state, or
20 are otherwise local in nature, the corporation shall give
21 consideration and weight to local matching funds and other
22 matching resources, public and private.

23 3. Except as expressly provided in sections 348.250 to
24 348.275, all monies earned or received by the corporation,
25 including all funds derived from the commercialization of science
26 and innovation products, methods, services, and technology by the
27 corporation, or any affiliate or subsidiary thereof, or from the
28 Missouri science and innovation reinvestment fund, shall belong
29 exclusively to and be subject to the exclusive control of the

1 corporation.

2 4. The corporation shall have all the powers of a not-for-
3 profit corporation established under Missouri law.

4 5. The corporation shall assume all moneys, property, or
5 other assets remaining with the Missouri seed capital investment
6 board, established in section 620.641. All powers, duties, and
7 functions performed by the Missouri seed capital investment board
8 shall be transferred to the Missouri technology corporation.

9 6. The corporation shall not be subject to the provisions
10 of chapter 34.

11 348.262. In order to assist the corporation in achieving
12 the objectives identified in section 348.261, the department of
13 economic development may contract with the corporation for
14 activities consistent with the corporation's purpose, as
15 specified in [section 348.256] sections 348.250 to 348.275. When
16 contracting with the corporation under the provisions of this
17 section, the department of economic development may directly
18 enter into agreements with the corporation and shall not be bound
19 by the provisions of chapter 34, RSMo.

20 348.263. 1. [The Missouri business modernization and
21 technology corporation shall replace the corporation for science
22 and technology. All moneys, property or any other assets
23 remaining with the corporation for science and technology after
24 all obligations are satisfied on August 28, 1993, shall be
25 transferred to the Missouri business modernization and technology
26 corporation. All powers, duties and functions performed by the
27 Missouri corporation of science and technology on August 28,
28 1993, shall be transferred to the Missouri business modernization
29 and technology corporation.] Except as otherwise provided in

1 sections 348.250 to 348.275, the corporation shall be subject to
2 requirements applicable to governmental bodies and records
3 contained in sections 610.010 to 610.225.

4 2. [The Missouri technology corporation shall replace the
5 Missouri business modernization and technology corporation. All
6 moneys, property or any other assets remaining with the Missouri
7 business modernization and technology corporation after all
8 obligations are satisfied on August 28, 1994, shall be
9 transferred to the Missouri technology corporation. All powers,
10 duties and functions performed by the Missouri business
11 modernization and technology corporation on August 28, 1994,
12 shall be transferred to the Missouri technology corporation.] In
13 addition to the exceptions available under sections 610.010 to
14 610.225, the records of the corporation shall not be subject to
15 the provisions of sections 610.010 to 610.225, when, upon
16 determination by the corporation, the disclosure of the
17 information in the records would be harmful to the competitive
18 position of the corporation and such records contain:

19 (1) Proprietary information gathered by, or in the
20 possession of, the corporation from third parties pursuant to a
21 promise of confidentiality;

22 (2) Contract cost estimates prepared for confidential use
23 in awarding contracts for research, development, construction,
24 renovation, commercialization, or the purchase of goods or
25 services;

26 (3) Data, records, or information of a proprietary nature
27 produced or collected by, or for, the corporation, its employees,
28 officers, or members of its board;

29 (4) Third-party financial statements, records, and related

1 data not publicly available that may be shared with the
2 corporation;

3 (5) Consulting or other reports paid for by the corporation
4 to assist the corporation in connection with its strategic
5 planning and goals; or

6 (6) The determination of marketing and operational
7 strategies where disclosure of such strategies would be harmful
8 to the competitive position of the corporation.

9 3. In addition to the exceptions available under sections
10 610.010 to 610.225, the corporation, including the board,
11 executive committee, audit committee, and research alliance of
12 Missouri, or other such committees or boards that the corporation
13 may authorize from time to time, may discuss, consider, and take
14 action on any the following in closed session, when upon
15 determination by the corporation, including as appropriate the
16 board, executive committee, audit committee, and research
17 alliance of Missouri, or other such committees or boards that the
18 corporation may authorize from time to time, disclosure of such
19 items would be harmful to the competitive position of the
20 corporation:

21 (1) Plans that could affect the value of property, real or
22 personal, owned, or desirable for ownership by the corporation;

23 (2) The condition, acquisition, use, or disposition of real
24 or personal property; or

25 (3) Contracts for applied research; basic research; science
26 and innovation product development, manufacturing, or
27 commercialization; construction and renovation of science and
28 innovation facilities; or marketing or operational strategies.

29 348.264. [1.] There is hereby established in the state

1 treasury a special fund to be known as the "Missouri [Technology
2 Investment] Science and Innovation Reinvestment Fund", which
3 shall consist of all moneys which may be appropriated to it by
4 the general assembly based on the applicable percentage of the
5 amount by which science and innovation employees' gross wages for
6 the year exceeds the base year gross wages pursuant to section
7 348.265; other funds appropriated to it by the general assembly,
8 and also any gifts, contributions, grants or bequests received
9 from federal, private or other sources. [Such moneys shall
10 include federal funds which may be received from the National
11 Institute for Science and Technology, the Small Business
12 Administration and the Department of Defense through its
13 Technology Reinvestment Program.] Money in the Missouri
14 [technology investment program] science and innovation
15 reinvestment fund shall be used to carry out the provisions of
16 sections [348.251] 348.250 to 348.275. Moneys for business
17 modernization programs, technology application programs,
18 technology commercialization programs and technology development
19 programs established pursuant to the provisions of sections
20 [348.251] 348.250 to 348.275 shall be available from
21 appropriations made by the general assembly from the Missouri
22 [technology investment] science and innovation reinvestment fund.
23 Any moneys remaining in the Missouri [technology investment]
24 science and innovation reinvestment fund at the end of any fiscal
25 year shall not lapse to the general revenue fund, as provided in
26 section 33.080, but shall remain in the Missouri technology
27 investment fund.

28 [2. Notwithstanding the provisions of sections 173.500 to

1 173.565, RSMo, the Missouri technology investment fund shall be
2 utilized to fund projects which would previously have been funded
3 through the higher education applied projects fund.]

4 348.265. 1. As soon as practicable after August 28, 2011,
5 the director of the department of economic development, with the
6 assistance of the director of the department of revenue, shall
7 establish the base year gross wages and report the amount of the
8 base year gross wages to the president and board of the
9 corporation, the governor, and the general assembly. Within one
10 hundred eighty days after the end of each fiscal year beginning
11 with the fiscal year ending June 30, 2011, and for each
12 subsequent fiscal year prior to the end of the last funding year,
13 the director of economic development, with the assistance of the
14 director of the department of revenue, shall determine and report
15 to the president and board of the corporation, governor, and
16 general assembly the amount by which aggregate science and
17 innovation employees' gross wages for the fiscal year exceeds the
18 base year gross wages. The director of economic development and
19 the director of the department of revenue may consider any
20 verifiable evidence, including but not limited to the NAICS codes
21 assigned or recorded by the United States Department of Labor for
22 companies with employees in the state, when determining which
23 organizations should be classified as science and innovation
24 companies.

25 2. Notwithstanding section 23.250 to the contrary, for each
26 of the twenty-five funding years, beginning July 1, 2011, the
27 director of revenue shall transfer to the Missouri science and
28 innovation reinvestment fund an amount equal to the product of
29 the applicable percentage multiplied by an amount equal to the

1 increase in aggregate science and innovation employees' gross
2 wages for the prior fiscal year, over the base year gross wages.
3 The director of revenue may make estimated payments to the
4 Missouri science and innovation reinvestment fund more frequently
5 based on estimates provided by the director of revenue and
6 reconciled annually.

7 3. Local political subdivisions may contribute to the
8 Missouri science and innovation reinvestment fund through a
9 grant, contract, or loan by dedicating a portion of any sales tax
10 or property tax increase resulting from increases in science and
11 innovation company economic activity occurring after August 28,
12 2011, or other such taxes or fees as such local political
13 subdivisions may establish.

14 4. Funding generated by the provisions of this section
15 shall be expended by the corporation to further its purposes as
16 specified in section 348.256.

17 5. Upon enactment of this section, the corporation shall
18 prepare a strategic plan for the use of the funding to be
19 generated by the provisions of this section, and may consult with
20 science and innovation partners, including, but not limited to
21 the research alliance of Missouri, as established in section
22 348.257; the life sciences research board established in section
23 196.1003; and the innovation centers or centers for advanced
24 technology, as established in section 348.272. The corporation
25 shall make a draft strategic plan available for public comment
26 prior to publication of the final strategic plan.

27 348.269. 1. Nothing contained in sections 348.250 to
28 348.275 shall be construed as a restriction or limitation upon
29 any powers that the corporation might otherwise have under

1 chapter 355, and the provisions of sections 348.250 to 348.275
2 are cumulative to such powers.

3 2. Nothing in sections 348.250 to 348.275 shall be
4 construed as allowing the board to sell the corporation or
5 substantially all of the assets of the corporation, or to merge
6 the corporation with another institution, without prior
7 authorization by the general assembly.

8 3. Notwithstanding the provisions of section 23.253 to the
9 contrary, the provisions of sections 348.250 to 348.275 shall not
10 sunset. The provisions of sections 348.250 to 348.275 shall not
11 terminate before the satisfaction of all outstanding obligations,
12 notes, and bonds provided for under sections 348.250 to 348.275.

13 4. The provisions of sections 348.250 to 348.275 shall not
14 terminate before the satisfaction of all outstanding obligations,
15 notes, and bonds provided for under sections 348.250 to 348.275.

16 5. If any provision of this Act or the application thereof
17 is held invalid, the invalidity shall not affect other provisions
18 or applications of the Act that can be given effect without the
19 invalid provision or application, and to this end the provisions
20 of this Act are severable. Insofar as the provisions of sections
21 348.250 to 348.275 are inconsistent with the provisions of any
22 other law, general, specific or local, the provisions of sections
23 348.250 to 348.275 shall be controlling.

24 348.271. 1. In order to foster the growth of Missouri's
25 economy and to stimulate the creation of new jobs in
26 [technology-based] science and innovation-based industry for the
27 state's work force, the Missouri technology corporation, in
28 accordance with the provisions of this section and within the
29 limits of appropriations therefor is authorized to contract with

1 Missouri not-for-profit corporations for the operation of
2 innovation centers within the state. The primary emphasis of
3 some, if not of all innovation centers, shall be in the areas of
4 [technology commercialization, finance and business
5 modernization. Innovation centers operated under the provisions
6 of this section shall provide assistance to individuals and
7 business organizations during the early stages of the development
8 of new technology-based] science and innovation-based business
9 ventures. Such assistance may include the provision of
10 facilities, equipment, administrative and managerial support,
11 planning assistance, and such other services and programs that
12 enhance the development of such ventures and such assistance may
13 be provided for fees or other consideration.

14 2. The innovation centers operated under this section shall
15 counsel and assist the new [technology-based] science and
16 innovation-based business ventures in finding a suitable site in
17 the state of Missouri for location of the business upon its
18 graduation from the innovation program. Each innovation center
19 shall annually submit a report of its activities to the
20 department of economic development and the Missouri technology
21 corporation which shall include, but not be limited to, the
22 success rate of the businesses graduating from the center, the
23 progress and locations of businesses which have graduated from
24 the center, the types of businesses which have graduated from the
25 center, and the number of jobs created by the businesses involved
26 in the center.

27 3. Any contract signed between the corporation and any not-
28 for-profit organization to operate an innovation center in
29 accordance with the provisions of this section shall require that

1 the not-for-profit organization must provide at least a one-
2 hundred-percent match for the funding received from the
3 corporation pursuant to appropriation therefor.

4 348.300. As used in sections 348.300 to 348.318, the
5 following terms mean:

6 (1) "Commercial activity located in Missouri", any
7 research, development, prototype fabrication, and subsequent
8 precommercialization activity, or any activity related thereto,
9 conducted in Missouri for the purpose of producing a service or a
10 product or process for manufacture, assembly or sale or
11 developing a service based on such a product or process by any
12 person, corporation, partnership, joint venture, unincorporated
13 association, trust or other organization doing business in
14 Missouri. Subsequent to January 1, 1999, a commercial activity
15 located in Missouri shall mean only such activity that is located
16 within a distressed community, as defined in section 135.530;

17 (2) "Follow-up capital", capital provided to a commercial
18 activity located in Missouri in which a qualified fund has
19 previously invested seed capital or start-up capital and which
20 does not exceed ten times the amount of such seed and start-up
21 capital;

22 (3) "Person", any individual, corporation, partnership, or
23 other entity, including any charitable corporation which is
24 exempt from federal income tax and whose Missouri unrelated
25 business taxable income, if any, would be subject to the state
26 income tax imposed under chapter 143;

27 (4) "Qualified contribution", cash contribution to a
28 qualified fund;

29 (5) "Qualified economic development organization", any

1 corporation organized under the provisions of chapter 355 which
2 has as of January 1, 1991, obtained a contract with the
3 department of economic development to operate an innovation
4 center to promote, assist and coordinate the research and
5 development of new services, products or processes in the state
6 of Missouri; and the Missouri technology corporation organized
7 pursuant to the provisions of sections [348.253 to 348.266]
8 348.250 to 348.275;

9 (6) "Qualified fund", any corporation, partnership, joint
10 venture, unincorporated association, trust or other organization
11 which is established under the laws of Missouri after December
12 31, 1985, which meets all of the following requirements
13 established by this subdivision. The fund shall have as its sole
14 purpose and business the making of investments, of which at least
15 ninety percent of the dollars invested shall be qualified
16 investments. The fund shall enter into a contract with one or
17 more qualified economic development organizations which shall
18 entitle the qualified economic development organizations to
19 receive not less than ten percent of all distributions of equity
20 and dividends or other earnings of the fund. Such contracts
21 shall require the qualified fund to transfer to the Missouri
22 technology corporation organized pursuant to the provisions of
23 sections [348.253 to 348.266] 348.250 to 348.275 this interest
24 and make corresponding distributions thereto in the event the
25 qualified economic development organization holding such interest
26 is dissolved or ceases to do business for a period of one year or
27 more;

28 (7) "Qualified investment", any investment of seed capital,
29 start-up capital, or follow-up capital in any commercial activity

1 located in Missouri;

2 (8) "Seed capital", capital provided to a commercial
3 activity located in Missouri for research, development and
4 precommercialization activities to prove a concept for a new
5 product or process or service, and for activities related
6 thereto;

7 (9) "Start-up capital", capital provided to a commercial
8 activity located in Missouri for use in preproduction product
9 development or service development or initial marketing thereof,
10 and for activities related thereto;

11 (10) "State tax liability", any state tax liability
12 incurred by a taxpayer under the provisions of chapters 143, 147
13 and 148, exclusive of the provisions relating to the withholding
14 of tax as provided for in sections 143.191 to 143.265 and related
15 provisions;

16 (11) "Uninvested capital", the amount of any distribution,
17 other than of earnings, by a qualified fund made within five
18 years of the issuance of a certificate of tax credit as provided
19 by sections 348.300 to 348.318; or the portion of all qualified
20 contributions to a qualified fund which are not invested as
21 qualified investments within five years of the issuance of a
22 certificate of tax credit as provided by sections 348.300 to
23 348.318 to the extent that the amount not so invested exceeds ten
24 percent of all such qualified contributions."; and

25 Further amend said bill, Page ³²³~~140~~, Section ^{178.896}~~143.143~~, Line ¹⁹~~28~~, TS
26 by inserting after all of said line the following:

27 "[348.253. 1. The Missouri technology
28 corporation may contract with not-for-profit
29 organizations to carry out the provisions of sections
30 348.251 to 348.275. By entering into such contracts,
31 the corporation shall attempt to achieve the following

objectives:

(1) The establishment of a research alliance which shall advance technology development, as defined in subdivision (3) of section 348.251. The corporation, in this capacity, shall have the authority to contract directly with centers for advanced technology, as established by section 348.272, and other not-for-profit entities. In proceeding with this objective, the corporation and centers for advanced technology shall utilize the results of targeted industry studies commissioned by the department of economic development;

(2) Technology commercialization, as defined in subdivision (2) of section 348.251;

(3) The establishment of a finance corporation to assist in the implementation of section 348.261; and

(4) The enhancement of technology application, as defined in subdivision (1) of section 348.251.

2. Any contract signed between the corporation and any not-for-profit organization, including innovation centers as defined in section 348.271, shall require that the not-for-profit organization must provide at least one-hundred-percent match for any funding received from the corporation through the technology investment fund, as established in section 348.264.]; and

Further amend the title and enacting clause accordingly.

Lebanon
Heron
Set H/1/2025

SENATE AMENDMENT NO. 3

Offered by

Ender

of

3rdAmend SS/SCS/HCS/House Bill Nos. 116 & 316, Pages 10-11, Section 32.088, Line _____,

- 2 by striking all of said section from the bill; and
- 3 Further amend the title and enacting clause accordingly.

Offered 4-27-11
adopted 4-27-11

SENATE AMENDMENT NO. 6Offered by SEN GREEN of 13THAmend SS/SCS/HCS/House Bill Nos. 116 & 316, Page 154, Section 135.1505, Line 20,

- 2 by striking the word "shall" and inserting in lieu thereof the
3 following: "may".

Offered 4-27-11
adopted 4-27-11

SENATE AMENDMENT NO. 8

Offered by Stouffer of Sa/No

Amend SS/SCS/HCS/House Bill Nos. 116 & 316, Page 148, Section 135.1150, Line 20

of said page, by inserting immediately after said line the following:

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

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

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

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

(3) "Eligible donation", donations received, by a provider, from a taxpayer that are used solely to provide direct care services to persons with developmental disabilities who are residents of this state. Eligible donations may include cash, publicly traded stocks and bonds, and real estate that will be valued and documented according to rules promulgated by the department of social services. For purposes of this section, "direct care services" include, but are not limited to, increasing the quality of care and service for persons with developmental disabilities through improved employee compensation and training;

*offered 4-27-11
adopted 4-27-11*

1 (4) "Qualified developmental disability care provider" or
2 "provider", a care provider that provides assistance to persons
3 with developmental disabilities, and is under contract with the
4 Missouri department of social services or department of mental
5 health to provide treatment services for such persons, and that
6 receives eligible donations. Any provider that operates more
7 than one facility or at more than one location shall be eligible
8 for the tax credit under this section only for any eligible
9 donation made to facilities or locations of the provider which
10 are licensed and accredited;

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

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

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

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

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

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

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

1 3. For all taxable years beginning on or after January 1,
2 2011, any taxpayer shall be allowed a credit against the taxes
3 otherwise due under chapter 143, 147, or 148 excluding
4 withholding tax imposed by sections 143.191 to 143.265 in an
5 amount equal to fifty percent of the amount of an eligible
6 donation, subject to the restrictions in this section. The
7 amount of the tax credit claimed shall not exceed the amount of
8 the taxpayer's state income tax liability in the tax year for
9 which the credit is claimed. Any amount of credit that the
10 taxpayer is prohibited by this section from claiming in a tax
11 year shall not be refundable, but may be carried forward to any
12 of the taxpayer's four subsequent taxable years.

13 4. To claim the credit authorized in this section, a
14 provider may submit to the department an application for the tax
15 credit authorized by this section on behalf of taxpayers. The
16 department shall verify that the provider has submitted the
17 following items accurately and completely:

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

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

25 (3) Payment from the provider equal to the value of the tax
26 credit for which application is made.

27 If the provider applying for the tax credit meets all criteria
28 required by this subsection, the department shall issue a
29 certificate in the appropriate amount.

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

8 6. The department shall promulgate rules to implement the
9 provisions of this section. Any rule or portion of a rule, as
10 that term is defined in section 536.010, that is created under
11 the authority delegated in this section shall become effective
12 only if it complies with and is subject to all of the provisions
13 of chapter 536, and, if applicable, section 536.028. This
14 section and chapter 536, are nonseverable and if any of the
15 powers vested with the general assembly pursuant to chapter 536,
16 to review, to delay the effective date, or to disapprove and
17 annul a rule are subsequently held unconstitutional, then the
18 grant of rulemaking authority and any rule proposed or adopted
19 after August 28, 2011, shall be invalid and void.

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

21 (1) The provisions of the new program authorized under this
22 section shall automatically sunset four years after August 28,
23 2011, unless reauthorized by an act of the general assembly; and

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

27 (3) This section shall terminate on September first of the
28 calendar year immediately following the calendar year in which
29 the program authorized under this section is sunset."; and

1 Further amend the title and enacting clause accordingly.

2

SENATE AMENDMENT NO. 19

Offered by

of

Amend SS/SOS/HCS/House Bills Nos. 116 & 316, Page 48, Section 67.3005, Line 5

2 of said page, by inserting after all of said line the following:

3 "99.975. 1. No new applications made pursuant to sections
4 99.915 to 99.980 shall be approved after [January 1, 2013] August
5 28, 2011.

6 2. No applications made pursuant to sections 99.915 to
7 99.980 shall be approved prior to August 28, 2003, except for
8 applications for projects that are located within a county for
9 which public and individual assistance has been requested by the
10 governor pursuant to section 401 of the Robert T. Stafford
11 Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 et
12 seq., for an emergency proclaimed by the governor pursuant to
13 section 44.100 due to a natural disaster of major proportions
14 that occurred after May 1, 2003, but prior to May 10, 2003, and
15 the development project area is a central business district that
16 sustained severe damage as a result of such natural disaster, as
17 determined by the state emergency management agency.

18 3. Prior to December 31, 2006, the Missouri development
19 finance board may approve up to two applications made pursuant to
20 sections 99.915 to 99.980 in a home rule city with more than four
21 hundred thousand inhabitants and located in more than one county

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adopted 4-27-11

1 in which the state sales tax increment for such projects approved
2 pursuant to the provisions of this subsection shall be up to
3 one-half of the incremental increase in all sales taxes levied
4 pursuant to section 144.020. In no event shall the incremental
5 increase include any amounts attributable to retail sales unless
6 the Missouri development finance board and the department of
7 economic development are satisfied based on information provided
8 by the municipality or authority, and such entities have made a
9 finding that a substantial portion of all but a de minimus
10 portion of the sales tax increment attributable to retail sales
11 is from new sources which did not exist in the state during the
12 baseline year. The incremental increase for an existing facility
13 shall be the amount of all state sales taxes generated pursuant
14 to section 144.020 at the facility in excess of the amount of all
15 state sales taxes generated pursuant to section 144.020 at the
16 facility in the baseline year. The incremental increase in
17 development project areas where the baseline year is the year
18 following the year in which the development project is approved
19 by the municipality pursuant to subdivision (2) of section 99.918
20 shall be the state sales tax revenue generated by out-of-state
21 businesses relocating into a development project area. The
22 incremental increase for a Missouri facility which relocates to a
23 development project area shall be the amount by which the state
24 sales tax revenue of the facility exceeds the state sales tax
25 revenue for the facility in the calendar year prior to
26 relocation."; and

27 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 10Offered by Clarke of 3/rdAmend SS/SCS/HCS/House Bill Nos. 116 & 316, Pages 197-203, Section 168.071,

2 by striking all of said section from the bill; and

3 Further amend the title and enacting clause accordingly.

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adopted 4-27-11

SENATE AMENDMENT NO. 11

Offered by Lamping of 24th

Amend SS/SCS/HCS/House Bill Nos. 116 & 316, Pages 11-17, Section 32.105, Line

2 of said page, by striking all of said section from the bill; and

3 Further amend said bill, pages 17-18, section 32.110, by
4 striking all of said section from the bill; and

5 Further amend said bill, pages 18-27, section 32.115, by
6 striking all of said section and inserting in lieu thereof the
7 following:

8 "32.115. 1. The department of revenue shall grant a tax
9 credit, to be applied in the following order until used, against:

10 (1) The annual tax on gross premium receipts of insurance
11 companies in chapter 148;

12 (2) The tax on banks determined pursuant to subdivision (2)
13 of subsection 2 of section 148.030;

14 (3) The tax on banks determined in subdivision (1) of
15 subsection 2 of section 148.030;

16 (4) The tax on other financial institutions in chapter 148;

17 (5) The corporation franchise tax in chapter 147;

18 (6) The state income tax in chapter 143; and

19 (7) The annual tax on gross receipts of express companies
20 in chapter 153.

21 2. For proposals approved pursuant to section 32.110:

22 (1) The amount of the tax credit shall not exceed fifty

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1 percent of the total amount contributed during the taxable year
2 by the business firm or, in the case of a financial institution,
3 where applicable, during the relevant income period in programs
4 approved pursuant to section 32.110;

5 (2) Except as provided in subsection 2 or 5 of this
6 section, a tax credit of up to seventy percent may be allowed for
7 contributions to programs where activities fall within the scope
8 of special program priorities as defined with the approval of the
9 governor in regulations promulgated by the director of the
10 department of economic development;

11 (3) Except as provided in subsection 2 or 5 of this
12 section, the tax credit allowed for contributions to programs
13 located in any community shall be equal to seventy percent of the
14 total amount contributed where such community is a city, town or
15 village which has fifteen thousand or less inhabitants as of the
16 last decennial census and is located in a county which is either
17 located in:

18 (a) An area that is not part of a standard metropolitan
19 statistical area;

20 (b) A standard metropolitan statistical area but such
21 county has only one city, town or village which has more than
22 fifteen thousand inhabitants; or

23 (c) A standard metropolitan statistical area and a
24 substantial number of persons in such county derive their income
25 from agriculture. Such community may also be in an
26 unincorporated area in such county as provided in subdivision
27 (1), (2) or (3) of this subsection. Except in no case shall the
28 total economic benefit of the combined federal and state tax
29 savings to the taxpayer exceed the amount contributed by the

1 taxpayer during the tax year;

2 (4) Such tax credit allocation, equal to seventy percent of
3 the total amount contributed, shall not exceed four million
4 dollars in fiscal year 1999 and six million dollars in fiscal
5 year 2000 and any subsequent fiscal year. When the maximum
6 dollar limit on the seventy percent tax credit allocation is
7 committed, the tax credit allocation for such programs shall then
8 be equal to fifty percent credit of the total amount contributed.
9 Regulations establishing special program priorities are to be
10 promulgated during the first month of each fiscal year and at
11 such times during the year as the public interest dictates. Such
12 credit shall not exceed two hundred and fifty thousand dollars
13 annually except as provided in subdivision (5) of this
14 subsection. No tax credit shall be approved for any bank, bank
15 and trust company, insurance company, trust company, national
16 bank, savings association, or building and loan association for
17 activities that are a part of its normal course of business. Any
18 tax credit not used in the period the contribution was made may
19 be carried over the next five succeeding calendar or fiscal years
20 until the full credit has been claimed. Except as otherwise
21 provided for proposals approved pursuant to section 32.111,
22 32.112 or 32.117, in no event shall the total amount of all other
23 tax credits allowed pursuant to sections 32.100 to 32.125 exceed
24 thirty-two million dollars in any one fiscal year, of which six
25 million shall be credits allowed pursuant to section 135.460. If
26 six million dollars in credits are not approved, then the
27 remaining credits may be used for programs approved pursuant to
28 sections 32.100 to 32.125;

29 (5) The credit may exceed two hundred fifty thousand

1 dollars annually and shall not be limited if community services,
2 crime prevention, education, job training, physical
3 revitalization or economic development, as defined by section
4 32.105, is rendered in an area defined by federal or state law as
5 an impoverished, economically distressed, or blighted area or as
6 a neighborhood experiencing problems endangering its existence as
7 a viable and stable neighborhood, or if the community services,
8 crime prevention, education, job training, physical
9 revitalization or economic development is limited to impoverished
10 persons.

11 3. For proposals approved pursuant to section 32.111:

12 (1) The amount of the tax credit shall not exceed
13 fifty-five percent of the total amount invested in affordable
14 housing assistance activities or market rate housing in
15 distressed communities as defined in section 135.530 by a
16 business firm. Whenever such investment is made in the form of
17 an equity investment or a loan, as opposed to a donation alone,
18 tax credits may be claimed only where the loan or equity
19 investment is accompanied by a donation which is eligible for
20 federal income tax charitable deduction, and where the total
21 value of the tax credits herein plus the value of the federal
22 income tax charitable deduction is less than or equal to the
23 value of the donation. Any tax credit not used in the period for
24 which the credit was approved may be carried over the next ten
25 succeeding calendar or fiscal years until the full credit has
26 been allowed. If the affordable housing units or market rate
27 housing units in distressed communities for which a tax is
28 claimed are within a larger structure, parts of which are not the
29 subject of a tax credit claim, then expenditures applicable to

1 the entire structure shall be reduced on a prorated basis in
2 proportion to the ratio of the number of square feet devoted to
3 the affordable housing units or market rate housing units in
4 distressed communities, for purposes of determining the amount of
5 the tax credit. The total amount of tax credit granted for
6 programs approved pursuant to section 32.111 for the fiscal year
7 beginning July 1, 1991, shall not exceed two million dollars, to
8 be increased by no more than two million dollars each succeeding
9 fiscal year, until the total tax credits that may be approved
10 reaches ten million dollars in any fiscal year;

11 (2) For any year during the compliance period indicated in
12 the land use restriction agreement, the owner of the affordable
13 housing rental units for which a credit is being claimed shall
14 certify to the commission that all tenants renting claimed units
15 are income eligible for affordable housing units and that the
16 rentals for each claimed unit are in compliance with the
17 provisions of sections 32.100 to 32.125. The commission is
18 authorized, in its discretion, to audit the records and accounts
19 of the owner to verify such certification;

20 (3) In the case of owner-occupied affordable housing units,
21 the qualifying owner occupant shall, before the end of the first
22 year in which credits are claimed, certify to the commission that
23 the occupant is income eligible during the preceding two years,
24 and at the time of the initial purchase contract, but not
25 thereafter. The qualifying owner occupant shall further certify
26 to the commission, before the end of the first year in which
27 credits are claimed, that during the compliance period indicated
28 in the land use restriction agreement, the cost of the affordable
29 housing unit to the occupant for the claimed unit can reasonably

1 be projected to be in compliance with the provisions of sections
2 32.100 to 32.125. Any succeeding owner occupant acquiring the
3 affordable housing unit during the compliance period indicated in
4 the land use restriction agreement shall make the same
5 certification;

6 (4) If at any time during the compliance period the
7 commission determines a project for which a proposal has been
8 approved is not in compliance with the applicable provisions of
9 sections 32.100 to 32.125 or rules promulgated therefor, the
10 commission may within one hundred fifty days of notice to the
11 owner either seek injunctive enforcement action against the
12 owner, or seek legal damages against the owner representing the
13 value of the tax credits, or foreclose on the lien in the land
14 use restriction agreement, selling the project at a public sale,
15 and paying to the owner the proceeds of the sale, less the costs
16 of the sale and less the value of all tax credits allowed herein.
17 The commission shall remit to the director of revenue the portion
18 of the legal damages collected or the sale proceeds representing
19 the value of the tax credits. However, except in the event of
20 intentional fraud by the taxpayer, the proposal's certificate of
21 eligibility for tax credits shall not be revoked.

22 4. For proposals approved pursuant to section 32.112, the
23 amount of the tax credit shall not exceed fifty-five percent of
24 the total amount contributed to a neighborhood organization by
25 business firms. Any tax credit not used in the period for which
26 the credit was approved may be carried over the next ten
27 succeeding calendar or fiscal years until the full credit has
28 been allowed. The total amount of tax credit granted for
29 programs approved pursuant to section 32.112 shall not exceed one

1 million dollars for each fiscal year.

2 5. The total amount of tax credits used for market rate
3 housing in distressed communities pursuant to sections 32.100 to
4 32.125 shall not exceed thirty percent of the total amount of all
5 tax credits authorized pursuant to sections 32.111 and 32.112.

6 6. Notwithstanding any provision of law to the contrary, no
7 tax credits provided under sections 32.100 to 32.125 shall be
8 authorized on or after August 28, 2015. The provisions of this
9 subsection shall not be construed to limit or in any way impair
10 the department's ability to issue tax credits authorized prior to
11 August 28, 2015, or a taxpayer's ability to redeem such tax
12 credits."; and

13 Further amend said bill, pages 27-29, section 32.117, by
14 striking all of said section from the bill; and

15 Further amend said bill, page 29, section 32.120, lines 19-
16 25 of said page, by striking all of said section from the bill;
17 and

18 Further amend said bill, page 78, section 135.327, lines 14-
19 25 of said page, by striking all of the underlined language from
20 said lines; and

21 Further amend said bill and section, page 81, lines 19-28 of
22 said page, by striking all of the underlined language from said
23 lines; and

24 Further amend said bill and section, page 82, lines 1-3 of
25 said page, by striking all of the underlined language from said
26 lines; and

27 Further amend said bill, pages 89-94, section 135.460, by
28 striking all of said section and inserting in lieu thereof the
29 following:

1 "135.460. 1. This section and sections 620.1100 and
2 620.1103 shall be known and may be cited as the "Youth
3 Opportunities and Violence Prevention Act".

4 2. As used in this section, the term "taxpayer" shall
5 include corporations as defined in section 143.441 or 143.471,
6 any charitable organization which is exempt from federal income
7 tax and whose Missouri unrelated business taxable income, if any,
8 would be subject to the state income tax imposed under chapter
9 143, and individuals, individual proprietorships and
10 partnerships.

11 3. A taxpayer shall be allowed a tax credit against the tax
12 otherwise due pursuant to chapter 143, excluding withholding tax
13 imposed by sections 143.191 to 143.265, chapter 147, chapter 148,
14 or chapter 153 in an amount equal to thirty percent for property
15 contributions and fifty percent for monetary contributions of the
16 amount such taxpayer contributed to the programs described in
17 subsection 5 of this section, not to exceed two hundred thousand
18 dollars per taxable year, per taxpayer; except as otherwise
19 provided in subdivision (5) of subsection 5 of this section. The
20 department of economic development shall prescribe the method for
21 claiming the tax credits allowed in this section. No rule or
22 portion of a rule promulgated under the authority of this section
23 shall become effective unless it has been promulgated pursuant to
24 the provisions of chapter 536. All rulemaking authority
25 delegated prior to June 27, 1997, is of no force and effect and
26 repealed; however, nothing in this section shall be interpreted
27 to repeal or affect the validity of any rule filed or adopted
28 prior to June 27, 1997, if such rule complied with the provisions
29 of chapter 536. The provisions of this section and chapter 536

1 are nonseverable and if any of the powers vested with the general
2 assembly pursuant to chapter 536, including the ability to
3 review, to delay the effective date, or to disapprove and annul a
4 rule or portion of a rule, are subsequently held
5 unconstitutional, then the purported grant of rulemaking
6 authority and any rule so proposed and contained in the order of
7 rulemaking shall be invalid and void.

8 4. The tax credits allowed by this section shall be claimed
9 by the taxpayer to offset the taxes that become due in the
10 taxpayer's tax period in which the contribution was made. Any
11 tax credit not used in such tax period may be carried over the
12 next five succeeding tax periods.

13 5. The tax credit allowed by this section may only be
14 claimed for monetary or property contributions to public or
15 private programs authorized to participate pursuant to this
16 section by the department of economic development and may be
17 claimed for the development, establishment, implementation,
18 operation, and expansion of the following activities and
19 programs:

20 (1) An adopt-a-school program. Components of the
21 adopt-a-school program shall include donations for school
22 activities, seminars, and functions; school-business employment
23 programs; and the donation of property and equipment of the
24 corporation to the school;

25 (2) Expansion of programs to encourage school dropouts to
26 reenter and complete high school or to complete a graduate
27 equivalency degree program;

28 (3) Employment programs. Such programs shall initially,
29 but not exclusively, target unemployed youth living in poverty

1 and youth living in areas with a high incidence of crime;

2 (4) New or existing youth clubs or associations;

3 (5) Employment/internship/apprenticeship programs in
4 business or trades for persons less than twenty years of age, in
5 which case the tax credit claimed pursuant to this section shall
6 be equal to one-half of the amount paid to the intern or
7 apprentice in that tax year, except that such credit shall not
8 exceed ten thousand dollars per person;

9 (6) Mentor and role model programs;

10 (7) Drug and alcohol abuse prevention training programs for
11 youth;

12 (8) Donation of property or equipment of the taxpayer to
13 schools, including schools which primarily educate children who
14 have been expelled from other schools, or donation of the same to
15 municipalities, or not-for-profit corporations or other
16 not-for-profit organizations which offer programs dedicated to
17 youth violence prevention as authorized by the department;

18 (9) Not-for-profit, private or public youth activity
19 centers;

20 (10) Nonviolent conflict resolution and mediation programs;

21 (11) Youth outreach and counseling programs.

22 6. Any program authorized in subsection 5 of this section
23 shall, at least annually, submit a report to the department of
24 economic development outlining the purpose and objectives of such
25 program, the number of youth served, the specific activities
26 provided pursuant to such program, the duration of such program
27 and recorded youth attendance where applicable.

28 7. The department of economic development shall, at least
29 annually submit a report to the Missouri general assembly listing

1 the organizations participating, services offered and the number
2 of youth served as the result of the implementation of this
3 section.

4 8. The tax credit allowed by this section shall apply to
5 all taxable years beginning after December 31, 1995.

6 9. For the purposes of the credits described in this
7 section, in the case of a corporation described in section
8 143.471, partnership, limited liability company described in
9 section 347.015, cooperative, marketing enterprise, or
10 partnership, in computing Missouri's tax liability, such credits
11 shall be allowed to the following:

12 (1) The shareholders of the corporation described in
13 section 143.471;

14 (2) The partners of the partnership;

15 (3) The members of the limited liability company; and

16 (4) Individual members of the cooperative or marketing
17 enterprise. Such credits shall be apportioned to the entities
18 described in subdivisions (1) and (2) of this subsection in
19 proportion to their share of ownership on the last day of the
20 taxpayer's tax period.

21 10. Notwithstanding any provision of law to the contrary,
22 no tax credits provided under this section shall be authorized on
23 or after August 28, 2015. The provisions of this subsection
24 shall not be construed to limit or in any way impair the
25 department's ability to issue tax credits authorized prior to
26 August 28, 2015, or a taxpayer's ability to redeem such tax
27 credits."; and

28 Further amend said bill, pages 105-109, section 135.550, by
29 striking all of said section and inserting in lieu thereof the

1 following:

2 "135.550. 1. As used in this section, the following terms
3 shall mean:

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

6 (2) "Shelter for victims of domestic violence", a facility
7 located in this state which meets the definition of a shelter for
8 victims of domestic violence pursuant to section 455.200 and
9 which meets the requirements of section 455.220;

10 (3) "State tax liability", in the case of a business
11 taxpayer, any liability incurred by such taxpayer pursuant to the
12 provisions of chapter 143, chapter 147, chapter 148, and chapter
13 153, exclusive of the provisions relating to the withholding of
14 tax as provided for in sections 143.191 to 143.265 and related
15 provisions, and in the case of an individual taxpayer, any
16 liability incurred by such taxpayer pursuant to the provisions of
17 chapter 143;

18 (4) "Taxpayer", a person, firm, a partner in a firm,
19 corporation or a shareholder in an S corporation doing business
20 in the state of Missouri and subject to the state income tax
21 imposed by the provisions of chapter 143, or a corporation
22 subject to the annual corporation franchise tax imposed by the
23 provisions of chapter 147, including any charitable organization
24 which is exempt from federal income tax and whose Missouri
25 unrelated business taxable income, if any, would be subject to
26 the state income tax imposed under chapter 143, or an insurance
27 company paying an annual tax on its gross premium receipts in
28 this state, or other financial institution paying taxes to the
29 state of Missouri or any political subdivision of this state

1 pursuant to the provisions of chapter 148, or an express company
2 which pays an annual tax on its gross receipts in this state
3 pursuant to chapter 153, or an individual subject to the state
4 income tax imposed by the provisions of chapter 143.

5 2. A taxpayer shall be allowed to claim a tax credit
6 against the taxpayer's state tax liability, in an amount equal to
7 fifty percent of the amount such taxpayer contributed to a
8 shelter for victims of domestic violence.

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 that the credit is claimed, and such taxpayer shall not be
12 allowed to claim a tax credit in excess of fifty thousand dollars
13 per taxable year. However, any tax credit that cannot be claimed
14 in the taxable year the contribution was made may be carried over
15 to the next four succeeding taxable years until the full credit
16 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 shelter or shelters
21 for victims of domestic violence in such taxpayer's taxable year
22 has a value of at least one hundred dollars.

23 5. The director of the department of social services shall
24 determine, at least annually, which facilities in this state may
25 be classified as shelters for victims of domestic violence. The
26 director of the department of social services may require of a
27 facility seeking to be classified as a shelter for victims of
28 domestic violence whatever information is reasonably necessary to
29 make such a determination. The director of the department of

1 social services shall classify a facility as a shelter for
2 victims of domestic violence if such facility meets the
3 definition set forth in subsection 1 of this section.

4 6. The director of the department of social services shall
5 establish a procedure by which a taxpayer can determine if a
6 facility has been classified as a shelter for victims of domestic
7 violence, and by which such taxpayer can then contribute to such
8 shelter for victims of domestic violence and claim a tax credit.
9 Shelters for victims of domestic violence shall be permitted to
10 decline a contribution from a taxpayer. The cumulative amount of
11 tax credits which may be claimed by all the taxpayers
12 contributing to shelters for victims of domestic violence in any
13 one fiscal year shall not exceed two million dollars.

14 7. The director of the department of social services shall
15 establish a procedure by which, from the beginning of the fiscal
16 year until some point in time later in the fiscal year to be
17 determined by the director of the department of social services,
18 the cumulative amount of tax credits are equally apportioned
19 among all facilities classified as shelters for victims of
20 domestic violence. If a shelter for victims of domestic violence
21 fails to use all, or some percentage to be determined by the
22 director of the department of social services, of its apportioned
23 tax credits during this predetermined period of time, the
24 director of the department of social services may reapportion
25 these unused tax credits to those shelters for victims of
26 domestic violence that have used all, or some percentage to be
27 determined by the director of the department of social services,
28 of their apportioned tax credits during this predetermined period
29 of time. The director of the department of social services may

1 establish more than one period of time and reapportion more than
2 once during each fiscal year. To the maximum extent possible,
3 the director of the department of social services shall establish
4 the procedure described in this subsection in such a manner as to
5 ensure that taxpayers can claim all the tax credits possible up
6 to the cumulative amount of tax credits available for the fiscal
7 year.

8 8. This section shall become effective January 1, 2000, and
9 shall apply to all tax years after December 31, 1999.

10 9. Notwithstanding any provision of law to the contrary, no
11 tax credits provided under this section shall be authorized on or
12 after August 28, 2015. The provisions of this subsection shall
13 not be construed to limit or in any way impair the department's
14 ability to issue tax credits authorized prior to August 28, 2015,
15 or a taxpayer's ability to redeem such tax credits."; and

16 Further amend said bill, pages 115-119, section 135.600, by
17 striking all of said section and inserting in lieu thereof the
18 following:

19 "135.600. 1. As used in this section, the following terms
20 shall mean:

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

23 (2) "Maternity home", a residential facility located in
24 this state established for the purpose of providing housing and
25 assistance to pregnant women who are carrying their pregnancies
26 to term, and which is exempt from income taxation under the
27 United States Internal Revenue Code;

28 (3) "State tax liability", in the case of a business
29 taxpayer, any liability incurred by such taxpayer pursuant to the

1 provisions of chapter 143, chapter 147, chapter 148, and chapter
2 153, exclusive of the provisions relating to the withholding of
3 tax as provided for in sections 143.191 to 143.265, and related
4 provisions, and in the case of an individual taxpayer, any
5 liability incurred by such taxpayer pursuant to the provisions of
6 chapter 143;

7 (4) "Taxpayer", a person, firm, a partner in a firm,
8 corporation or a shareholder in an S corporation doing business
9 in the state of Missouri and subject to the state income tax
10 imposed by the provisions of chapter 143, including any
11 charitable organization which is exempt from federal income tax
12 and whose Missouri unrelated business taxable income, if any,
13 would be subject to the state income tax imposed under chapter
14 143, or a corporation subject to the annual corporation franchise
15 tax imposed by the provisions of chapter 147, or an insurance
16 company paying an annual tax on its gross premium receipts in
17 this state, or other financial institution paying taxes to the
18 state of Missouri or any political subdivision of this state
19 pursuant to the provisions of chapter 148, or an express company
20 which pays an annual tax on its gross receipts in this state
21 pursuant to chapter 153, or an individual subject to the state
22 income tax imposed by the provisions of chapter 143.

23 2. A taxpayer shall be allowed to claim a tax credit
24 against the taxpayer's state tax liability, in an amount equal to
25 fifty percent of the amount such taxpayer contributed to a
26 maternity home.

27 3. The amount of the tax credit claimed shall not exceed
28 the amount of the taxpayer's state tax liability for the taxable
29 year that the credit is claimed, and such taxpayer shall not be

1 allowed to claim a tax credit in excess of fifty thousand dollars
2 per taxable year. However, any tax credit that cannot be claimed
3 in the taxable year the contribution was made may be carried over
4 to the next four succeeding taxable years until the full credit
5 has been claimed.

6 4. Except for any excess credit which is carried over
7 pursuant to subsection 3 of this section, a taxpayer shall not be
8 allowed to claim a tax credit unless the total amount of such
9 taxpayer's contribution or contributions to a maternity home or
10 homes in such taxpayer's taxable year has a value of at least one
11 hundred dollars.

12 5. The director of the department of social services shall
13 determine, at least annually, which facilities in this state may
14 be classified as maternity homes. The director of the department
15 of social services may require of a facility seeking to be
16 classified as a maternity home whatever information is reasonably
17 necessary to make such a determination. The director of the
18 department of social services shall classify a facility as a
19 maternity home if such facility meets the definition set forth in
20 subsection 1 of this section.

21 6. The director of the department of social services shall
22 establish a procedure by which a taxpayer can determine if a
23 facility has been classified as a maternity home, and by which
24 such taxpayer can then contribute to such maternity home and
25 claim a tax credit. Maternity homes shall be permitted to
26 decline a contribution from a taxpayer. The cumulative amount of
27 tax credits which may be claimed by all the taxpayers
28 contributing to maternity homes in any one fiscal year shall not
29 exceed two million dollars.

1 7. The director of the department of social services shall
2 establish a procedure by which, from the beginning of the fiscal
3 year until some point in time later in the fiscal year to be
4 determined by the director of the department of social services,
5 the cumulative amount of tax credits are equally apportioned
6 among all facilities classified as maternity homes. If a
7 maternity home fails to use all, or some percentage to be
8 determined by the director of the department of social services,
9 of its apportioned tax credits during this predetermined period
10 of time, the director of the department of social services may
11 reapportion these unused tax credits to those maternity homes
12 that have used all, or some percentage to be determined by the
13 director of the department of social services, of their
14 apportioned tax credits during this predetermined period of time.
15 The director of the department of social services may establish
16 more than one period of time and reapportion more than once
17 during each fiscal year. To the maximum extent possible, the
18 director of the department of social services shall establish the
19 procedure described in this subsection in such a manner as to
20 ensure that taxpayers can claim all the tax credits possible up
21 to the cumulative amount of tax credits available for the fiscal
22 year.

23 8. This section shall become effective January 1, 2000, and
24 shall apply to all tax years after December 31, 1999.

25 9. Notwithstanding any provision of law to the contrary, no
26 tax credits provided under this section shall be authorized on or
27 after August 28, 2015. The provisions of this subsection shall
28 not be construed to limit or in any way impair the department's
29 ability to issue tax credits authorized prior to August 28, 2015.

1 or a taxpayer's ability to redeem such tax credits."; and

2 Further amend said bill, pages 119-124, section 135.630, by
3 striking all of said section and inserting in lieu thereof the
4 following:

5 "135.630. 1. As used in this section, the following terms
6 mean:

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

9 (2) "Director", the director of the department of social
10 services;

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

13 (a) Established and operating primarily to provide
14 assistance to women with crisis pregnancies or unplanned
15 pregnancies by offering pregnancy testing, counseling, emotional
16 and material support, and other similar services to encourage and
17 assist such women in carrying their pregnancies to term; and

18 (b) Where childbirths are not performed; and

19 (c) Which does not perform, induce, or refer for abortions
20 and which does not hold itself out as performing, inducing, or
21 referring for abortions; and

22 (d) Which provides direct client services at the facility,
23 as opposed to merely providing counseling or referral services by
24 telephone; and

25 (e) Which provides its services at no cost to its clients;
26 and

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

29 (g) Which is exempt from income taxation pursuant to the

1 Internal Revenue Code of 1986, as amended;

2 (4) "State tax liability", in the case of a business
3 taxpayer, any liability incurred by such taxpayer pursuant to the
4 provisions of chapters 143, 147, 148, and 153, excluding sections
5 143.191 to 143.265 and related provisions, and in the case of an
6 individual taxpayer, any liability incurred by such taxpayer
7 pursuant to the provisions of chapter 143, excluding sections
8 143.191 to 143.265 and related provisions;

9 (5) "Taxpayer", a person, firm, a partner in a firm,
10 corporation, or a shareholder in an S corporation doing business
11 in the state of Missouri and subject to the state income tax
12 imposed by the provisions of chapter 143, or a corporation
13 subject to the annual corporation franchise tax imposed by the
14 provisions of chapter 147, or an insurance company paying an
15 annual tax on its gross premium receipts in this state, or other
16 financial institution paying taxes to the state of Missouri or
17 any political subdivision of this state pursuant to the
18 provisions of chapter 148, or an express company which pays an
19 annual tax on its gross receipts in this state pursuant to
20 chapter 153, or an individual subject to the state income tax
21 imposed by the provisions of chapter 143, or any charitable
22 organization which is exempt from federal income tax and whose
23 Missouri unrelated business taxable income, if any, would be
24 subject to the state income tax imposed under chapter 143.

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

1 3. The amount of the tax credit claimed shall not exceed
2 the amount of the taxpayer's state tax liability for the taxable
3 year for which the credit is claimed, and such taxpayer shall not
4 be allowed to claim a tax credit in excess of fifty thousand
5 dollars per taxable year. However, any tax credit that cannot be
6 claimed in the taxable year the contribution was made may be
7 carried over to the next four succeeding taxable years until the
8 full credit has been claimed.

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

15 5. The director shall determine, at least annually, which
16 facilities in this state may be classified as pregnancy resource
17 centers. The director may require of a facility seeking to be
18 classified as a pregnancy resource center whatever information
19 which is reasonably necessary to make such a determination. The
20 director shall classify a facility as a pregnancy resource center
21 if such facility meets the definition set forth in subsection 1
22 of this section.

23 6. The director shall establish a procedure by which a
24 taxpayer can determine if a facility has been classified as a
25 pregnancy resource center. Pregnancy resource centers shall be
26 permitted to decline a contribution from a taxpayer. The
27 cumulative amount of tax credits which may be claimed by all the
28 taxpayers contributing to pregnancy resource centers in any one
29 fiscal year shall not exceed two million dollars. Tax credits

1 shall be issued in the order contributions are received.

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

20 8. Each pregnancy resource center shall provide information
21 to the director concerning the identity of each taxpayer making a
22 contribution to the pregnancy resource center who is claiming a
23 tax credit pursuant to this section and the amount of the
24 contribution. The director shall provide the information to the
25 director of revenue. The director shall be subject to the
26 confidentiality and penalty provisions of section 32.057 relating
27 to the disclosure of tax information.

28 9. Notwithstanding any other law to the contrary, any tax
29 credits granted under this section may be assigned, transferred,

1 sold, or otherwise conveyed without consent or approval. Such
2 taxpayer, hereinafter the assignor for purposes of this section,
3 may sell, assign, exchange, or otherwise transfer earned tax
4 credits:

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

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

9 10. [Pursuant to section 23.253 of the Missouri sunset act:

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

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

16 (3) This section shall terminate on September first of the
17 calendar year immediately following the calendar year in which a
18 program authorized under this section is sunset.] Pursuant to
19 section 23.253 of the Missouri sunset act, the provisions of the
20 program authorized under this section are hereby reauthorized and
21 shall automatically sunset on August 28, 2015."; and

22 Further amend the title and enacting clause accordingly.
23

SENATE AMENDMENT NO. 12Offered by Kraus of 8Amend SS/SCS/HCS/House Bill Nos. 116 & 316, Page 290, Section 620.2015, Line 9,

2 by inserting immediately after the word "under" the following:
3 "subsection 2 of"; and further amend line 11, by striking the
4 word "the"; and further amend lines 12-13, by striking all of
5 said lines and inserting in lieu there of the following: "one
6 hundred percent of the withholding tax from full-time jobs that
7 would otherwise be"; and further amend line 15, by inserting
8 immediately after "143.265," the following: "for a period of ten
9 years"; and

10 Further amend said bill and section, page 294, line 12, by
11 striking the words "subdivision (5) of subsection 3" and
12 inserting in lieu thereof the following "subsection 7"; and
13 further amend line 13 by striking "620.2010" and inserting in
14 lieu thereof the following "620.2020".

offered 4-27-11
adopted 4-27-11

SENATE AMENDMENT NO. 15Offered by Lagar of 12thAmend SS/SCS/HCS/House Bill Nos. 116 & 316, Page 208, Section 253.550, Line 19,

2 by inserting immediately after "253.559." the following: "The
3 limitations provided under this subsection shall not apply to
4 applications approved under the provisions of subsection 3 of
5 section 253.559 for projects to receive less than two hundred
6 seventy-five thousand dollars in tax credits."; and

7 Further amend said bill and section, page 209, line 7, by
8 inserting immediately after "2011;" the following: "or"; and
9 further amend lines 8-10, by striking all of said lines and
10 renumbering the remaining subdivision accordingly.

offered 4-27-11
adopted 4-27-11

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to

SENATE AMENDMENT NO. 16

Offered by Senator Purgason of _____

Amend SA¹⁶ to SS/SSS/HCS/HWJ Bill No. 116 & J¹⁶, Page 3, Section 135.352, Line 12

by

STRIKING "2019" AND INSERTING IN LIEU
THEME OF THE FOLLOWING: "2015"; AND FURTHER
AMEND LINE 19 BY STRIKING "2019" AND
INSERTING IN LIEU THEME OF THE FOLLOWING: "2015".

OFFERED 4-27-11

ADAPTED 4-27-11

Action taken _____

Date _____

SENATE AMENDMENT NO. 16Offered by Schaefer of BooneAmend SS/SCS/HCS/House Bill Nos. 116 & 316, Pages 85-89, Section 135.352,

2 by striking all of said section from the bill and inserting in
3 lieu thereof the following:

4 "135.352. 1. A taxpayer owning an interest in a qualified
5 Missouri project shall, subject to the limitations provided under
6 the provisions of subsection 3 of this section, be allowed a
7 state tax credit, whether or not allowed a federal tax credit, to
8 be termed the Missouri low-income housing tax credit, if the
9 commission issues an eligibility statement for that project.

10 2. For qualified Missouri projects placed in service after
11 January 1, 1997, the Missouri low-income housing tax credit
12 available to a project shall be such amount as the commission
13 shall determine is necessary to ensure the feasibility of the
14 project, up to an amount equal to the federal low-income housing
15 tax credit for a qualified Missouri project, for a federal tax
16 period, and such amount shall be subtracted from the amount of
17 state tax otherwise due for the same tax period. No more than one
18 hundred million dollars in tax credits provided under sections
19 135.350 to 135.363 shall be authorized in any fiscal year
20 beginning on or after July 1, 2011.

21 3. No more than six million dollars in tax credits shall be

offered 4-27-11
adopted 4-27-11