

FIRST REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILLS NOS. 116 & 316
96TH GENERAL ASSEMBLY

Reported from the Committee on Ways and Means and Fiscal Oversight, April 14, 2011, with recommendation that the Senate Committee Substitute do pass.

TERRY L. SPIELER, Secretary.

0053S.09C

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, 137.1018, 143.119, 144.030, 144.083, 168.071, 208.770, 253.545, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.495, and 660.055, RSMo, and to enact in lieu thereof sixty-three new sections relating to collection of state money, with a penalty provision and an emergency clause.

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

Section A. 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, 137.1018, 143.119, 144.030, 144.083, 168.071, 208.770, 253.545, 253.550, 253.557, 253.559, 348.430, 348.432, 348.434, 348.500, 348.505, 447.708, 620.495, and 660.055, RSMo, are repealed and sixty-three new sections enacted in lieu thereof, to be known as sections 32.028, 32.058, 32.087, 32.088, 32.105, 32.110, 32.115, 32.117, 32.120, 32.383, 32.385, 32.410, 32.420, 32.430, 32.440, 32.450, 32.460, 99.1205, 100.286, 100.297, 105.716, 135.010, 135.025, 135.030, 135.090, 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,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 135.679, 135.700, 135.802, 135.815, 135.825, 135.1150, 137.1018, 140.910,
14 144.030, 144.083, 168.071, 208.770, 253.545, 253.550, 253.557, 253.559, 348.430,
15 348.432, 348.434, 348.500, 447.708, 620.495, and 660.055, to read as follows:

32.028. 1. There is hereby created a department of revenue in charge of
2 a director appointed by the governor, by and with the advice and consent of the
3 senate. The department shall collect all taxes and fees **and may collect, upon**
4 **referral by a state agency, debts owed to any state agency**, payable to the
5 state as provided by law.

6 2. The powers, duties and functions of the department of revenue, chapter
7 32 and others, are transferred by type I transfer to the department of revenue.
8 All powers, duties and function of the collector of revenue are transferred to the
9 director of the department by type I transfer and the position of collector of
10 revenue is abolished.

11 3. The powers, duties and functions of the state tax commission, chapter
12 138 and others, are transferred by type III transfer to the department of revenue.

13 4. All of the powers, duties and functions of the state tax commission
14 relating to administration of the corporation franchise tax, chapter 152, and
15 others, are transferred by type I transfer to the department of revenue; provided,
16 however, that the provision of section 138.430 relating to appeals from decisions
17 of the director of revenue shall apply to these taxes.

18 5. All the powers, duties and functions of the highway reciprocity
19 commission, chapter 301, are transferred by type II transfer to the department
20 of revenue.

32.058. For all years beginning after January 1, 2012,
2 **notwithstanding the certified mail provisions contained in chapters 32,**
3 **140, 142, 143, 144, 147, 148, 149, and 302, the director of revenue may**
4 **choose to mail any document by first class mail.**

32.087. 1. Within ten days after the adoption of any ordinance or order
2 in favor of adoption of any local sales tax authorized under the local sales tax law
3 by the voters of a taxing entity, the governing body or official of such taxing
4 entity shall forward to the director of revenue by United States registered mail
5 or certified mail a certified copy of the ordinance or order. The ordinance or order
6 shall reflect the effective date thereof.

7 2. Any local sales tax so adopted shall become effective on the first day
8 of the second calendar quarter after the director of revenue receives notice of
9 adoption of the local sales tax, except as provided in subsection 18 of this section.

10 3. Every retailer within the jurisdiction of one or more taxing entities
11 which has imposed one or more local sales taxes under the local sales tax law
12 shall add all taxes so imposed along with the tax imposed by the sales tax law of
13 the state of Missouri to the sale price and, when added, the combined tax shall
14 constitute a part of the price, and shall be a debt of the purchaser to the retailer
15 until paid, and shall be recoverable at law in the same manner as the purchase
16 price. The combined rate of the state sales tax and all local sales taxes shall be
17 the sum of the rates, multiplying the combined rate times the amount of the sale.

18 4. The brackets required to be established by the director of revenue
19 under the provisions of section 144.285 shall be based upon the sum of the
20 combined rate of the state sales tax and all local sales taxes imposed under the
21 provisions of the local sales tax law.

22 5. The ordinance or order imposing a local sales tax under the local sales
23 tax law shall impose upon all sellers a tax for the privilege of engaging in the
24 business of selling tangible personal property or rendering taxable services at
25 retail to the extent and in the manner provided in sections 144.010 to 144.525,
26 and the rules and regulations of the director of revenue issued pursuant thereto;
27 except that the rate of the tax shall be the sum of the combined rate of the state
28 sales tax or state highway use tax and all local sales taxes imposed under the
29 provisions of the local sales tax law.

30 6. On and after the effective date of any local sales tax imposed under the
31 provisions of the local sales tax law, the director of revenue shall perform all
32 functions incident to the administration, collection, enforcement, and operation
33 of the tax, and the director of revenue shall collect in addition to the sales tax for
34 the state of Missouri all additional local sales taxes authorized under the
35 authority of the local sales tax law. **The director shall retain one percent**
36 **of the amount of any local sales or use tax collected for cost of**
37 **collection.** All local sales taxes imposed under the local sales tax law together
38 with all taxes imposed under the sales tax law of the state of Missouri shall be
39 collected together and reported upon such forms and under such administrative
40 rules and regulations as may be prescribed by the director of revenue.

41 7. All applicable provisions contained in sections 144.010 to 144.525
42 governing the state sales tax and section 32.057, the uniform confidentiality
43 provision, shall apply to the collection of any local sales tax imposed under the
44 local sales tax law except as modified by the local sales tax law.

45 8. All exemptions granted to agencies of government, organizations,

46 persons and to the sale of certain articles and items of tangible personal property
47 and taxable services under the provisions of sections 144.010 to 144.525, as these
48 sections now read and as they may hereafter be amended, it being the intent of
49 this general assembly to ensure that the same sales tax exemptions granted from
50 the state sales tax law also be granted under the local sales tax law, are hereby
51 made applicable to the imposition and collection of all local sales taxes imposed
52 under the local sales tax law.

53 9. The same sales tax permit, exemption certificate and retail certificate
54 required by sections 144.010 to 144.525 for the administration and collection of
55 the state sales tax shall satisfy the requirements of the local sales tax law, and
56 no additional permit or exemption certificate or retail certificate shall be
57 required; except that the director of revenue may prescribe a form of exemption
58 certificate for an exemption from any local sales tax imposed by the local sales tax
59 law.

60 10. All discounts allowed the retailer under the provisions of the state
61 sales tax law for the collection of and for payment of taxes under the provisions
62 of the state sales tax law are hereby allowed and made applicable to any local
63 sales tax collected under the provisions of the local sales tax law.

64 11. The penalties provided in section 32.057 and sections 144.010 to
65 144.525 for a violation of the provisions of those sections are hereby made
66 applicable to violations of the provisions of the local sales tax law.

67 12. (1) For the purposes of any local sales tax imposed by an ordinance
68 or order under the local sales tax law, all sales, except the sale of motor vehicles,
69 trailers, boats, and outboard motors, shall be deemed to be consummated at the
70 place of business of the retailer unless the tangible personal property sold is
71 delivered by the retailer or his agent to an out-of-state destination. In the event
72 a retailer has more than one place of business in this state which participates in
73 the sale, the sale shall be deemed to be consummated at the place of business of
74 the retailer where the initial order for the tangible personal property is taken,
75 even though the order must be forwarded elsewhere for acceptance, approval of
76 credit, shipment or billing. A sale by a retailer's agent or employee shall be
77 deemed to be consummated at the place of business from which he works.

78 (2) For the purposes of any local sales tax imposed by an ordinance or
79 order under the local sales tax law, all sales of motor vehicles, trailers, boats, and
80 outboard motors shall be deemed to be consummated at the residence of the
81 purchaser and not at the place of business of the retailer, or the place of business

82 from which the retailer's agent or employee works.

83 (3) For the purposes of any local tax imposed by an ordinance or under the
84 local sales tax law on charges for mobile telecommunications services, all taxes
85 of mobile telecommunications service shall be imposed as provided in the Mobile
86 Telecommunications Sourcing Act, 4 U.S.C. Sections 116 through 124, as
87 amended.

88 13. Local sales taxes imposed pursuant to the local sales tax law on the
89 purchase and sale of motor vehicles, trailers, boats, and outboard motors shall not
90 be collected and remitted by the seller, but shall be collected by the director of
91 revenue at the time application is made for a certificate of title, if the address of
92 the applicant is within a taxing entity imposing a local sales tax under the local
93 sales tax law.

94 14. The director of revenue and any of his **or her** deputies, assistants and
95 employees who have any duties or responsibilities in connection with the
96 collection, deposit, transfer, transmittal, disbursement, safekeeping, accounting,
97 or recording of funds which come into the hands of the director of revenue under
98 the provisions of the local sales tax law shall enter a surety bond or bonds
99 payable to any and all taxing entities in whose behalf such funds have been
100 collected under the local sales tax law in the amount of one hundred thousand
101 dollars for each such tax; but the director of revenue may enter into a blanket
102 bond covering himself **or herself** and all such deputies, assistants and
103 employees. The cost of any premium for such bonds shall be paid by the director
104 of revenue from the share of the collections under the sales tax law retained by
105 the director of revenue for the benefit of the state.

106 15. The director of revenue shall annually report on his **or her**
107 management of each trust fund which is created under the local sales tax law and
108 administration of each local sales tax imposed under the local sales tax law. He
109 **or she** shall provide each taxing entity imposing one or more local sales taxes
110 authorized by the local sales tax law with a detailed accounting of the source of
111 all funds received by him for the taxing entity. Notwithstanding any other
112 provisions of law, the state auditor shall annually audit each trust fund. A copy
113 of the director's report and annual audit shall be forwarded to each taxing entity
114 imposing one or more local sales taxes.

115 16. Within the boundaries of any taxing entity where one or more local
116 sales taxes have been imposed, if any person is delinquent in the payment of the
117 amount required to be paid by him **or her** under the local sales tax law or in the

118 event a determination has been made against him **or her** for taxes and penalty
119 under the local sales tax law, the limitation for bringing suit for the collection of
120 the delinquent tax and penalty shall be the same as that provided in sections
121 144.010 to 144.525. Where the director of revenue has determined that suit must
122 be filed against any person for the collection of delinquent taxes due the state
123 under the state sales tax law, and where such person is also delinquent in
124 payment of taxes under the local sales tax law, the director of revenue shall
125 notify the taxing entity in the event any person fails or refuses to pay the amount
126 of any local sales tax due so that appropriate action may be taken by the taxing
127 entity.

128 17. Where property is seized by the director of revenue under the
129 provisions of any law authorizing seizure of the property of a taxpayer who is
130 delinquent in payment of the tax imposed by the state sales tax law, and where
131 such taxpayer is also delinquent in payment of any tax imposed by the local sales
132 tax law, the director of revenue shall permit the taxing entity to join in any sale
133 of property to pay the delinquent taxes and penalties due the state and to the
134 taxing entity under the local sales tax law. The proceeds from such sale shall
135 first be applied to all sums due the state, and the remainder, if any, shall be
136 applied to all sums due such taxing entity.

137 18. If a local sales tax has been in effect for at least one year under the
138 provisions of the local sales tax law and voters approve reimposition of the same
139 local sales tax at the same rate at an election as provided for in the local sales
140 tax law prior to the date such tax is due to expire, the tax so reimposed shall
141 become effective the first day of the first calendar quarter after the director
142 receives a certified copy of the ordinance, order or resolution accompanied by a
143 map clearly showing the boundaries thereof and the results of such election,
144 provided that such ordinance, order or resolution and all necessary accompanying
145 materials are received by the director at least thirty days prior to the expiration
146 of such tax. Any administrative cost or expense incurred by the state as a result
147 of the provisions of this subsection shall be paid by the city or county reimposing
148 such tax.

32.088. 1. Beginning January 1, 2012, the possession of a
2 **statement from the department of revenue stating no tax is due under**
3 **chapters 142, 143, 144, 147, and 149, and that no fees are due under**
4 **sections 260.262 or 260.273, shall be a prerequisite to the issuance or**
5 **renewal of any city or county occupation license or any state license**

6 required for conducting any business. The statement of no tax due
7 shall be dated no longer than ninety days before the date of submission
8 for application or renewal of the city or county license.

9 2. Beginning January 1, 2012, in lieu of subsection 1 of this
10 section, the director may enter into an agreement with any state agency
11 responsible for issuing any state license for conducting any business
12 requiring the agency to provide the director of revenue with the name
13 and Missouri tax identification number of each applicant for licensure
14 within one month of the date the application is filed or at least one
15 month prior to the anticipated renewal of a licensee's license. If such
16 licensee is delinquent on any taxes under chapters 142, 143, 144, 147,
17 and 149, or fees under sections 260.262 or 260.273, the director shall
18 then send notice to each such entity and licensee. In the case of such
19 delinquency or failure to file, the licensee's license shall be suspended
20 within ninety days after notice of such delinquency or failure to file,
21 unless the director of revenue verifies that such delinquency or failure
22 has been remedied or arrangements have been made to achieve such
23 remedy. The director of revenue shall, within ten business days of
24 notification to the governmental entity issuing the license that the
25 delinquency has been remedied or arrangements have been made to
26 remedy such delinquency, send written notification to the licensee that
27 the delinquency has been remedied. Tax liability paid in protest or
28 reasonably founded disputes with such liability shall be considered
29 paid for the purposes of this section.

32.105. As used in sections 32.100 to 32.125, the following terms mean:

2 (1) "Affordable housing assistance activities", money, real or personal
3 property, or professional services expended or devoted to the construction, or
4 rehabilitation of affordable housing units;

5 (2) "Affordable housing unit", a residential unit generally occupied by
6 persons and families with incomes at or below the levels described in this
7 subdivision and bearing a cost to the occupant no greater than thirty percent of
8 the maximum eligible household income for the affordable housing unit. In the
9 case of owner-occupied units, the cost to the occupant shall be considered the
10 amount of the gross monthly mortgage payment, including casualty insurance,
11 mortgage insurance, and taxes. In the case of rental units, the cost to the
12 occupant shall be considered the amount of the gross rent. The cost to the
13 occupant shall include the cost of any utilities, other than telephone. If any

14 utilities are paid directly by the occupant, the maximum cost that may be paid
 15 by the occupant is to be reduced by a utility allowance prescribed by the
 16 commission. For rental units, persons or families are eligible occupants of
 17 affordable housing units if the household combined, adjusted gross income as
 18 defined by the commission is equal to or less than the following percentages of
 19 the median family income for the geographic area in which the residential unit
 20 is located, or the median family income for the state of Missouri, whichever is
 21 larger; ("geographic area", as used in this subdivision, means the metropolitan
 22 area or county designated as an area by the federal Department of Housing and
 23 Urban Development under Section 8 of the United States Housing Act of 1937, as
 24 amended, for purposes of determining fair market rental rates):

25		Percent of State or
26		Geographic Area Family
27	Size of Household	Median Income
28	One Person	35%
29	Two Persons	40%
30	Three Persons	45%
31	Four Persons	50%
32	Five Persons	54%
33	Six Persons	58%
34	Seven Persons	62%
35	Eight Persons	66%

36 For owner-occupied units, persons or families are eligible occupants of affordable
 37 housing units if the household combined, adjusted gross income as defined by the
 38 commission is equal to or less than the following percentages of the median
 39 family income for the geographic area in which the residential unit is located, or
 40 the median family income for the state of Missouri, whichever is larger:

41		Percent of State or
42		Geographic Area Family
43	Size of Household	Median Income
44	One Person	70%
45	Two Persons	80%
46	Three Persons	90%
47	Four Persons	100%
48	Five Persons	108%
49	Six Persons	116%

50	Seven Persons	124%
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51	Eight Persons	132%
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(3) ["Business firm", person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under such chapter, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state;

63 (4)] "Commission", the Missouri housing development commission;

64 [(5)] (4) "Community services", any type of counseling and advice.
65 emergency assistance or medical care furnished to individuals or groups in the
66 state of Missouri or transportation services at below-cost rates as provided in
67 sections 208.250 to 208.275;

68 [(6)] **(5)** "Crime prevention", any activity which aids in the reduction of
69 crime in the state of Missouri;

70 [(7)] (6) "Defense industry contractor", a person, corporation or other
71 entity which will be or has been negatively impacted as a result of its status as
72 a prime contractor of the Department of Defense or as a second or third tier
73 contractor. A "second tier contractor" means a person, corporation or other entity
74 which contracts to perform manufacturing, maintenance or repair services for a
75 prime contractor of the Department of Defense, and a "third tier contractor"
76 means a person, corporation or other entity which contracts with a person,
77 corporation or other entity which contracts with a prime contractor of the
78 Department of Defense;

79 **[(8)] (7)** "Doing business", among other methods of doing business in the
80 state of Missouri, a partner in a firm or a shareholder in an S corporation shall
81 be deemed to be doing business in the state of Missouri if such firm or S
82 corporation, as the case may be, is doing business in the state of Missouri;

83 **[(9)] (8)** "Economic development", the acquisition, renovation,
84 improvement, or the furnishing or equipping of existing buildings and real estate
85 in distressed or blighted areas of the state when such acquisition, renovation,

86 improvement, or the furnishing or equipping of the business development projects
87 will result in the creation or retention of jobs within the state. Only
88 neighborhood organizations, as defined in subdivision [(13)] **(12)** of this section,
89 may apply to conduct economic development projects. Prior to the approval of an
90 economic development project, the neighborhood organization shall enter into a
91 contractual agreement with the department of economic development. Credits
92 approved for economic development projects may not exceed six million dollars
93 from within any one fiscal year's allocation. Neighborhood assistance program
94 tax credits for economic development projects and affordable housing assistance
95 as defined in section 32.111 may be transferred, sold or assigned by a notarized
96 endorsement thereof naming the transferee;

97 [(10)] **(9)** "Education", any type of scholastic instruction or scholarship
98 assistance to an individual who resides in the state of Missouri that enables the
99 individual to prepare himself or herself for better opportunities or community
100 awareness activities rendered by a statewide organization established for the
101 purpose of archeological education and preservation;

102 [(11)] **(10)** "Homeless assistance pilot project", the program established
103 pursuant to section 32.117;

104 [(12)] **(11)** "Job training", any type of instruction to an individual who
105 resides in the state of Missouri that enables the individual to acquire vocational
106 skills so that the individual can become employable or be able to seek a higher
107 grade of employment;

108 [(13)] **(12)** "Neighborhood organization", any organization performing
109 community services or economic development activities in the state of Missouri
110 and:

111 (a) Holding a ruling from the Internal Revenue Service of the United
112 States Department of the Treasury that the organization is exempt from income
113 taxation pursuant to the provisions of the Internal Revenue Code; or

114 (b) Incorporated in the state of Missouri as a not-for-profit corporation
115 pursuant to the provisions of chapter 355; or

116 (c) Designated as a community development corporation by the United
117 States government pursuant to the provisions of Title VII of the Economic
118 Opportunity Act of 1964;

119 [(14)] **(13)** "Physical revitalization", furnishing financial assistance,
120 labor, material, or technical advice to aid in the physical improvement or
121 rehabilitation of any part or all of a neighborhood area;

122 [(15)] **(14)** "S corporation", a corporation described in Section 1361(a)(1)
123 of the United States Internal Revenue Code and not subject to the taxes imposed
124 by section 143.071 by reason of section 143.471;

125 **(15) "Taxpayer", an individual, a firm, a partner in a firm, sole**
126 **proprietorship, partner in a limited or general partnership, member of**
127 **a limited liability company, corporation as defined under sections**
128 **143.441 or 143.471, a shareholder in an S corporation doing business in**
129 **this state and subject to the state income tax imposed by chapter 143,**
130 **excluding withholding tax imposed by sections 143.191 to 143.265, or a**
131 **charitable organization, trust, or public or private foundation which is**
132 **exempt from federal income tax and whose Missouri unrelated business**
133 **taxable income, if any, would be subject to state income tax imposed**
134 **under chapter 143;**

135 (16) "Workfare renovation project", any project initiated pursuant to
136 sections 215.340 to 215.355.

 32.110. Any [business firm] **taxpayer** which engages in the activities of
2 providing physical revitalization, economic development, job training or education
3 for individuals, community services, or crime prevention in the state of Missouri
4 shall receive a tax credit as provided in section 32.115 if the director of the
5 department of economic development annually approves the proposal of the
6 [business firm] **taxpayer**; except that, no proposal shall be approved which does
7 not have the endorsement of the agency of local government within the area in
8 which the [business firm] **taxpayer** is engaging in such activities which has
9 adopted an overall community or neighborhood development plan that the
10 proposal is consistent with such plan. The proposal shall set forth the program
11 to be conducted, the neighborhood area to be served, why the program is needed,
12 the estimated amount to be contributed to the program and the plans for
13 implementing the program. If, in the opinion of the director of the department
14 of economic development, a [business firm's] **taxpayer's** contribution can more
15 consistently with the purposes of sections 32.100 to 32.125 be made through
16 contributions to a neighborhood organization as defined in subdivision (13) of
17 section 32.105, tax credits may be allowed as provided in section 32.115. The
18 director of the department of economic development is hereby authorized to
19 promulgate rules and regulations for establishing criteria for evaluating such
20 proposals by [business firms] **taxpayers** for approval or disapproval and for
21 establishing priorities for approval or disapproval of such proposals by [business

22 firms] **taxpayers** with the assistance and approval of the director of the
23 department of revenue. The total amount of tax credit granted for programs
24 approved pursuant to sections 32.100 to 32.125 shall not exceed fourteen million
25 dollars in fiscal year 1999 and twenty-six million dollars in fiscal year 2000, and
26 any subsequent fiscal year, except as otherwise provided for proposals approved
27 pursuant to section 32.111, 32.112 or 32.117. All tax credits authorized pursuant
28 to the provisions of sections 32.100 to 32.125 may be used as a state match to
29 secure additional federal funding. **Tax credits provided under this section**
30 **may be transferred, sold, or assigned.**

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

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

5 (2) The tax on banks determined pursuant to subdivision (2) of subsection
6 2 of section 148.030;

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

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

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

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

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

13 2. For proposals approved pursuant to section 32.110:

14 (1) **For all taxable years ending on or before December 31, 2011,**
15 the amount of the tax credit shall not exceed fifty percent of the total amount
16 contributed during the taxable year by the [business firm] **taxpayer** or, in the
17 case of a financial institution, where applicable, during the relevant income
18 period in programs approved pursuant to section 32.110. **For all taxable years**
19 **beginning on or after January 1, 2012, the amount of the tax credit**
20 **shall not exceed fifty percent of contributions made during the taxable**
21 **year by the taxpayer or, in the case of a financial institution, where**
22 **applicable, during the relevant income period in programs approved**
23 **pursuant to section 32.110, if such contributions are equal to or less**
24 **than one thousand dollars. In addition to the fifty percent credit for**
25 **contributions equal to or less than one thousand dollars, for**
26 **contributions in excess of one thousand dollars, a credit shall be**
27 **allowed in an amount equal to thirty-five percent of such excess;**

28 (2) Except as provided in subsection 2 or 5 of this section, **for all taxable**
29 **years ending on or before December 31, 2011**, a tax credit of up to seventy
30 percent may be allowed for contributions to programs where activities fall within
31 the scope of special program priorities as defined with the approval of the
32 governor in regulations promulgated by the director of the department of
33 economic development. **For all taxable years beginning on or after**
34 **January 1, 2012, except as provided in subsection 2 or 5 of this section,**
35 **a tax credit of up to seventy percent may be allowed for contributions**
36 **to programs where activities fall within the scope of special program**
37 **priorities as defined with the approval of the governor in regulations**
38 **promulgated by the director of the department of economic**
39 **development, if such contributions are equal to or less than one**
40 **thousand dollars. In addition to the seventy percent credit for**
41 **contributions equal to or less than one thousand dollars, for**
42 **contributions in excess of one thousand dollars, a credit shall be**
43 **allowed in an amount equal to fifty percent of such excess;**

44 (3) Except as provided in subsection 2 or 5 of this section, **for all**
45 **taxable years ending on or before December 31, 2011**, the tax credit
46 allowed for contributions to programs located in any community shall be equal to
47 seventy percent of the total amount contributed where such community is a city,
48 town or village which has fifteen thousand or less inhabitants as of the last
49 decennial census and is located in a county which is either located in:

50 (a) An area that is not part of a standard metropolitan statistical area;
51 (b) A standard metropolitan statistical area but such county has only one
52 city, town or village which has more than fifteen thousand inhabitants; or

53 (c) A standard metropolitan statistical area and a substantial number of
54 persons in such county derive their income from agriculture. Such community
55 may also be in an unincorporated area in such county as provided in subdivision
56 (1), (2) or (3) of this subsection. Except in no case shall the total economic benefit
57 of the combined federal and state tax savings to the taxpayer exceed the amount
58 contributed by the taxpayer during the tax year;

59 (4) **Except as provided in subsection 2 or 5 of this section, for all**
60 **taxable years beginning on or after January 1, 2012, the tax credit**
61 **allowed for contributions to programs located in any community shall**
62 **be equal to seventy percent of the total amount contributed if such**
63 **amount is equal to or less than one thousand dollars and fifty percent**

64 of any amount in excess of one thousand dollars where such community
65 is a city, town, or village which has fifteen thousand or less inhabitants
66 as of the last decennial census and is located in a county which is
67 either located in:

68 (a) An area that is not part of a standard metropolitan statistical
69 area;

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

73 (c) A standard metropolitan statistical area and a substantial
74 number of persons in such county derive their income from
75 agriculture. Such community may also be in an unincorporated area
76 in such county as provided in subdivision (1), (2), (3), or (4) of this
77 subsection. Except in no case shall the total economic benefit of the
78 combined federal and state tax savings to the taxpayer exceed the
79 amount contributed by the taxpayer during the tax year;

80 (5) Such tax credit allocation, equal to seventy percent of the total amount
81 contributed, shall not exceed four million dollars in fiscal year 1999 and six
82 million dollars in fiscal year 2000 and any subsequent fiscal year **ending on or**
83 **before June 30, 2011**. When the maximum dollar limit on the seventy percent
84 tax credit allocation is committed, the tax credit allocation for such programs
85 shall then be equal to fifty percent credit of the total amount contributed. **For**
86 **all fiscal years beginning on or after July 1, 2011, allocations of tax**
87 **credits under subdivisions (2) and (4) of this subsection shall not**
88 **exceed six million dollars**. Regulations establishing special program priorities
89 are to be promulgated during the first month of each fiscal year and at such times
90 during the year as the public interest dictates. **For tax credits issued on or**
91 **before December 31, 2011**, such credit shall not exceed two hundred and fifty
92 thousand dollars annually except as provided in subdivision [(5)] **(6)** of this
93 subsection. **For tax credits issued on or after January 1, 2012, there shall**
94 **be no annual per contribution limit on tax credits**. No tax credit shall be
95 approved for any bank, bank and trust company, insurance company, trust
96 company, national bank, savings association, or building and loan association for
97 activities that are a part of its normal course of business. Any tax credit not used
98 in the period the contribution was made may be carried over the next five
99 succeeding calendar or fiscal years until the full credit has been claimed. Except

100 as otherwise provided for proposals approved pursuant to section 32.111, 32.112
101 or 32.117, in no event shall the total amount of all other tax credits allowed
102 pursuant to sections 32.100 to 32.125 exceed thirty-two million dollars in any one
103 fiscal year, of which six million shall be credits allowed pursuant to section
104 135.460. If six million dollars in credits are not approved, then the remaining
105 credits may be used for programs approved pursuant to sections 32.100 to 32.125;
106 **[(5)] (6)** The credit may exceed two hundred fifty thousand dollars
107 annually and shall not be limited if community services, crime prevention,
108 education, job training, physical revitalization or economic development, as
109 defined by section 32.105, is rendered in an area defined by federal or state law
110 as an impoverished, economically distressed, or blighted area or as a
111 neighborhood experiencing problems endangering its existence as a viable and
112 stable neighborhood, or if the community services, crime prevention, education,
113 job training, physical revitalization or economic development is limited to
114 impoverished persons.

115 3. For proposals approved pursuant to section 32.111:

116 **(1) For all taxable years ending on or before December 31, 2011,**
117 the amount of the tax credit shall not exceed fifty-five percent of the total amount
118 invested in affordable housing assistance activities or market rate housing in
119 distressed communities as defined in section 135.530 by a [business firm]
120 **taxpayer. For all taxable years beginning on or after January 1, 2012,**
121 **the amount of the tax credit shall not exceed forty percent of the total**
122 **amount invested in affordable housing assistance activities or market**
123 **rate housing in distressed communities as defined in section 135.530 by**
124 **a taxpayer.** Whenever such investment is made in the form of an equity
125 investment or a loan, as opposed to a donation alone, tax credits may be claimed
126 only where the loan or equity investment is accompanied by a donation which is
127 eligible for federal income tax charitable deduction, and where the total value of
128 the tax credits herein plus the value of the federal income tax charitable
129 deduction is less than or equal to the value of the donation. Any tax credit not
130 used in the period for which the credit was approved may be carried over the next
131 ten succeeding calendar or fiscal years until the full credit has been allowed. If
132 the affordable housing units or market rate housing units in distressed
133 communities for which a tax is claimed are within a larger structure, parts of
134 which are not the subject of a tax credit claim, then expenditures applicable to
135 the entire structure shall be reduced on a prorated basis in proportion to the ratio

136 of the number of square feet devoted to the affordable housing units or market
137 rate housing units in distressed communities, for purposes of determining the
138 amount of the tax credit. The total amount of tax credit granted for programs
139 approved pursuant to section 32.111 for the fiscal year beginning July 1, 1991,
140 shall not exceed two million dollars, to be increased by no more than two million
141 dollars each succeeding fiscal year, until the total tax credits that may be
142 approved reaches ten million dollars in any fiscal year **but before June 30,**
143 **2011. For all fiscal years beginning on or after July 1, 2011, the total**
144 **amount of tax credits authorized for programs approved pursuant to**
145 **section 32.111 shall not exceed eight million five hundred thousand**
146 **dollars;**

147 (2) For any year during the compliance period indicated in the land use
148 restriction agreement, the owner of the affordable housing rental units for which
149 a credit is being claimed shall certify to the commission that all tenants renting
150 claimed units are income eligible for affordable housing units and that the rentals
151 for each claimed unit are in compliance with the provisions of sections 32.100 to
152 32.125. The commission is authorized, in its discretion, to audit the records and
153 accounts of the owner to verify such certification;

154 (3) In the case of owner-occupied affordable housing units, the qualifying
155 owner occupant shall, before the end of the first year in which credits are
156 claimed, certify to the commission that the occupant is income eligible during the
157 preceding two years, and at the time of the initial purchase contract, but not
158 thereafter. The qualifying owner occupant shall further certify to the commission,
159 before the end of the first year in which credits are claimed, that during the
160 compliance period indicated in the land use restriction agreement, the cost of the
161 affordable housing unit to the occupant for the claimed unit can reasonably be
162 projected to be in compliance with the provisions of sections 32.100 to
163 32.125. Any succeeding owner occupant acquiring the affordable housing unit
164 during the compliance period indicated in the land use restriction agreement
165 shall make the same certification;

166 (4) If at any time during the compliance period the commission determines
167 a project for which a proposal has been approved is not in compliance with the
168 applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor,
169 the commission may within one hundred fifty days of notice to the owner either
170 seek injunctive enforcement action against the owner, or seek legal damages
171 against the owner representing the value of the tax credits, or foreclose on the

172 lien in the land use restriction agreement, selling the project at a public sale, and
173 paying to the owner the proceeds of the sale, less the costs of the sale and less the
174 value of all tax credits allowed herein. The commission shall remit to the director
175 of revenue the portion of the legal damages collected or the sale proceeds
176 representing the value of the tax credits. However, except in the event of
177 intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax
178 credits shall not be revoked.

179 4. For proposals approved pursuant to section 32.112, the amount of the
180 tax credit shall not exceed fifty-five percent of the total amount contributed to a
181 neighborhood organization by [business firms] **taxpayers**. Any tax credit not
182 used in the period for which the credit was approved may be carried over the next
183 ten succeeding calendar or fiscal years until the full credit has been allowed. The
184 total amount of tax credit granted for programs approved pursuant to section
185 32.112 shall not exceed one million dollars for each fiscal year **ending on or**
186 **before June 30, 2011. For all fiscal years beginning on or after July 1,**
187 **2011, the total amount of tax credits authorized for programs approved**
188 **pursuant to section 32.112 shall not exceed two million five hundred**
189 **thousand dollars.**

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

194 **6. Notwithstanding any provision of law to the contrary, no tax**
195 **credits provided under sections 32.100 to 32.125 shall be authorized on**
196 **or after August 28, 2015. The provisions of this subsection shall not be**
197 **construed to limit or in any way impair the department's ability to**
198 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
199 **ability to redeem such tax credits.**

32.117. 1. Any [business firm] **taxpayer** which engages in the activity
2 of providing a homeless assistance project for low-income persons in the state of
3 Missouri shall receive a tax credit as provided in section 32.115, if the division
4 of community development within the department of economic development
5 annually approves the proposal of the [business firm] **taxpayer**. The proposal
6 shall only be approved if the project is located in a city with a population of four
7 hundred thousand or more inhabitants which is located in more than one county
8 and which serves a mix of rural and urban counties.

9 2. For purposes of this section "low-income persons" shall mean families
10 or persons with incomes of fifty percent or less of median income adjusted for
11 family size as allowed by the Department of Housing and Urban Development
12 (HUD) under section 8.

13 3. The purpose of a homeless assistance project shall be to serve
14 low-income families or persons who are experiencing economic crisis caused by
15 one or more of the following:

- 16 (1) Loss of employment;
- 17 (2) Medical disability or emergency;
- 18 (3) Loss or delay of some form of public assistance benefits;
- 19 (4) Natural disaster;
- 20 (5) Substantial change in household composition;
- 21 (6) Victimization by criminal activity;
- 22 (7) Illegal action by a landlord;
- 23 (8) Displacement by government or private action; or
- 24 (9) Some other condition which constitutes a hardship.

25 4. The amount of the tax credit shall not exceed fifty-five percent of the
26 value of the proposal benefits, which shall include one or more of the following
27 types of benefits to low-income persons in order to be eligible:

- 28 (1) Payment of rent or mortgage for not more than three months during
29 any twelve-month period;
- 30 (2) Payment to a landlord of a rent deposit or a security deposit for not
31 more than two months during any twelve-month period;
- 32 (3) Case management services which shall include support services such
33 as child care, education resource assistance, job resource assistance, counseling,
34 and resource and referral;
- 35 (4) Outreach services to low-income persons to prevent homelessness;
- 36 (5) Transitional housing facilities with support services.

37 5. The homeless assistance program shall give priority to the following
38 types of low-income families or individuals:

- 39 (1) Families with minor children who are in imminent danger of removal
40 from the family because of a lack of suitable housing accommodation;
- 41 (2) Single parent household;
- 42 (3) Other households with children;
- 43 (4) Households with a disabled household member or a household member
44 who is at least sixty-five years of age;

45 (5) All other households.

46 6. The organization implementing a homeless assistance program
47 pursuant to this section shall make annual reports identifying the goal of the
48 program, the number of recipients served, the type of services rendered, and
49 moneys expended to provide the program. The program report shall be submitted
50 to the governor, speaker of the house of representatives and the president pro tem
51 of the senate. These reports shall also be available to the general public upon
52 request.

53 7. For each of the fiscal years beginning on July 1, 1991, and July 1, 1992,
54 one million dollars in tax credits may be allowed to be used for the homeless
55 assistance pilot project, pursuant to this section.

32.120. The decision of the director of the department of economic
2 development to approve or disapprove a proposal pursuant to section 32.110 shall
3 be in writing, and if he approves the proposal, he shall state the maximum credit
4 allowable to the [business firm] **taxpayer**. A copy of the decision of the director
5 of the department of economic development shall be transmitted to the director
6 of revenue and to the governor.

32.383. 1. Notwithstanding the provisions of any other law to the
2 **contrary, with respect to taxes administered by the department of**
3 **revenue and imposed in chapters 143 and 144, an amnesty from the**
4 **assessment or payment of all penalties, additions to tax, and interest**
5 **shall apply with respect to unpaid taxes or taxes due and owing**
6 **reported and paid in full from August 1, 2011, to October 31, 2011,**
7 **regardless of whether previously assessed, except for penalties,**
8 **additions to tax, and interest paid before August 1, 2011. The amnesty**
9 **shall apply only to state tax liabilities due or due but unpaid on or**
10 **before December 31, 2010, and shall not extend to any taxpayer who at**
11 **the time of payment is a party to any criminal investigations or to any**
12 **civil or criminal litigation that is pending in any court of the United**
13 **States or this state for nonpayment, delinquency, or fraud in relation**
14 **to any state tax imposed by this state.**

15 **2. Upon written application by the taxpayer, on forms prescribed**
16 **by the director of revenue, and upon compliance with the provisions of**
17 **this section, the department of revenue shall not seek to collect any**
18 **penalty, addition to tax, or interest that may be applicable. The**
19 **department of revenue shall not seek civil or criminal prosecution for**

20 any taxpayer for the taxable period for which the amnesty has been
21 granted, unless subsequent investigation or audit shows that the
22 taxpayer engaged in fraudulent or criminal conduct in applying for
23 amnesty.

24 3. Amnesty shall be granted only to those taxpayers who have
25 applied for amnesty within the period stated in this section, who have
26 filed a tax return for each taxable period for which amnesty is
27 requested, who have paid the entire balance due within sixty days of
28 approval by the department of revenue, and who agree to comply with
29 state tax laws for the next eight years from the date of the agreement.
30 No taxpayer shall be entitled to a waiver of any penalty, addition to
31 tax, or interest under this section unless full payment of the tax due is
32 made in accordance with rules established by the director of revenue.

33 4. All taxpayers granted amnesty under this section shall comply
34 with this state's tax laws for the eight years following the date of the
35 amnesty agreement. If any such taxpayer fails to comply with all of
36 this state's tax laws at any time during the eight years following the
37 date of the agreement, all penalties, additions to tax, and interest that
38 were waived under the amnesty agreement shall become due and owing
39 immediately.

40 5. If a taxpayer elects to participate in the amnesty program
41 established in this section as evidenced by full payment of the tax due
42 as established by the director of revenue, that election shall constitute
43 an express and absolute relinquishment of all administrative and
44 judicial rights of appeal. No tax payment received under this section
45 shall be eligible for refund or credit.

46 6. Nothing in this section shall be interpreted to disallow the
47 department of revenue to adjust a taxpayer's tax return as a result of
48 any state or federal audit.

49 7. All tax payments received as a result of the amnesty program
50 established in this section, other than revenues earmarked by the
51 Constitution of Missouri or this state's statutes, shall be deposited in
52 the state general revenue fund.

53 8. The department may promulgate rules or issue administrative
54 guidelines as are necessary to implement the provisions of this
55 section. Any rule or portion of a rule, as that term is defined in section
56 536.010, that is created under the authority delegated in this section

57 shall become effective only if it complies with and is subject to all of
58 the provisions of chapter 536 and, if applicable, section 536.028. This
59 section and chapter 536 are nonseverable and if any of the powers
60 vested with the general assembly under chapter 536 to review, to delay
61 the effective date, or to disapprove and annul a rule are subsequently
62 held unconstitutional, then the grant of rulemaking authority and any
63 rule proposed or adopted after July 1, 2011, shall be invalid and void.

32.385. 1. The director of revenue and the commissioner of
2 administration may jointly enter into a reciprocal collection and offset
3 of indebtedness agreement with the federal government, under which
4 the State will offset from state tax refunds and from payments
5 otherwise due to vendors and contractors providing goods or services
6 to state departments, agencies, or other state agencies non-tax debt
7 owed to the federal government; and the federal government will offset
8 from federal payments to vendors, contractors, and taxpayers debt
9 owed to the state of Missouri.

10 2. When used in this section, the following words, terms, and
11 phrases are defined as set forth herein:

12 (1) "Federal official" means a unit or official of the federal
13 government charged with the collection of non-tax liabilities payable
14 to the federal government under 31 U.S.C. section 3716;

15 (2) "State agency" means any department, division, board,
16 commission, office, or other agency of the state of Missouri;

17 (3) "Non-tax liability due the state" means a liability certified to
18 the director of revenue by a state agency and shall include, but shall
19 not be limited to, fines, fees, penalties, and other non-tax assessments
20 imposed by or payable to any state agency that is finally determined to
21 be due and owing;

22 (4) "Person" means an individual, partnership, society,
23 association, joint stock company, corporation, public corporation, or
24 any public authority, estate, receiver, trustee, assignee, referee, and
25 any other person acting in a fiduciary or representative capacity
26 whether appointed by a court or otherwise, and any combination of the
27 foregoing;

28 (5) "Refund" means an amount described as a refund of tax under
29 the provisions of the state tax law that authorized its payment;

30 (6) "Vendor payment" means any payment, other than a refund,

31 made by the state to any person or entity, and shall include but shall
32 not be limited to any expense reimbursement to an employee of the
33 state; but shall not include a person's salary, wages, or pension;

34 (7) "Offset agreement" is the agreement authorized by this
35 section.

36 3. Under the offset agreement, a federal official may:

37 (1) Certify to the state of Missouri the existence of a person's
38 delinquent non-tax liability owed by the person to the federal
39 government;

40 (2) Request that the state of Missouri withhold any refund and
41 vendor payment to which the person is entitled;

42 (3) Certify and request the state of Missouri to withhold a refund
43 or vendor payment only if the laws of the United States:

44 (a) Allow the state of Missouri to enter into a reciprocal
45 agreement with the United States, under which the federal official
46 would be authorized to offset federal payments to collect delinquent tax
47 and non-tax debts owed to the state; and

48 (b) Provide for the payment of the amount withheld to the state;

49 (4) Retain a portion of the proceeds of any collection setoff as
50 provided under the setoff agreement.

51 4. Under the offset agreement, a certification by a federal official
52 to the state of Missouri shall include:

53 (1) The full name of the person and any other names known to
54 be used by the person;

55 (2) The social security number or federal tax identification
56 number;

57 (3) The amount of the non-tax liability; and

58 (4) A statement that the debt is past due and legally enforceable
59 in the amount certified.

60 5. If a person for whom a certification is received from a federal
61 official is due a refund of Missouri tax or a vendor payment, the
62 agreement may provide that the state of Missouri shall:

63 (1) Withhold a refund or vendor payment that is due a person
64 whose name has been certified by a federal official;

65 (2) In accordance with the provisions of the offset agreement,
66 notify the person of the amount withheld in satisfaction of a liability
67 certified by a federal official;

68 (3) Pay to the federal official the lesser of:
69 (a) The entire refund or vendor payment; or
70 (b) The amount certified; and
71 (4) Pay any refund or vendor payment in excess of the certified
72 amount to the person.

73 6. Under the agreement, the director of revenue shall:

74 (1) Certify to a federal official the existence of a person's
75 delinquent tax or non-tax liability due the state owed by the person to
76 any state agency;

77 (2) Request that the federal official withhold any eligible vendor
78 payment to which the person is entitled; and

79 (3) Provide for the payment of the amount withheld to the state.

80 7. A certification by a state agency to the director of revenue and
81 by the director of revenue to the federal official under the offset
82 agreement shall include:

83 (1) The full name and address of the person and any other names
84 known to be used by the person;

85 (2) The social security number or tax identification number;

86 (3) The amount of the tax or non-tax liability;

87 (4) A statement that the debt is past due and legally enforceable
88 in the amount certified; and

89 (5) Any other information required by federal statute or
90 regulation applicable to the collection of the debt by offset of federal
91 payments.

92 8. Any other provisions of law to the contrary notwithstanding,
93 the director of revenue and the commissioner of administration shall
94 have the authority to enter into reciprocal agreements with any other
95 state which extends a like comity to this state to set off offset from
96 state tax refunds and from payments otherwise due to vendors and
97 contractors providing goods or services to state departments, agencies,
98 or other state agencies non-tax debt for debts due the other state that
99 extends a like comity to this state.

 32.410. As used in sections 32.410 to 32.460, the following terms
2 shall mean:

3 (1) "Debt", an amount owed to the state directly or through a
4 state agency, on account of a fee, duty, lease, direct loan, loan insured
5 or guaranteed by the state, rent, service, sale of real or personal

6 **property, overpayment, fine, assessment, penalty, restitution, damages,**
7 **interest, tax, bail bond, forfeiture, reimbursement, liability owed, an**
8 **assignment, recovery of costs incurred by the state, or any other source**
9 **of indebtedness to the state;**

10 **(2) "Debtor", an individual, a corporation, a partnership, an**
11 **unincorporated association, a limited liability company, a trust, an**
12 **estate, or any other public or private entity, including a state, local, or**
13 **federal government, or an Indian tribe, that is liable for a debt or**
14 **against whom there is a claim for a debt;**

15 **(3) "Department", the department of revenue;**

16 **(4) "State agency", any division, board, commission, office, or**
17 **other agency of the state of Missouri, including public community**
18 **college districts and any state or municipal court.**

32.420. 1. Notwithstanding any other provision of law to the
2 **contrary, all state agencies may refer to the department for collection**
3 **debts owed to them. The department may provide collection services**
4 **on debts referred to the department by a state agency.**

5 **2. A referring agency may refer the debt to the department for**
6 **collection at any time after a debt becomes delinquent and uncontested**
7 **and the debtor has no further administrative appeal of the amount of**
8 **the debt. Methods and procedures for referral must follow internal**
9 **guidelines prepared by the department.**

10 **3. The collection procedures and remedies under this chapter are**
11 **in addition to any other procedure or remedy available by law. If the**
12 **state agency's applicable state or federal law requires the use of a**
13 **particular remedy or procedure for the collection of a debt, that**
14 **particular remedy or procedure governs the collection of that debt to**
15 **the extent the procedure or remedy is inconsistent with this chapter.**

16 **4. The state agency shall send notice to the debtor by United**
17 **States regular mail at the debtor's last known address at least twenty**
18 **days before the debt is referred to the department. The notice shall**
19 **state the nature and amount of the debt, identify to whom the debt is**
20 **owed, and inform the debtor of the remedies available under this**
21 **chapter or the state agency's own procedures.**

32.430. 1. The department may establish policies and procedures
2 **to use the collection remedy afforded under section 143.902 in filing a**
3 **lien with the county recorder of deeds and the filing of a certificate of**

4 lien with the circuit court. The department may also use collection
5 remedies afforded under any chapter for collection of any state debt
6 referred to the department. Debtors shall have all rights afforded
7 under sections 32.410 to 32.470 to notice and to challenge the
8 department's collection.

9 2. Venue for any suit filed in aid of collection of a state debt
10 referred to the department shall be in Cole County. If a judgment or a
11 lien was filed with a circuit clerk prior to the date the debt was
12 referred to the department, the venue shall be the county in which the
13 judgment or lien was filed.

14 3. The department is authorized to employ department staff and
15 attorneys, and at the department's discretion, the attorney general and
16 prosecuting attorneys and private collection agencies as authorized in
17 sections 136.150 and 140.850 in seeking collection of debts referred to
18 the department by a state agency.

 32.440. 1. The department shall add to the amount of debt
2 referred to the department by a state agency the cost of collection
3 which shall be ten percent of the total debt referred by the state
4 agency. The department shall have the same authority to collect the
5 cost of collection as the department has in collecting the debt referred
6 by the state agency.

7 2. The cost of collection may only be waived when:

8 (1) Within thirty days after the initial notice with the debtor by
9 the department, the debtor establishes to the department reasonable
10 cause for the failure to pay the debt prior to referral of the debt to the
11 department, enters into an agreement satisfactory to the department
12 to pay the debt in full, and fully abides by the terms of that agreement;

13 (2) A good faith dispute as to the legitimacy or the amount of the
14 debt exists, and payment is remitted or an agreement satisfactory to
15 the department to pay the debt in full is entered into within thirty days
16 after resolution of the dispute, and the debtor fully abides by the terms
17 of that agreement; or

18 (3) Collection costs have been added by the state agency and are
19 included in the amount of the referred debt.

20 3. If the department collects an amount less than the total due,
21 the payment is applied proportionally to collection costs and the
22 underlying debt unless the department has waived this requirement for

23 certain categories of debt pursuant to the department's internal
24 guidelines. Collection costs collected by the department under this
25 section shall be deposited in the general revenue fund.

32.450. The department may compromise state debt referred to
2 the department in accordance with section 32.378.

32.460. 1. The department and the referring state agency shall
2 follow all federal and state laws regarding the confidentiality of
3 information and records regarding the debtor including the disclosure
4 of the debtor's Social Security number, which state agencies, including
5 the judiciary, are authorized to provide to the department in assistance
6 of collection of the state debt referred. Each specific state agency's
7 confidentiality laws shall apply to the employees of the state agency
8 and to the department.

9 2. The department and the referring state agency are authorized
10 to exchange such information as is necessary for the successful
11 collection of the state debt referred in accordance with section
12 610.032. The judiciary is hereby authorized to exchange such
13 information with the department as is necessary for the successful
14 collection of the state debt referred.

99.1205. 1. This section shall be known and may be cited as the
2 "Distressed Areas Land Assemblage Tax Credit Act".

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

4 (1) "Acquisition costs", the purchase price for the eligible parcel, costs of
5 environmental assessments, closing costs, real estate brokerage fees, reasonable
6 demolition costs of vacant structures, and reasonable maintenance costs incurred
7 to maintain an acquired eligible parcel for a period of five years after the
8 acquisition of such eligible parcel. Acquisition costs shall not include costs for
9 title insurance and survey, attorney's fees, relocation costs, fines, or bills from a
10 municipality;

11 (2) "Applicant", any person, firm, partnership, trust, limited liability
12 company, or corporation which has:

13 (a) Incurred, within an eligible project area, acquisition costs for the
14 acquisition of land sufficient to satisfy the requirements under subdivision (8) of
15 this subsection; and

16 (b) Been appointed or selected, pursuant to a redevelopment agreement
17 by a municipal authority, as a redeveloper or similar designation, under an

18 economic incentive law, to redevelop an urban renewal area or a redevelopment
19 area that includes all of an eligible project area or whose redevelopment plan or
20 redevelopment area, which encompasses all of an eligible project area, has been
21 approved or adopted under an economic incentive law. In addition to being
22 designated the redeveloper, the applicant shall have been designated to receive
23 economic incentives only after the municipal authority has considered the amount
24 of the tax credits in adopting such economic incentives as provided in subsection
25 8 of this section. The redevelopment agreement shall provide that:

26 a. The funds generated through the use or sale of the tax credits issued
27 under this section shall be used to redevelop the eligible project area;

28 b. No more than seventy-five percent of the urban renewal area identified
29 in the urban renewal plan or the redevelopment area identified in the
30 redevelopment plan may be redeveloped by the applicant; and

31 c. The remainder of the urban renewal area or the redevelopment area
32 shall be redeveloped by co-redevelopers or redevelopers to whom the applicant
33 has assigned its redevelopment rights and obligations under the urban renewal
34 plan or the redevelopment plan;

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

36 (4) "Condemnation proceedings", any action taken by, or on behalf of, an
37 applicant to initiate an action in a court of competent jurisdiction to use the
38 power of eminent domain to acquire a parcel within the eligible project
39 area. Condemnation proceedings shall include any and all actions taken after the
40 submission of a notice of intended acquisition to an owner of a parcel within the
41 eligible project area by a municipal authority or any other person or entity under
42 section 523.250;

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

44 (6) "Economic incentive laws", any provision of Missouri law pursuant to
45 which economic incentives are provided to redevelopers of a parcel or parcels to
46 redevelop the land, such as tax abatement or payments in lieu of taxes, or
47 redevelopment plans or redevelopment projects approved or adopted which
48 include the use of economic incentives to redevelop the land. Economic incentive
49 laws include, but are not limited to, the land clearance for redevelopment
50 authority law under sections 99.300 to 99.660, the real property tax increment
51 allocation redevelopment act under sections 99.800 to 99.865, the Missouri
52 downtown and rural economic stimulus act under sections 99.915 to 99.1060, and
53 the downtown revitalization preservation program under sections 99.1080 to

54 99.1092;

55 (7) "Eligible parcel", a parcel:

56 (a) Which is located within an eligible project area;

57 (b) Which is to be redeveloped;

58 (c) On which the applicant has not commenced construction prior to
59 November 28, 2007;

60 (d) Which has been acquired without the commencement of any
61 condemnation proceedings with respect to such parcel brought by or on behalf of
62 the applicant. Any parcel acquired by the applicant from a municipal authority
63 shall not constitute an eligible parcel; and

64 (e) On which all outstanding taxes, fines, and bills levied by municipal
65 governments that were levied by the municipality during the time period that the
66 applicant held title to the eligible parcel have been paid in full;

67 (8) "Eligible project area", an area which shall have satisfied the following
68 requirements:

69 (a) The eligible project area shall consist of at least seventy-five acres and
70 may include parcels within its boundaries that do not constitute an eligible
71 parcel;

72 (b) At least eighty percent of the eligible project area shall be located
73 within a Missouri qualified census tract area, as designated by the United States
74 Department of Housing and Urban Development under 26 U.S.C. Section 42, or
75 within a distressed community as that term is defined in section 135.530;

76 (c) The eligible parcels acquired by the applicant within the eligible
77 project area shall total at least fifty acres, which may consist of contiguous and
78 noncontiguous parcels;

79 (d) The average number of parcels per acre in an eligible project area
80 shall be four or more;

81 (e) Less than five percent of the acreage within the boundaries of the
82 eligible project area shall consist of owner-occupied residences which the
83 applicant has identified for acquisition under the urban renewal plan or the
84 redevelopment plan pursuant to which the applicant was appointed or selected
85 as the redeveloper or by which the person or entity was qualified as an applicant
86 under this section on the date of the approval or adoption of such plan;

87 (9) "Interest costs", interest, loan fees, and closing costs. Interest costs
88 shall not include attorney's fees;

89 (10) "Maintenance costs", costs of boarding up and securing vacant

90 structures, costs of removing trash, and costs of cutting grass and weeds;

91 (11) "Municipal authority", any city, town, village, county, public body

92 corporate and politic, political subdivision, or land trust of this state established

93 and authorized to own land within the state;

94 (12) "Municipality", any city, town, village, or county;

95 (13) "Parcel", a single lot or tract of land, and the improvements thereon,

96 owned by, or recorded as the property of, one or more persons or entities;

97 (14) "Redeveloped", the process of undertaking and carrying out a

98 redevelopment plan or urban renewal plan pursuant to which the conditions

99 which provided the basis for an eligible project area to be included in a

100 redevelopment plan or urban renewal plan are to be reduced or eliminated by

101 redevelopment or rehabilitation; and

102 (15) "Redevelopment agreement", the redevelopment agreement or similar

103 agreement into which the applicant entered with a municipal authority and which

104 is the agreement for the implementation of the urban renewal plan or

105 redevelopment plan pursuant to which the applicant was appointed or selected

106 as the redeveloper or by which the person or entity was qualified as an applicant

107 under this section; and such appointment or selection shall have been approved

108 by an ordinance of the governing body of the municipality, or municipalities, or

109 in the case of any city not within a county, the board of aldermen, in which the

110 eligible project area is located. The redevelopment agreement shall include a

111 time line for redevelopment of the eligible project area. The redevelopment

112 agreement shall state that the named developer shall be subject to the provisions

113 of chapter 290.

114 3. Any applicant shall be entitled to a tax credit against the taxes

115 imposed under chapters 143, 147, and 148, except for sections 143.191 to 143.265,

116 in an amount equal to fifty percent of the acquisition costs, and one hundred

117 percent of the interest costs incurred for a period of five years after the

118 acquisition of an eligible parcel. No tax credits shall be issued under this section

119 until after January 1, 2008. **No new applicant shall be approved after**

120 **August 28, 2011.**

121 4. If the amount of such tax credit exceeds the total tax liability for the

122 year in which the applicant is entitled to receive a tax credit, the amount that

123 exceeds the state tax liability may be carried forward for credit against the taxes

124 imposed under chapters 143, 147, and 148 for the succeeding six years, or until

125 the full credit is used, whichever occurs first. The applicant shall not be entitled

126 to a tax credit for taxes imposed under sections 143.191 to 143.265. Applicants
127 entitled to receive such tax credits may transfer, sell, or assign the tax
128 credits. Tax credits granted to a partnership, a limited liability company taxed
129 as a partnership, or multiple owners of property shall be passed through to the
130 partners, members, or owners respectively pro rata or pursuant to an executed
131 agreement among the partners, members, or owners documenting an alternate
132 distribution method.

133 5. A purchaser, transferee, or assignee of the tax credits authorized under
134 this section may use acquired tax credits to offset up to one hundred percent of
135 the tax liabilities otherwise imposed under chapters 143, 147, and 148, except for
136 sections 143.191 to 143.265. A seller, transferor, or assignor shall perfect such
137 transfer by notifying the department in writing within thirty calendar days
138 following the effective date of the transfer and shall provide any information as
139 may be required by the department to administer and carry out the provisions of
140 this section.

141 6. To claim tax credits authorized under this section, an applicant shall
142 submit to the department an application for a certificate. An applicant shall
143 identify the boundaries of the eligible project area in the application. The
144 department shall verify that the applicant has submitted a valid application in
145 the form and format required by the department. The department shall verify
146 that the municipal authority held the requisite hearings and gave the requisite
147 notices for such hearings in accordance with the applicable economic incentive
148 act, and municipal ordinances. On an annual basis, an applicant may file for the
149 tax credit for the acquisition costs, and for the tax credit for the interest costs,
150 subject to the limitations of this section. If an applicant applying for the tax
151 credit meets the criteria required under this section, the department shall issue
152 a certificate in the appropriate amount. If an applicant receives a tax credit for
153 maintenance costs as a part of the applicant's acquisition costs, the department
154 shall post on its Internet website the amount and type of maintenance costs and
155 a description of the redevelopment project for which the applicant received a tax
156 credit within thirty days after the department issues the certificate to the
157 applicant.

158 7. The total aggregate amount of tax credits authorized under this section
159 shall not exceed ninety-five million dollars. At no time shall the annual amount
160 of the tax credits issued under this section exceed twenty million dollars. If the
161 tax credits that are to be issued under this section exceed, in any year, the twenty

162 million dollar limitation, the department shall either:

163 (1) Issue tax credits to the applicant in the amount of twenty million
164 dollars, if there is only one applicant entitled to receive tax credits in that year;
165 or

166 (2) Issue the tax credits on a pro rata basis to all applicants entitled to
167 receive tax credits in that year. Any amount of tax credits, which an applicant
168 is, or applicants are, entitled to receive on an annual basis and are not issued due
169 to the twenty million dollar limitation, shall be carried forward for the benefit of
170 the applicant or applicants to subsequent years. No tax credits provided under
171 this section shall be authorized after August 28, 2013. Any tax credits which
172 have been authorized on or before August 28, 2013, but not issued, may be issued,
173 subject to the limitations provided under this subsection, until all such
174 authorized tax credits have been issued.

175 8. Upon issuance of any tax credits pursuant to this section, the
176 department shall report to the municipal authority the applicant's name and
177 address, the parcel numbers of the eligible parcels for which the tax credits were
178 issued, the itemized acquisition costs and interest costs for which tax credits were
179 issued, and the total value of the tax credits issued. The municipal authority and
180 the state shall not consider the amount of the tax credits as an applicant's cost,
181 but shall include the tax credits in any sources and uses and cost benefit analysis
182 reviewed or created for the purpose of awarding other economic incentives. The
183 amount of the tax credits shall not be considered an applicant's cost in the
184 evaluation of the amount of any award of any other economic incentives, but shall
185 be considered in measuring the reasonableness of the rate of return to the
186 applicant with respect to such award of other economic incentives. The municipal
187 authority shall provide the report to any relevant commission, board, or entity
188 responsible for the evaluation and recommendation or approval of other economic
189 incentives to assist in the redevelopment of the eligible project area. Tax credits
190 authorized under this section shall constitute redevelopment tax credits, as such
191 term is defined under section 135.800, and shall be subject to all provisions
192 applicable to redevelopment tax credits provided under sections 135.800 to
193 135.830.

194 9. The department may promulgate rules to implement the provisions of
195 this section. Any rule or portion of a rule, as that term is defined in section
196 536.010, that is created under the authority delegated in this section shall
197 become effective only if it complies with and is subject to all of the provisions of

198 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
199 nonseverable and if any of the powers vested with the general assembly pursuant
200 to chapter 536 to review, to delay the effective date, or to disapprove and annul
201 a rule are subsequently held unconstitutional, then the grant of rulemaking
202 authority and any rule proposed or adopted after August 28, 2007, shall be
203 invalid and void.

100.286. 1. Within the discretion of the board, the development and
2 reserve fund, the infrastructure development fund or the export finance fund may
3 be pledged to secure the payment of any bonds or notes issued by the board, or
4 to secure the payment of any loan made by the board or a participating lender
5 which loan:

- 6 (1) Is requested to finance any project or export trade activity;
- 7 (2) Is requested by a borrower who is demonstrated to be financially
8 responsible;
- 9 (3) Can reasonably be expected to provide a benefit to the economy of this
10 state;
- 11 (4) Is otherwise secured by a mortgage or deed of trust on real or personal
12 property or other security satisfactory to the board; provided that loans to finance
13 export trade activities may be secured by export accounts receivable or
14 inventories of exportable goods satisfactory to the board;
- 15 (5) Does not exceed five million dollars;
- 16 (6) Does not have a term longer than five years if such loan is made to
17 finance export trade activities; and
- 18 (7) Is, when used to finance export trade activities, made to small or
19 medium size businesses or agricultural businesses, as may be defined by the
20 board.

21 2. The board shall prescribe standards for the evaluation of the financial
22 condition, business history, and qualifications of each borrower and the terms and
23 conditions of loans which may be secured, and may require each application to
24 include a financial report and evaluation by an independent certified public
25 accounting firm, in addition to such examination and evaluation as may be
26 conducted by any participating lender.

27 3. Each application for a loan secured by the development and reserve
28 fund, the infrastructure development fund or the export finance fund shall be
29 reviewed in the first instance by any participating lender to whom the application
30 was submitted. If satisfied that the standards prescribed by the board are met

31 and that the loan is otherwise eligible to be secured by the development and
32 reserve fund, the infrastructure development fund or the export finance fund, the
33 participating lender shall certify the same and forward the application for final
34 approval to the board.

35 4. The securing of any loans by the development and reserve fund, the
36 infrastructure development fund or the export finance fund shall be conditioned
37 upon approval of the application by the board, and receipt of an annual reserve
38 participation fee, as prescribed by the board, submitted by or on behalf of the
39 borrower.

40 5. The securing of any loan by the export finance fund for export trade
41 activities shall be conditioned upon the board's compliance with any applicable
42 treaties and international agreements, such as the general agreement on tariffs
43 and trade and the subsidies code, to which the United States is then a party.

44 6. **For any taxable year ending on or before December 31, 2011,**
45 any taxpayer, including any charitable organization that is exempt from federal
46 income tax and whose Missouri unrelated business taxable income, if any, would
47 be subject to the state income tax imposed under chapter 143, may, subject to the
48 limitations provided under subsection 8 of this section, receive a tax credit
49 against any tax otherwise due under the provisions of chapter 143, excluding
50 withholding tax imposed by sections 143.191 to 143.261, chapter 147, or chapter
51 148, in the amount of fifty percent of any amount contributed in money or
52 property by the taxpayer to the development and reserve fund, the infrastructure
53 development fund or the export finance fund during the taxpayer's tax year,
54 provided, however, the total tax credits awarded in any calendar year beginning
55 after January 1, 1994, shall not be the greater of ten million dollars or five
56 percent of the average growth in general revenue receipts in the preceding three
57 fiscal years. **For taxable years beginning on or after January 1, 2012, any**
58 **taxpayer, including any charitable organization that is exempt from**
59 **federal income tax and whose Missouri unrelated business taxable**
60 **income, if any, would be subject to the state income tax imposed under**
61 **chapter 143, may, subject to the limitations provided under subsection**
62 **8 of this section, receive a tax credit against any tax otherwise due**
63 **under the provisions of chapter 143, excluding withholding tax imposed**
64 **by sections 143.191 to 143.261, chapter 147, or chapter 148, in the**
65 **amount of thirty-five percent of any amount contributed in money or**
66 **property by the taxpayer to the development and reserve fund, the**

67 **infrastructure development fund or the export finance fund during the**
68 **taxpayer's tax year, provided, however, the total tax credits awarded**
69 **in any calendar year shall not be the greater of ten million dollars or**
70 **five percent of the average growth in general revenue receipts in the**
71 **preceding three fiscal years.** This limit may be exceeded only upon joint
72 agreement by the commissioner of administration, the director of the department
73 of economic development, and the director of the department of revenue that such
74 action is essential to ensure retention or attraction of investment in Missouri. If
75 the board receives, as a contribution, real property, the contributor at such
76 contributor's own expense shall have two independent appraisals conducted by
77 appraisers certified by the Master Appraisal Institute. Both appraisals shall be
78 submitted to the board, and the tax credit certified by the board to the
79 contributor shall be based upon the value of the lower of the two appraisals. The
80 board shall not certify the tax credit until the property is deeded to the
81 board. Such credit shall not apply to reserve participation fees paid by borrowers
82 under sections 100.250 to 100.297. The portion of earned tax credits which
83 exceeds the taxpayer's tax liability may be carried forward for up to five years.

84 7. Notwithstanding any provision of law to the contrary, any taxpayer
85 may sell, assign, exchange, convey or otherwise transfer tax credits allowed in
86 subsection 6 of this section under the terms and conditions prescribed in
87 subdivisions (1) and (2) of this subsection. Such taxpayer, hereinafter the
88 assignor for the purpose of this subsection, may sell, assign, exchange or
89 otherwise transfer earned tax credits:

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

92 (2) In an amount not to exceed one hundred percent of annual earned
93 credits. The taxpayer acquiring earned credits, hereinafter the assignee for the
94 purpose of this subsection, may use the acquired credits to offset up to one
95 hundred percent of the tax liabilities otherwise imposed by chapter 143, excluding
96 withholding tax imposed by sections 143.191 to 143.261, chapter 147, or chapter
97 148. Unused credits in the hands of the assignee may be carried forward for up
98 to five years, provided all such credits shall be claimed within ten years following
99 the tax years in which the contribution was made. The assignor shall enter into
100 a written agreement with the assignee establishing the terms and conditions of
101 the agreement and shall perfect such transfer by notifying the board in writing
102 within thirty calendar days following the effective day of the transfer and shall

103 provide any information as may be required by the board to administer and carry
104 out the provisions of this section. Notwithstanding any other provision of law to
105 the contrary, the amount received by the assignor of such tax credit shall be
106 taxable as income of the assignor, and the excess of the par value of such credit
107 over the amount paid by the assignee for such credit shall be taxable as income
108 of the assignee.

109 8. Provisions of subsections 1 to 7 of this section to the contrary
110 notwithstanding, no more than ten million dollars in tax credits provided under
111 this section, may be authorized or approved annually. The limitation on tax
112 credit authorization and approval provided under this subsection may be exceeded
113 only upon mutual agreement, evidenced by a signed and properly notarized letter,
114 by the commissioner of the office of administration, the director of the department
115 of economic development, and the director of the department of revenue that such
116 action is essential to ensure retention or attraction of investment in Missouri
117 provided, however, that in no case shall more than twenty-five million dollars in
118 tax credits be authorized or approved during such year. Taxpayers shall file,
119 with the board, an application for tax credits authorized under this section on a
120 form provided by the board. The provisions of this subsection shall not be
121 construed to limit or in any way impair the ability of the board to authorize tax
122 credits for issuance for projects authorized or approved, by a vote of the board,
123 on or before the thirtieth day following the effective date of this act, or a
124 taxpayer's ability to redeem such tax credits.

125 **9. Notwithstanding any provision of law to the contrary, no tax**
126 **credits provided under this section shall be authorized on or after**
127 **August 28, 2014. The provisions of this subsection shall not be**
128 **construed to limit or in any way impair the department's ability to**
129 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**
130 **ability to redeem such tax credits.**

100.297. 1. The board may authorize a tax credit, as described in this
2 section, to the owner of any revenue bonds or notes issued by the board pursuant
3 to the provisions of sections 100.250 to 100.297, for infrastructure facilities as
4 defined in subdivision (9) of section 100.255, if, prior to the issuance of such
5 bonds or notes, the board determines that:

6 (1) The availability of such tax credit is a material inducement to the
7 undertaking of the project in the state of Missouri and to the sale of the bonds or
8 notes;

9 (2) The loan with respect to the project is adequately secured by a first
10 deed of trust or mortgage or comparable lien, or other security satisfactory to the
11 board.

12 2. Upon making the determinations specified in subsection 1 of this
13 section, the board may declare that each owner of an issue of revenue bonds or
14 notes shall be entitled, in lieu of any other deduction with respect to such bonds
15 or notes, to a tax credit against any tax otherwise due by such owner pursuant
16 to the provisions of chapter 143, excluding withholding tax imposed by sections
17 143.191 to 143.261, chapter 147, or chapter 148, in the amount of one hundred
18 percent of the unpaid principal of and unpaid interest on such bonds or notes
19 held by such owner in the taxable year of such owner following the calendar year
20 of the default of the loan by the borrower with respect to the project. The
21 occurrence of a default shall be governed by documents authorizing the issuance
22 of the bonds. The tax credit allowed pursuant to this section shall be available
23 to the original owners of the bonds or notes or any subsequent owner or owners
24 thereof. Once an owner is entitled to a claim, any such tax credits shall be
25 transferable as provided in subsection 7 of section 100.286. Notwithstanding any
26 provision of Missouri law to the contrary, any portion of the tax credit to which
27 any owner of a revenue bond or note is entitled pursuant to this section which
28 exceeds the total income tax liability of such owner of a revenue bond or note
29 shall be carried forward and allowed as a credit against any future taxes imposed
30 on such owner within the next ten years pursuant to the provisions of chapter
31 143, excluding withholding tax imposed by sections 143.191 to 143.261, chapter
32 147, or chapter 148. The eligibility of the owner of any revenue bond or note
33 issued pursuant to the provisions of sections 100.250 to 100.297 for the tax credit
34 provided by this section shall be expressly stated on the face of each such bond
35 or note. The tax credit allowed pursuant to this section shall also be available
36 to any financial institution or guarantor which executes any credit facility as
37 security for bonds issued pursuant to this section to the same extent as if such
38 financial institution or guarantor was an owner of the bonds or notes, provided
39 however, in such case the tax credits provided by this section shall be available
40 immediately following any default of the loan by the borrower with respect to the
41 project. In addition to reimbursing the financial institution or guarantor for
42 claims relating to unpaid principal and interest, such claim may include payment
43 of any unpaid fees imposed by such financial institution or guarantor for use of
44 the credit facility.

45 3. The aggregate principal amount of revenue bonds or notes outstanding
46 at any time with respect to which the tax credit provided in this section shall be
47 available shall not exceed fifty million dollars.

48 **4. Notwithstanding any provision of law to the contrary, no tax**
49 **credits provided under this section shall be authorized on or after**
50 **August 28, 2014. The provisions of this subsection shall not be**
51 **construed to limit or in any way impair the department's ability to**
52 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**
53 **ability to redeem such tax credits.**

 105.716. 1. Any investigation, defense, negotiation, or compromise of any
2 claim covered by sections 105.711 to 105.726 shall be conducted by the attorney
3 general; provided, that in the case of any claim against the department of
4 conservation, the department of transportation or a public institution which
5 awards baccalaureate degrees, or any officer or employee of such department or
6 such institution, any investigation, defense, negotiation, or compromise of any
7 claim covered by sections 105.711 to 105.726 shall be conducted by legal counsel
8 provided by the respective entity against which the claim is made or which
9 employs the person against whom the claim is made.
10 In the case of any payment from the state legal expense fund based upon a claim
11 or judgment against the department of conservation, the department of
12 transportation or any officer or employee thereof, the department so affected shall
13 immediately transfer to the state legal expense fund from the department funds
14 a sum equal to the amount expended from the state legal expense fund on its
15 behalf.

16 2. All persons and entities protected by the state legal expense fund shall
17 cooperate with the attorneys conducting any investigation and preparing any
18 defense under the provisions of sections 105.711 to 105.726 by assisting such
19 attorneys in all respects, including the making of settlements, the securing and
20 giving of evidence, and the attending and obtaining witness to attend hearings
21 and trials. Funds in the state legal expense fund shall not be used to pay claims
22 and judgments against those persons and entities who do not cooperate as
23 required by this subsection.

24 3. The provisions of sections 105.711 to 105.726 notwithstanding, the
25 attorney general may investigate, defend, negotiate, or compromise any claim
26 covered by sections 105.711 to 105.726 against any public institution which
27 awards baccalaureate degrees whose governing body has declared a state of

28 financial exigency.

29 4. Notwithstanding the provisions of subsection 2 of section 105.711, funds
30 in the state legal expense fund may be expended prior to the payment of any
31 claim or any final judgment to pay costs of defense, including reasonable
32 attorney's fees for retention of legal counsel, when the attorney general
33 determines that a conflict exists or particular expertise is required, and also to
34 pay for related legal expenses including medical examination fees, expert witness
35 fees, court reporter expenses, travel costs and ancillary legal expenses incurred
36 prior to the payment of a claim or any final judgment.

37 **5. Notwithstanding any other provision of law to the contrary,**
38 **no funds shall be expended from the state legal expense fund for**
39 **settlement of any liability claim except upon the production of a no tax**
40 **due statement from the department of revenue by the party making**
41 **claim or having judgment under section 105.711, which shall be**
42 **satisfied from such fund. Payments of no less than ten thousand dollars**
43 **from the fund for property damage claims shall not require a no tax**
44 **due statement from the department. If the party is found by the**
45 **director of revenue to owe a delinquent tax debt to the state of**
46 **Missouri under the revenue laws of this state, any funds to be paid to**
47 **the party from the state legal expense fund shall be offset to satisfy**
48 **such tax debt before payment is made to the party making claim or**
49 **having judgment.**

 135.010. As used in sections 135.010 to 135.030 the following words and
2 terms mean:

3 (1) "Claimant", a person or persons claiming a credit under sections
4 135.010 to 135.030. If the persons are eligible to file a joint federal income tax
5 return and reside at the same address at any time during the taxable year, then
6 the credit may only be allowed if claimed on a combined Missouri income tax
7 return or a combined claim return reporting their combined incomes and property
8 taxes. A claimant shall not be allowed a property tax credit unless the claimant
9 or spouse has attained the age of sixty-five on or before the last day of the
10 calendar year and the claimant or spouse was a resident of Missouri for the entire
11 year, or the claimant or spouse is a veteran of any branch of the armed forces of
12 the United States or this state who became one hundred percent disabled as a
13 result of such service, or the claimant or spouse is disabled as defined in
14 subdivision (2) of this section, and such claimant or spouse provides proof of such

15 disability in such form and manner, and at such times, as the director of revenue
16 may require, or if the claimant has reached the age of sixty on or before the last
17 day of the calendar year and such claimant received surviving spouse Social
18 Security benefits during the calendar year and the claimant provides proof, as
19 required by the director of revenue, that the claimant received surviving spouse
20 Social Security benefits during the calendar year for which the credit will be
21 claimed. A claimant shall not be allowed a property tax credit if the claimant
22 filed a valid claim for a credit under section 137.106 in the year following the
23 year for which the property tax credit is claimed. The residency requirement
24 shall be deemed to have been fulfilled for the purpose of determining the
25 eligibility of a surviving spouse for a property tax credit if a person of the age of
26 sixty-five years or older who would have otherwise met the requirements for a
27 property tax credit dies before the last day of the calendar year. The residency
28 requirement shall also be deemed to have been fulfilled for the purpose of
29 determining the eligibility of a claimant who would have otherwise met the
30 requirements for a property tax credit but who dies before the last day of the
31 calendar year;

32 (2) "Disabled", the inability to engage in any substantial gainful activity
33 by reason of any medically determinable physical or mental impairment which
34 can be expected to result in death or which has lasted or can be expected to last
35 for a continuous period of not less than twelve months. A claimant shall not be
36 required to be gainfully employed prior to such disability to qualify for a property
37 tax credit;

38 (3) ["Gross rent", amount paid by a claimant to a landlord for the rental,
39 at arm's length, of a homestead during the calendar year, exclusive of charges for
40 health and personal care services and food furnished as part of the rental
41 agreement, whether or not expressly set out in the rental agreement. If the
42 director of revenue determines that the landlord and tenant have not dealt at
43 arm's length, and that the gross rent is excessive, then he shall determine the
44 gross rent based upon a reasonable amount of rent. Gross rent shall be deemed
45 to be paid only if actually paid prior to the date a return is filed. The director of
46 revenue may prescribe regulations requiring a return of information by a landlord
47 receiving rent, certifying for a calendar year the amount of gross rent received
48 from a tenant claiming a property tax credit and shall, by regulation, provide a
49 method for certification by the claimant of the amount of gross rent paid for any
50 calendar year for which a claim is made. The regulations authorized by this

51 subdivision may require a landlord or a tenant or both to provide data relating
52 to health and personal care services and to food. Neither a landlord nor a tenant
53 may be required to provide data relating to utilities, furniture, home furnishings
54 or appliances;

55 (4) "Homestead", the dwelling in Missouri owned [or rented] by the
56 claimant and not to exceed five acres of land surrounding it as is reasonably
57 necessary for use of the dwelling as a home. It may consist of part of a
58 multidwelling or multipurpose building and part of the land upon which it is
59 built. "Owned" includes a vendee in possession under a land contract and one or
60 more tenants by the entireties, joint tenants, or tenants in common and includes
61 a claimant actually in possession if he was the immediate former owner of record,
62 if a lineal descendant is presently the owner of record, and if the claimant
63 actually pays all taxes upon the property. It may include a mobile home;

64 [(5)] (4) "Income", Missouri adjusted gross income as defined in section
65 143.121 less two thousand dollars, or in the case of a homestead owned and
66 occupied, for the entire year, by the claimant, less four thousand dollars as an
67 exemption for the claimant's spouse residing at the same address, and increased,
68 where necessary, to reflect the following:

69 (a) Social Security, railroad retirement, and veterans payments and
70 benefits unless the claimant is a one hundred percent service-connected, disabled
71 veteran or a spouse of a one hundred percent service-connected, disabled
72 veteran. The one hundred percent service-connected disabled veteran shall not
73 be required to list veterans payments and benefits;

74 (b) The total amount of all other public and private pensions and
75 annuities;

76 (c) Public relief, public assistance, and unemployment benefits received
77 in cash, other than benefits received under this chapter;

78 (d) No deduction being allowed for losses not incurred in a trade or
79 business;

80 (e) Interest on the obligations of the United States, any state, or any of
81 their subdivisions and instrumentalities;

82 [(6)] (5) "Property taxes accrued", property taxes paid, exclusive of
83 special assessments, penalties, interest, and charges for service levied on a
84 claimant's homestead in any calendar year. Property taxes shall qualify for the
85 credit only if actually paid prior to the date a return is filed. The director of
86 revenue shall require a tax receipt or other proof of property tax payment. If a

87 homestead is owned only partially by claimant, then "property taxes accrued" is
88 that part of property taxes levied on the homestead which was actually paid by
89 the claimant. For purposes of this subdivision, property taxes are "levied" when
90 the tax roll is delivered to the director of revenue for collection. If a claimant
91 owns a homestead part of the preceding calendar year and rents it or a different
92 homestead for part of the same year, "property taxes accrued" means only taxes
93 levied on the homestead both owned and occupied by the claimant, multiplied by
94 the percentage of twelve months that such property was owned and occupied as
95 the homestead of the claimant during the year. When a claimant owns and
96 occupies two or more different homesteads in the same calendar year, property
97 taxes accrued shall be the sum of taxes allocable to those several properties
98 occupied by the claimant as a homestead for the year. If a homestead is an
99 integral part of a larger unit such as a farm, or multipurpose or multidwelling
100 building, property taxes accrued shall be that percentage of the total property
101 taxes accrued as the value of the homestead is of the total value. For purposes
102 of this subdivision "unit" refers to the parcel of property covered by a single tax
103 statement of which the homestead is a part[;

104 (7) "Rent constituting property taxes accrued", twenty percent of the gross
105 rent paid by a claimant and spouse in the calendar year].

135.025. The property taxes accrued [and rent constituting property taxes
2 accrued] on each return shall be totaled. This total, up to [seven hundred fifty
3 dollars in rent constituting property taxes actually paid or] eleven hundred
4 dollars in actual property tax paid, shall be used in determining the property tax
5 credit. The director of revenue shall prescribe regulations providing for
6 allocations where part of a claimant's homestead is rented to another or used for
7 nondwelling purposes or where a homestead is owned [or rented] or used as a
8 dwelling for part of a year.

135.030. 1. As used in this section:

2 (1) The term "maximum upper limit" shall, for each calendar year after
3 December 31, 1997, but before calendar year 2008, be the sum of twenty-five
4 thousand dollars. For all calendar years beginning on or after January 1, 2008,
5 the maximum upper limit shall be the sum of twenty-seven thousand five
6 hundred dollars. In the case of a homestead owned and occupied for the entire
7 year by the claimant, the maximum upper limit shall be the sum of thirty
8 thousand dollars;

9 (2) The term "minimum base" shall, for each calendar year after December

10 31, 1997, but before calendar year 2008, be the sum of thirteen thousand
11 dollars. For all calendar years beginning on or after January 1, 2008, the
12 minimum base shall be the sum of fourteen thousand three hundred dollars.

13 2. If the income on a return is equal to or less than the maximum upper
14 limit for the calendar year for which the return is filed, the property tax credit
15 shall be determined from a table of credits based upon the amount by which the
16 total property tax described in section 135.025 exceeds the percent of income in
17 the following list:

18 If the income on the return is:	The percent is:
19 Not over the minimum base	0 percent with credit
20	not to exceed \$1,100
21	in actual property tax
22	[or rent equivalent] paid
23	[up to \$750]
24 Over the minimum base but	1/16 percent accumulative
25 not over the maximum upper	per \$300 from 0 percent
26 limit	to 4 percent.

27 The director of revenue shall prescribe a table based upon the preceding
28 sentences. The property tax shall be in increments of twenty-five dollars and the
29 income in increments of three hundred dollars. The credit shall be the amount
30 rounded to the nearest whole dollar computed on the basis of the property tax
31 and income at the midpoints of each increment. As used in this subsection, the
32 term "accumulative" means an increase by continuous or repeated application of
33 the percent to the income increment at each three hundred dollar level.

34 3. Notwithstanding subsection 4 of section 32.057, the department of
35 revenue or any duly authorized employee or agent shall determine whether any
36 taxpayer filing a report or return with the department of revenue who has not
37 applied for the credit allowed pursuant to section 135.020 may qualify for the
38 credit, and shall notify any qualified claimant of the claimant's potential
39 eligibility, where the department determines such potential eligibility exists.

40 **4. Notwithstanding any provision of law to the contrary, no tax**
41 **credits provided under sections 135.010 to 135.030 shall be authorized**
42 **on or after August 28, 2015. The provisions of this subsection shall not**
43 **be construed to limit or in any way impair the department's ability to**
44 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
45 **ability to redeem such tax credits.**

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

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

6 (2) "Public safety officer", any firefighter, police officer, capitol police
7 officer, parole officer, probation officer, correctional employee, water patrol officer,
8 park ranger, conservation officer, commercial motor enforcement officer,
9 emergency medical technician, first responder, or highway patrolman employed
10 by the state of Missouri or a political subdivision thereof who is killed in the line
11 of duty, unless the death was the result of the officer's own misconduct or abuse
12 of alcohol or drugs;

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

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

26 3. The department of revenue shall promulgate rules to implement the
27 provisions of this section.

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

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

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

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

43 (3) This section shall terminate on September first of the calendar year
44 immediately following the calendar year in which the program authorized under
45 this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset**
46 **act, the provisions of the program authorized under this section are**
47 **hereby reauthorized and shall automatically sunset on August 28, 2015.**

135.326. As used in sections 135.325 to 135.339, the following terms shall
2 mean:

3 (1) "Business entity", person, firm, a partner in a firm, corporation or a
4 shareholder in an S corporation doing business in the state of Missouri and
5 subject to the state income tax imposed by the provisions of chapter 143, or a
6 corporation subject to the annual corporation franchise tax imposed by the
7 provisions of chapter 147, or an insurance company paying an annual tax on its
8 gross premium receipts in this state, or other financial institution paying taxes
9 to the state of Missouri or any political subdivision of this state under the
10 provisions of chapter 148, or an express company which pays an annual tax on
11 its gross receipts in this state pursuant to chapter 153;

12 (2) "Handicap", a mental, physical, or emotional impairment that
13 substantially limits one or more major life activities, whether the impairment is
14 congenital or acquired by accident, injury or disease, and where the impairment
15 is verified by medical findings;

16 (3) "Nonrecurring adoption expenses", reasonable and necessary adoption
17 fees, court costs, attorney fees, and other expenses which are directly related to
18 the legal adoption of a special needs child and which are not incurred in violation
19 of federal, state, or local law. **Nonrecurring adoption expenses shall not**
20 **include expenses incurred as a result of an international adoption;**

21 (4) "Special needs child", a child for whom it has been determined by the
22 division of family services, or by a child-placing agency licensed by the state, or
23 by a court of competent jurisdiction to be a child:

24 (a) That cannot or should not be returned to the home of his or her
25 parents; and

26 (b) Who has a specific factor or condition such as ethnic background, age,
27 membership in a minority or sibling group, medical condition, or handicap
28 because of which it is reasonable to conclude that such child cannot be easily
29 placed with adoptive parents;

30 (5) "State tax liability", any liability incurred by a taxpayer under the
31 provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive
32 of the provisions relating to the withholding of tax as provided for in sections
33 143.191 to 143.265 and related provisions.

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

2 (1) "CASA", an entity which receives funding from the court-appointed
3 special advocate fund established under section 476.777, including an association
4 based in this state, affiliated with a national association, organized to provide
5 support to entities receiving funding from the court-appointed special advocate
6 fund;

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

9 (3) "Contribution", amount of donation to qualified agency;

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

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

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

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

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

22 (9) **"Taxpayer", an individual, a firm, a partner in a firm, sole**
23 **proprietorship, partner in a limited or general partnership, member of**
24 **a limited liability company, corporation as defined under sections**
25 **143.441 or 143.471, a shareholder in an S corporation doing business in**
26 **this state and subject to the state income tax imposed by chapter 143,**
27 **excluding withholding tax imposed by sections 143.191 to 143.265, or a**
28 **charitable organization, trust, or public or private foundation which is**

29 **exempt from federal income tax and whose Missouri unrelated business**
30 **taxable income, if any, would be subject to state income tax imposed**
31 **under chapter 143.**

32 2. Any person residing in this state who legally adopts a special needs
33 child on or after January 1, 1988, and before January 1, 2000, shall be eligible to
34 receive a tax credit of up to ten thousand dollars for nonrecurring adoption
35 expenses for each child adopted that may be applied to taxes due under chapter
36 143. Any business entity providing funds to an employee to enable that employee
37 to legally adopt a special needs child shall be eligible to receive a tax credit of up
38 to ten thousand dollars for nonrecurring adoption expenses for each child adopted
39 that may be applied to taxes due under such business entity's state tax liability,
40 except that only one ten thousand dollar credit is available for each special needs
41 child that is adopted.

42 3. Any person residing in this state who proceeds in good faith with the
43 adoption of a special needs child on or after January 1, 2000, shall be eligible to
44 receive a tax credit of up to ten thousand dollars for nonrecurring adoption
45 expenses for each child that may be applied to taxes due under chapter 143;
46 provided, however, that beginning on or after July 1, 2004, two million dollars of
47 the tax credits allowed shall be allocated for the adoption of special needs
48 children who are residents or wards of residents of this state at the time the
49 adoption is initiated. Any business entity providing funds to an employee to
50 enable that employee to proceed in good faith with the adoption of a special needs
51 child shall be eligible to receive a tax credit of up to ten thousand dollars for
52 nonrecurring adoption expenses for each child that may be applied to taxes due
53 under such business entity's state tax liability, except that only one ten thousand
54 dollar credit is available for each special needs child that is adopted.

55 4. Individuals and business entities may claim a tax credit for their total
56 nonrecurring adoption expenses in each year that the expenses are incurred. A
57 claim for fifty percent of the credit shall be allowed when the child is placed in
58 the home. A claim for the remaining fifty percent shall be allowed when the
59 adoption is final. The total of these tax credits shall not exceed the maximum
60 limit of ten thousand dollars per child. The cumulative amount of tax credits
61 which may be claimed by taxpayers claiming the credit for nonrecurring adoption
62 expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million
63 dollars. The cumulative amount of tax credits that may be claimed by taxpayers
64 claiming the credit for nonrecurring adoption expenses shall not be more than

65 four million dollars but may be increased by appropriation in any fiscal year
66 beginning on or after July 1, 2004; provided, however, that by December
67 thirty-first following each July, if less than two million dollars in credits have
68 been issued for adoption of special needs children who are not residents or wards
69 of residents of this state at the time the adoption is initiated, the remaining
70 amount of the cap shall be available for the adoption of special needs children
71 who are residents or wards of residents of this state at the time the adoption is
72 initiated. For all fiscal years beginning on or after July 1, 2006, applications to
73 claim the adoption tax credit for special needs children who are residents or
74 wards of residents of this state at the time the adoption is initiated shall be filed
75 between July first and April fifteenth of each fiscal year. For all fiscal years
76 beginning on or after July 1, 2006, applications to claim the adoption tax credit
77 for special needs children who are not residents or wards of residents of this state
78 at the time the adoption is initiated shall be filed between July first and
79 December thirty-first of each fiscal year.

80 5. Notwithstanding any provision of law to the contrary, any individual
81 or business entity may assign, transfer or sell tax credits allowed in this
82 section. Any sale of tax credits claimed pursuant to this section shall be at a
83 discount rate of seventy-five percent or greater of the amount sold.

84 6. The director of revenue shall establish a procedure by which, for each
85 fiscal year, the cumulative amount of tax credits authorized in this section is
86 equally apportioned among all taxpayers within the two categories specified in
87 subsection 3 of this section claiming the credit in that fiscal year. To the
88 maximum extent possible, the director of revenue shall establish the procedure
89 described in this subsection in such a manner as to ensure that taxpayers within
90 each category can claim all the tax credits possible up to the cumulative amount
91 of tax credits available for the fiscal year.

92 7. For all tax years beginning on or after January 1, 2006, **but ending**
93 **on or before December 31, 2011**, a tax credit may be claimed in an amount
94 equal to up to fifty percent of a verified contribution to a qualified agency and
95 shall be named the children in crisis tax credit. **For all tax years beginning**
96 **on or after January 1, 2012, taxpayers may claim a children in crisis tax**
97 **credit in an amount equal to up to fifty percent of verified**
98 **contributions made to qualified agencies which are equal to or less**
99 **than one thousand dollars. In addition to the up to fifty percent credit**
100 **for contributions equal to or less than one thousand dollars provided**

101 **under this subsection, to the extent a taxpayer contributes an amount**
102 **in excess of one thousand dollars to qualified agencies, such taxpayer**
103 **shall be allowed to claim a credit equal to up to thirty-five percent of**
104 **such excess.** The minimum amount of any tax credit issued shall not be less
105 than fifty dollars and shall be applied to taxes due under chapter 143, excluding
106 sections 143.191 to 143.265. A contribution verification shall be issued to the
107 taxpayer by the agency receiving the contribution. Such contribution verification
108 shall include the taxpayer's name, Social Security number, amount of tax credit,
109 amount of contribution, the name and address of the agency receiving the credit,
110 and the date the contribution was made. The tax credit provided under this
111 subsection shall be initially filed for the year in which the verified contribution
112 is made.

113 8. The cumulative amount of the tax credits redeemed shall not exceed the
114 unclaimed portion of the resident adoption category allocation as described in this
115 section. The director of revenue shall determine the unclaimed portion
116 available. The amount available shall be equally divided among the three
117 qualified agencies: CASA, child advocacy centers, or crisis care centers to be used
118 towards tax credits issued. In the event tax credits claimed under one agency do
119 not total the allocated amount for that agency, the unused portion for that agency
120 will be made available to the remaining agencies equally. In the event the total
121 amount of tax credits claimed for any one agency exceeds the amount available
122 for that agency, the amount redeemed shall and will be apportioned equally to all
123 eligible taxpayers claiming the credit under that agency. After all children in
124 crisis tax credits have been claimed, any remaining unclaimed portion of the
125 reserved allocation for adoptions of special needs children who are residents or
126 wards of residents of this state shall then be made available for adoption tax
127 credit claims of special needs children who are not residents or wards of residents
128 of this state at the time the adoption is initiated.

129 9. Prior to December thirty-first of each year, the entities listed under the
130 definition of qualified agency shall apply to the department of social services in
131 order to verify their qualified agency status. Upon a determination that the
132 agency is eligible to be a qualified agency, the department of social services shall
133 provide a letter of eligibility to such agency. No later than February first of each
134 year, the department of social services shall provide a list of qualified agencies
135 to the department of revenue. All tax credit applications to claim the children in
136 crisis tax credit shall be filed between July first and April fifteenth of each fiscal

137 year. A taxpayer shall apply for the children in crisis tax credit by attaching a
138 copy of the contribution verification provided by a qualified agency to such
139 taxpayer's income tax return.

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

142 11. (1) In the event a credit denial, due to lack of available funds, causes
143 a balance-due notice to be generated by the department of revenue, or any other
144 redeeming agency, the taxpayer will not be held liable for any penalty or interest,
145 provided the balance is paid, or approved payment arrangements have been
146 made, within sixty days from the notice of denial.

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

150 12. The director shall calculate the level of appropriation necessary to
151 issue all tax credits for nonresident special needs adoptions applied for under this
152 section and provide such calculation to the speaker of the house of
153 representatives, the president pro tempore of the senate, and the director of the
154 division of budget and planning in the office of administration by January
155 thirty-first of each year.

156 13. The department may promulgate such rules or regulations as are
157 necessary to administer the provisions of this section. Any rule or portion of a
158 rule, as that term is defined in section 536.010, that is created under the
159 authority delegated in this section shall become effective only if it complies with
160 and is subject to all of the provisions of chapter 536 and, if applicable, section
161 536.028. This section and chapter 536 are nonseverable and if any of the powers
162 vested with the general assembly pursuant to chapter 536 to review, to delay the
163 effective date, or to disapprove and annul a rule are subsequently held
164 unconstitutional, then the grant of rulemaking authority and any rule proposed
165 or adopted after August 28, 2006, shall be invalid and void.

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

167 (1) The provisions of the new program authorized under subsections 7 to
168 12 of this section shall automatically sunset six years after August 28, 2006,
169 unless reauthorized by an act of the general assembly; and

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

173 (3) This section shall terminate on September first of the calendar year
174 immediately following the calendar year in which the program authorized under
175 this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset**
176 **act, the provisions of the program authorized under this section are**
177 **hereby reauthorized and shall automatically sunset on August 28, 2015.**

135.352. 1. A taxpayer owning an interest in a qualified Missouri project
2 shall, subject to the limitations provided under the provisions of [subsection 3]
3 **subsections 2, 5, and 9** of this section, be allowed a state tax credit, whether
4 or not allowed a federal tax credit, to be termed the Missouri low-income housing
5 tax credit, if the commission issues an eligibility statement for that project.

6 2. For qualified Missouri projects **authorized on or before June 30,**
7 **2011, and** placed in service after January 1, 1997, the Missouri low-income
8 housing tax credit available to a project shall be such amount as the commission
9 shall determine is necessary to ensure the feasibility of the project, up to an
10 amount equal to the federal low-income housing tax credit for a qualified Missouri
11 project, for a federal tax period, and such amount shall be subtracted from the
12 amount of state tax otherwise due for the same tax period. **For qualified**
13 **Missouri projects authorized on or after July 1, 2011, the Missouri**
14 **low-income housing tax credits available to a project shall be such**
15 **amount as the commission shall determine is necessary to ensure the**
16 **feasibility of the project, for a five-year tax period, and such amount**
17 **shall be subtracted from the amount of state tax otherwise due for the**
18 **same tax period. No more than eighty million dollars in tax credits**
19 **provided under sections 135.350 to 135.363 shall be authorized in any**
20 **fiscal year beginning on or after July 1, 2011.**

21 3. For qualified Missouri projects authorized on or after July 1,
22 2011, the Missouri low-income housing tax credits approved by the
23 commission under the eligibility statement issued pursuant to
24 subsection 1 of this section shall be claimed subject to the following
25 requirements and restrictions:

26 (1) The full amount of the annual tax credits issued on the
27 eligibility statement may be claimed in the calendar year in which the
28 first low-income unit in the property is occupied by a qualified tenant;

29 (2) The owner of the qualified Missouri project shall, within
30 thirty calendar days of the end of the calendar year in which the first
31 low-income unit is occupied by a qualified tenant, submit to the

32 **commission a notification indicating:**

33 **(a) The number of low-income units in the project, or in each**
34 **building of a multi-building project, that were occupied by qualified**
35 **tenants as of the end of the calendar year in which the first low-income**
36 **unit was occupied by a qualified tenant; and**

37 **(b) The amount of tax credits that will be claimed for the project**
38 **for that tax year;**

39 **(3) If the Missouri qualified project has satisfied the**
40 **requirements necessary to claim the full amount of tax credits issued**
41 **on the eligibility statement, but has not yet rented all of the low-income**
42 **units to qualified tenants on or before the end of the calendar year in**
43 **which the first low-income unit was occupied by a qualified tenant, the**
44 **owner of the project shall submit a second notification to the**
45 **commission when all of the low-income units have been occupied by**
46 **qualified tenants. If some of the low-income units are not occupied by**
47 **qualified tenants by the end of the second calendar year after the year**
48 **in which the first low-income unit was occupied by a qualified tenant,**
49 **the amount of tax credits associated with those units which are not**
50 **occupied by qualified tenants shall be reduced from the tax credits**
51 **approved for that year and all future credit years until all of the low-**
52 **income units have been rented to qualified tenants.**

53 **4. To the extent the amount of tax credits allocated to a qualified**
54 **Missouri project are reduced pursuant to subsection 3 of this section,**
55 **the taxpayer claiming the tax credits with respect to such project shall**
56 **be required to file a notification pursuant to subsection 3 of this**
57 **section identifying the date on which each unit was leased and shall**
58 **then be permitted to claim credits in the first year for only those units**
59 **that were properly occupied and shall defer the credits previously**
60 **claimed to the calendar year in which such units were properly placed**
61 **in service and shall earn credits on such units over the succeeding five**
62 **years beginning with the calendar year the units were placed in**
63 **service.**

64 **5. No more than six million dollars in tax credits shall be authorized each**
65 **fiscal year for projects financed through tax-exempt bond issuance. No tax**
66 **credits shall be authorized after June 30, 2011, for projects financed**
67 **through tax-exempt bond issuance.**

68 **[4.] 6. The Missouri low-income housing tax credit shall be taken against**

69 the taxes and in the order specified pursuant to section 32.115. The credit
70 authorized by this section shall not be refundable. Any amount of credit that
71 exceeds the tax due for a taxpayer's taxable year may be carried back to any of
72 the taxpayer's three prior taxable years or carried forward to any of the
73 taxpayer's five subsequent taxable years. **For projects authorized on or after**
74 **July 1, 2011, any amount of credit that exceeds the tax due for a**
75 **taxpayer's taxable year may be carried back to any of the taxpayer's**
76 **two previous taxable years or carried forward to any of the taxpayer's**
77 **five subsequent taxable years.**

78 [5.] 7. All or any portion of Missouri tax credits issued in accordance with
79 the provisions of sections 135.350 to 135.362 may be allocated to parties who are
80 eligible pursuant to the provisions of subsection 1 of this section. Beginning
81 January 1, 1995, for qualified projects which began on or after January 1, 1994,
82 an owner of a qualified Missouri project shall certify to the director the amount
83 of credit allocated to each taxpayer. The owner of the project shall provide to the
84 director appropriate information so that the low-income housing tax credit can be
85 properly allocated.

86 [6.] 8. In the event that recapture of Missouri low-income housing tax
87 credits is required pursuant to subsection 2 of section 135.355, any statement
88 submitted to the director as provided in this section shall include the proportion
89 of the state credit required to be recaptured, the identity of each taxpayer subject
90 to the recapture and the amount of credit previously allocated to such taxpayer.

91 [7.] 9. **A taxpayer that receives tax credits under the provisions**
92 **of sections 253.545 to 253.559 shall be ineligible to receive tax credits**
93 **under the provisions of sections 135.350 to 135.363 for the same project.**

94 10. The director of the department may promulgate rules and regulations
95 necessary to administer the provisions of this section. No rule or portion of a rule
96 promulgated pursuant to the authority of this section shall become effective
97 unless it has been promulgated pursuant to the provisions of section 536.024.

98 11. **Notwithstanding provisions of subsection 9 of this section to**
99 **the contrary, the commission shall have sole authority to promulgate**
100 **rules and regulations necessary to administer the provisions of**
101 **subsection 3 of this section. No rule or portion of a rule promulgated**
102 **pursuant to the authority of this section shall become effective unless**
103 **it has been promulgated pursuant to the provisions of section 536.024.**

104 12. **Notwithstanding any provision of law to the contrary, no tax**

105 **credits provided under this section shall be authorized on or after**
106 **August 28, 2015. The provisions of this subsection shall not be**
107 **construed to limit or in any way impair the department's ability to**
108 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
109 **ability to redeem such tax credits.**

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

4 2. As used in this section, the term "taxpayer" shall include **an**
5 **individual, a firm, a partner in a firm, sole proprietorship, partner in**
6 **a limited or general partnership, member of a limited liability**
7 **company,** corporations as defined in section 143.441 or 143.471, **a shareholder**
8 **in an S corporation doing business in this state and subject to the state**
9 **income tax imposed by chapter 143, excluding withholding tax imposed**
10 **by sections 143.191 to 143.265,** any charitable organization which is exempt
11 from federal income tax and whose Missouri unrelated business taxable income,
12 if any, would be subject to the state income tax imposed under chapter 143[, and
13 individuals, individual proprietorships and partnerships].

14 3. **For all taxable years ending on or before December 31, 2011,**
15 a taxpayer shall be allowed a tax credit against the tax otherwise due pursuant
16 to chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265,
17 chapter 147, chapter 148, or chapter 153 in an amount equal to thirty percent for
18 property contributions and fifty percent for monetary contributions of the amount
19 such taxpayer contributed to the programs described in subsection 5 of this
20 section, not to exceed two hundred thousand dollars per taxable year, per
21 taxpayer; except as otherwise provided in subdivision (5) of subsection 5 of this
22 section. **For all taxable years beginning on or after January 1, 2012, for**
23 **contributions made to programs described in subsection 5 of this**
24 **section, a taxpayer shall be allowed a tax credit against the tax**
25 **otherwise due pursuant to chapter 143, excluding withholding tax**
26 **imposed by sections 143.191 to 143.265, chapter 147, chapter 148, or**
27 **chapter 153 in an amount equal to thirty percent of property**
28 **contributions and fifty percent for monetary contributions equal to or**
29 **less than one thousand dollars. In addition to the fifty percent credit**
30 **for monetary contributions equal to or less than one thousand dollars**
31 **provided under this subsection, to the extent a taxpayer makes**

32 **monetary contributions to programs described in subsection 5 of this**
33 **section in excess of one thousand dollars, such taxpayer shall be**
34 **allowed to claim a credit equal to thirty-five percent of such**
35 **excess.** The department of economic development shall prescribe the method for
36 claiming the tax credits allowed in this section. No rule or portion of a rule
37 promulgated under the authority of this section shall become effective unless it
38 has been promulgated pursuant to the provisions of chapter 536. All rulemaking
39 authority delegated prior to June 27, 1997, is of no force and effect and repealed;
40 however, nothing in this section shall be interpreted to repeal or affect the
41 validity of any rule filed or adopted prior to June 27, 1997, if such rule complied
42 with the provisions of chapter 536. The provisions of this section and chapter 536
43 are nonseverable and if any of the powers vested with the general assembly
44 pursuant to chapter 536, including the ability to review, to delay the effective
45 date, or to disapprove and annul a rule or portion of a rule, are subsequently held
46 unconstitutional, then the purported grant of rulemaking authority and any rule
47 so proposed and contained in the order of rulemaking shall be invalid and void.

48 4. The tax credits allowed by this section shall be claimed by the taxpayer
49 to offset the taxes that become due in the taxpayer's tax period in which the
50 contribution was made. Any tax credit not used in such tax period may be carried
51 over the next five succeeding tax periods. **Tax credits provided under this**
52 **section may be transferred, sold, or assigned.**

53 5. The tax credit allowed by this section may only be claimed for monetary
54 or property contributions to public or private programs authorized to participate
55 pursuant to this section by the department of economic development and may be
56 claimed for the development, establishment, implementation, operation, and
57 expansion of the following activities and programs:

58 (1) An adopt-a-school program. Components of the adopt-a-school
59 program shall include donations for school activities, seminars, and functions;
60 school-business employment programs; and the donation of property and
61 equipment of the corporation to the school;

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

64 (3) Employment programs. Such programs shall initially, but not
65 exclusively, target unemployed youth living in poverty and youth living in areas
66 with a high incidence of crime;

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

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

73 (6) Mentor and role model programs;

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

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

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

81 (10) Nonviolent conflict resolution and mediation programs;

82 (11) Youth outreach and counseling programs.

83 6. Any program authorized in subsection 5 of this section shall, at least
84 annually, submit a report to the department of economic development outlining
85 the purpose and objectives of such program, the number of youth served, the
86 specific activities provided pursuant to such program, the duration of such
87 program and recorded youth attendance where applicable.

88 7. The department of economic development shall, at least annually
89 submit a report to the Missouri general assembly listing the organizations
90 participating, services offered and the number of youth served as the result of the
91 implementation of this section.

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

94 9. For the purposes of the credits described in this section, in the case of
95 a corporation described in section 143.471, partnership, limited liability company
96 described in section 347.015, cooperative, marketing enterprise, or partnership,
97 in computing Missouri's tax liability, such credits shall be allowed to the
98 following:

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

100 (2) The partners of the partnership;

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

102 (4) Individual members of the cooperative or marketing enterprise. Such
103 credits shall be apportioned to the entities described in subdivisions (1) and (2)

104 of this subsection in proportion to their share of ownership on the last day of the
105 taxpayer's tax period.

106 **10. Notwithstanding any provision of law to the contrary, no tax**
107 **credits provided under this section shall be authorized on or after**
108 **August 28, 2015. The provisions of this subsection shall not be**
109 **construed to limit or in any way impair the department's ability to**
110 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
111 **ability to redeem such tax credits.**

135.481. 1. (1) Any taxpayer who incurs eligible costs for a new residence
2 located in a distressed community or within a census block group as described in
3 subdivision (10) of section 135.478, or for a multiple unit condominium described
4 in subdivision (2) of this subsection, [shall] **may, upon final approval**, receive
5 a tax credit equal to fifteen percent of such costs [against his or her tax
6 liability]. The tax credit shall not exceed forty thousand dollars per new
7 residence in any ten-year period.

8 (2) For the purposes of this section, a "multiple unit condominium" is one
9 that is intended to be owner occupied, which is constructed on property subject
10 to an industrial development contract as defined in section 100.310 and which lies
11 within an area with a city zoning classification of urban redevelopment district
12 established after January 1, 2000, and before December 31, 2001, and which is
13 constructed in connection with the qualified rehabilitation of a structure more
14 than ninety years old eligible for the historic structures rehabilitation tax credit
15 described in sections 253.545 to 253.559, and is under way by January 1, 2000,
16 and completed by January 1, 2002.

17 2. Any taxpayer who incurs eligible costs for a new residence located
18 within a census block as described in subdivision (6) of section 135.478 [shall]
19 **may, upon final approval**, receive a tax credit equal to fifteen percent of such
20 costs [against his or her tax liability]. The tax credit shall not exceed twenty-five
21 thousand dollars per new residence in any ten-year period.

22 3. Any taxpayer who is not performing substantial rehabilitation and who
23 incurs eligible costs for rehabilitation of an eligible residence or a qualifying
24 residence [shall] **may, upon final approval**, receive a tax credit equal to
25 twenty-five percent of such costs [against his or her tax liability]. The minimum
26 eligible costs for rehabilitation of an eligible residence shall be ten thousand
27 dollars. The minimum eligible costs for rehabilitation of a qualifying residence
28 shall be five thousand dollars. The tax credit shall not exceed twenty-five

29 thousand dollars in any ten-year period.

30 4. Any taxpayer who incurs eligible costs for substantial rehabilitation of
31 a qualifying residence [shall] **may, upon final approval**, receive a tax credit
32 equal to thirty-five percent of such costs [against his or her tax liability]. The
33 minimum eligible costs for substantial rehabilitation of a qualifying residence
34 shall be ten thousand dollars. The tax credit shall not exceed seventy thousand
35 dollars in any ten-year period.

36 5. A taxpayer [shall] **may** be eligible to receive tax credits for new
37 construction or rehabilitation pursuant to only one subsection of this section.

38 6. No tax credit shall be issued pursuant to this section for any structure
39 which is in violation of any municipal or county property, maintenance or zoning
40 code.

41 7. No tax credit shall be issued pursuant to sections 135.475 to 135.487
42 for the construction or rehabilitation of rental property.

 135.484. 1. Beginning January 1, 2000, tax credits shall be allowed
2 pursuant to section 135.481 in an amount not to exceed sixteen million dollars
3 per year. Of this total amount of tax credits in any given year, eight million
4 dollars shall be set aside for projects in areas described in subdivision (6) of
5 section 135.478 and eight million dollars for projects in areas described in
6 subdivision (10) of section 135.478. The maximum tax credit for a project
7 consisting of multiple-unit qualifying residences in a distressed community shall
8 not exceed three million dollars.

9 2. **Beginning January 1, 2012, tax credits shall be allowed**
10 **pursuant to section 135.481 in an amount not to exceed ten million**
11 **dollars per year and shall be available for projects described under**
12 **subdivisions (6) and (10) of section 135.478 based upon demand. The**
13 **maximum tax credit for a project consisting of multiple-unit qualifying**
14 **residences in a distress community shall not exceed three million**
15 **dollars.**

16 3. Any amount of credit which exceeds the tax liability of a taxpayer for
17 the tax year in which the credit is first claimed may be carried back to any of the
18 taxpayer's three prior tax years and carried forward to any of the taxpayer's five
19 subsequent tax years. A certificate of tax credit issued to a taxpayer by the
20 department may be assigned, transferred, sold or otherwise conveyed. Whenever
21 a certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a
22 notarized endorsement shall be filed with the department specifying the name

23 and address of the new owner of the tax credit and the value of the credit.

24 **[3.] 4.** The tax credits allowed pursuant to sections 135.475 to 135.487
25 may not be claimed in addition to any other state tax credits, with the exception
26 of the historic structures rehabilitation tax credit authorized pursuant to sections
27 253.545 to 253.559, which insofar as sections 135.475 to 135.487 are concerned
28 may be claimed only in conjunction with the tax credit allowed pursuant to
29 subsection 4 of section 135.481. In order for a taxpayer eligible for the historic
30 structures rehabilitation tax credit to claim the tax credit allowed pursuant to
31 subsection 4 of section 135.481, the taxpayer must comply with the requirements
32 of sections 253.545 to 253.559, and in such cases, the amount of the tax credit
33 pursuant to subsection 4 of section 135.481 shall be limited to the lesser of twenty
34 percent of the taxpayer's eligible costs or forty thousand dollars.

35 **5. Notwithstanding any provision of law to the contrary, no tax**
36 **credits provided under sections 135.475 to 135.487 shall be authorized**
37 **on or after August 28, 2014. The provisions of this subsection shall not**
38 **be construed to limit or in any way impair the department's ability to**
39 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**
40 **ability to redeem such tax credits.**

 135.487. 1. To obtain any credit allowed pursuant to sections 135.475 to
2 135.487, a taxpayer shall submit to the department, for preliminary approval, an
3 application for tax credit. **A neighborhood association may submit an**
4 **application on behalf of its homeowner members. The director shall**
5 **review each application and may grant preliminary approval to those**
6 **applications proposing projects that can be reasonably anticipated to**
7 **provide the greatest impact on the neighborhood in which the project**
8 **is located.** The director shall, upon final approval of an application and
9 presentation of acceptable proof of substantial completion of construction, issue
10 **[the] a taxpayer with preliminary approval for** a certificate of tax
11 credit. [The director shall issue all credits allowed pursuant to sections 135.475
12 to 135.487 in the order the applications are received.] In the case of a taxpayer
13 other than an owner-occupant, the director shall not delay the issuance of a tax
14 credit pursuant to sections 135.475 to 135.487 until the sale of a residence at
15 market rate for owner-occupancy. A taxpayer[, taxpayer] other than an
16 owner-occupant who receives a certificate of tax credit pursuant to sections
17 135.475 to 135.487 shall, within thirty days of the date of the sale of a residence,
18 furnish to the director satisfactory proof that such residence was sold at market

19 rate for owner-occupancy. **Any taxpayer who receives a certificate of tax**
20 **credit pursuant to sections 135.475 to 135.487 and who is an owner-**
21 **occupant of a residence that is sold within five years of the date of**
22 **substantial completion of construction shall repay the face amount of**
23 **the tax credits received with respect to the residence, divided by the**
24 **amount of time that the taxpayer occupied the residence following**
25 **substantial completion of construction.** If the director reasonably
26 determines that a residence was not in good faith intended for long-term owner
27 occupancy, the director make revoke any tax credits issued and seek recovery of
28 any tax credits issued pursuant to section 620.017.

29 2. The department may cooperate with a municipality or a county in
30 which a project is located to help identify the location of the project, the type and
31 eligibility of the project, the estimated cost of the project and the completion date
32 of the project.

33 3. The department may promulgate such rules or regulations or issue
34 administrative guidelines as are necessary to administer the provisions of
35 sections 135.475 to 135.487. No rule or portion of a rule promulgated pursuant
36 to the authority of this section shall become effective unless it has been
37 promulgated pursuant to the provisions of chapter 536.

38 4. The department shall conduct annually a comprehensive program
39 evaluation illustrating where the tax credits allowed pursuant to sections 135.475
40 to 135.487 are being utilized, explaining the economic impact of such program
41 and making recommendations on appropriate program modifications to ensure the
42 program's success.

135.490. 1. In order to encourage and foster community improvement, an
2 eligible small business, as defined in Section 44 of the Internal Revenue Code,
3 shall be allowed a credit not to exceed five thousand dollars against the tax
4 otherwise due pursuant to chapter 143, not including sections 143.191 to 143.265,
5 in an amount equal to fifty percent of all eligible access expenditures exceeding
6 the monetary cap provided by Section 44 of the Internal Revenue Code. For
7 purposes of this section, "eligible access expenditures" means amounts paid or
8 incurred by the taxpayer in order to comply with applicable access requirements
9 provided by the Americans With Disabilities Act of 1990, as further defined in
10 Section 44 of the Internal Revenue Code and federal rulings interpreting Section
11 44 of the Internal Revenue Code.

12 2. The tax credit allowed by this section shall be claimed by the taxpayer

13 at the time such taxpayer files a return. Any amount of tax credit which exceeds
14 the tax due shall be carried over to any subsequent taxable year, but shall not be
15 refunded and shall not be transferable.

16 3. The director of the department of economic development and the
17 director of the department of revenue shall jointly administer the tax credit
18 authorized by this section. Both the director of the department of economic
19 development and the director of the department of revenue are authorized to
20 promulgate rules and regulations necessary to administer the provisions of this
21 section. No rule or portion of a rule promulgated pursuant to the authority of
22 this section shall become effective unless it has been promulgated pursuant to the
23 provisions of chapter 536.

24 4. The provisions of this section shall become effective on January 1, 2000,
25 and shall apply to all taxable years beginning after December 31, 1999.

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

135.535. 1. A corporation, limited liability corporation, partnership or
2 sole proprietorship, which moves its operations from outside Missouri or outside
3 a distressed community into a distressed community, or which commences
4 operations in a distressed community on or after January 1, 1999, and in either
5 case has more than seventy-five percent of its employees at the facility in the
6 distressed community, and which has fewer than one hundred employees for
7 whom payroll taxes are paid, and which is a manufacturing, biomedical, medical
8 devices, scientific research, animal research, computer software design or
9 development, computer programming, including Internet, web hosting, and other
10 information technology, wireless or wired or other telecommunications or a
11 professional firm shall receive a forty percent credit against income taxes owed
12 pursuant to chapter 143, 147 or 148, other than taxes withheld pursuant to
13 sections 143.191 to 143.265, for each of the three years after such move, if
14 approved by the department of economic development, which shall issue a
15 certificate of eligibility if the department determines that the taxpayer is eligible
16 for such credit. The maximum amount of credits per taxpayer set forth in this
17 subsection shall not exceed one hundred twenty-five thousand dollars for each of

18 the three years for which the credit is claimed. The department of economic
19 development, by means of rule or regulation promulgated pursuant to the
20 provisions of chapter 536, shall assign appropriate North American Industry
21 Classification System numbers to the companies which are eligible for the tax
22 credits provided for in this section. Such three-year credits shall be awarded only
23 one time to any company which moves its operations from outside of Missouri or
24 outside of a distressed community into a distressed community or to a company
25 which commences operations within a distressed community. A taxpayer shall
26 file an application for certification of the tax credits for the first year in which
27 credits are claimed and for each of the two succeeding taxable years for which
28 credits are claimed.

29 2. Employees of such facilities physically working and earning wages for
30 that work within a distressed community whose employers have been approved
31 for tax credits pursuant to subsection 1 of this section by the department of
32 economic development for whom payroll taxes are paid shall also be eligible to
33 receive a tax credit against individual income tax, imposed pursuant to chapter
34 143, equal to one and one-half percent of their gross salary paid at such facility
35 earned for each of the three years that the facility receives the tax credit provided
36 by this section, so long as they were qualified employees of such entity. The
37 employer shall calculate the amount of such credit and shall report the amount
38 to the employee and the department of revenue.

39 3. A tax credit against income taxes owed pursuant to chapter 143, 147
40 or 148, other than the taxes withheld pursuant to sections 143.191 to 143.265, in
41 lieu of the credit against income taxes as provided in subsection 1 of this section,
42 may be taken by such an entity in a distressed community in an amount of forty
43 percent of the amount of funds expended for computer equipment and its
44 maintenance, medical laboratories and equipment, research laboratory
45 equipment, manufacturing equipment, fiber optic equipment, high speed
46 telecommunications, wiring or software development expense up to a maximum
47 of seventy-five thousand dollars in tax credits for such equipment or expense per
48 year per entity and for each of three years after commencement in or moving
49 operations into a distressed community.

50 4. A corporation, partnership or sole partnership, which has no more than
51 one hundred employees for whom payroll taxes are paid, which is already located
52 in a distressed community and which expends funds for such equipment pursuant
53 to subsection 3 of this section in an amount exceeding its average of the prior two

54 years for such equipment, shall be eligible to receive a tax credit against income
55 taxes owed pursuant to chapters 143, 147 and 148 in an amount equal to the
56 lesser of seventy-five thousand dollars or twenty-five percent of the funds
57 expended for such additional equipment per such entity. Tax credits allowed
58 pursuant to this subsection or subsection 1 of this section may be carried back to
59 any of the three prior tax years and carried forward to any of the five tax years.

60 5. An existing corporation, partnership or sole proprietorship that is
61 located within a distressed community and that relocates employees from another
62 facility outside of the distressed community to its facility within the distressed
63 community, and an existing business located within a distressed community that
64 hires new employees for that facility may both be eligible for the tax credits
65 allowed by subsections 1 and 3 of this section. To be eligible for such tax credits,
66 such a business, during one of its tax years, shall employ within a distressed
67 community at least twice as many employees as were employed at the beginning
68 of that tax year. A business hiring employees shall have no more than one
69 hundred employees before the addition of the new employees. This subsection
70 shall only apply to a business which is a manufacturing, biomedical, medical
71 devices, scientific research, animal research, computer software design or
72 development, computer programming or telecommunications business, or a
73 professional firm.

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

78 7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this
79 section shall be for an amount of no more than ten million dollars for each year
80 beginning in 1999. [To the extent there are available tax credits remaining under
81 the ten million dollar cap provided in this section, up to one hundred thousand
82 dollars in the remaining credits shall first be used for tax credits authorized
83 under section 135.562.] The total maximum credit for all entities already located
84 in distressed communities and claiming credits pursuant to subsection 4 of this
85 section shall be seven hundred and fifty thousand dollars. The department of
86 economic development in approving taxpayers for the credit as provided for in
87 subsection 6 of this section shall use information provided by the department of
88 revenue regarding taxes paid in the previous year, or projected taxes for those
89 entities newly established in the state, as the method of determining when this

90 maximum will be reached and shall maintain a record of the order of
91 approval. Any tax credit not used in the period for which the credit was approved
92 may be carried over until the full credit has been allowed.

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

100 9. Notwithstanding any provision of law to the contrary, no taxpayer shall
101 earn the tax credits allowed in this section and the tax credits otherwise allowed
102 in section 135.110, or the tax credits, exemptions, and refund otherwise allowed
103 in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same
104 business for the same tax period.

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

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

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

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

13 (4) "Taxpayer", [a person] **an individual**, firm, a partner in a firm, **sole**
14 **proprietorship, partner in a limited or general partnership, member of**
15 **a limited liability company, corporation, as defined under section 143.441**
16 **or 143.471**, or a shareholder in an S corporation doing business in [the] **this**
17 state [of Missouri] and subject to the state income tax imposed by the provisions
18 of chapter 143, [or a corporation subject to the annual corporation franchise tax
19 imposed by the provisions of chapter 147, including any] **excluding**
20 **withholding tax imposed by sections 143.191 to 143.265, or any** charitable
21 organization **trust, or public or private foundation** which is exempt from

22 federal income tax and whose Missouri unrelated business taxable income, if any,
23 would be subject to the state income tax imposed under chapter 143[, or an
24 insurance company paying an annual tax on its gross premium receipts in this
25 state, or other financial institution paying taxes to the state of Missouri or any
26 political subdivision of this state pursuant to the provisions of chapter 148, or an
27 express company which pays an annual tax on its gross receipts in this state
28 pursuant to chapter 153, or an individual subject to the state income tax imposed
29 by the provisions of chapter 143].

30 **2. For all taxable years ending on or before December 31, 2011,**
31 a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax
32 liability, in an amount equal to fifty percent of the amount such taxpayer
33 contributed to a shelter for victims of domestic violence. **For all taxable years**
34 **beginning on or after January 1, 2012, a taxpayer shall be allowed to**
35 **claim a tax credit against the taxpayer's state tax liability, in an**
36 **amount equal to fifty percent of the amount such taxpayer contributed**
37 **to shelters for victims of domestic violence for contributions equal to**
38 **or less than one thousand dollars. In addition to the fifty percent**
39 **credit allowed for contributions equal to or less than one thousand**
40 **dollars provided under this subsection, to the extent a taxpayer**
41 **contributes an amount in excess of one thousand dollars to shelters for**
42 **victims of domestic violence, such taxpayer shall be allowed to claim**
43 **a credit equal to thirty-five percent of such excess.**

44 **3. For all tax credits issued on or before December 31, 2011, the**
45 amount of the tax credit claimed shall not exceed the amount of the taxpayer's
46 state tax liability for the taxable year that the credit is claimed, and such
47 taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand
48 dollars per taxable year. **For all tax credits issued on or after January 1,**
49 **2012, the amount of the tax credit claimed shall not exceed the amount**
50 **of the taxpayer's state tax liability for the taxable year that the credit**
51 **is claimed.** However, any tax credit that cannot be claimed in the taxable year
52 the contribution was made may be carried over to the next four succeeding
53 taxable years until the full credit has been claimed. **Tax credits provided**
54 **under this section may be transferred, sold, or assigned.**

55 **4. Except for any excess credit which is carried over pursuant to**
56 subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit
57 unless the total amount of such taxpayer's contribution or contributions to a

58 shelter or shelters for victims of domestic violence in such taxpayer's taxable year
59 has a value of at least one hundred dollars.

60 5. The director of the department of social services shall determine, at
61 least annually, which facilities in this state may be classified as shelters for
62 victims of domestic violence. The director of the department of social services
63 may require of a facility seeking to be classified as a shelter for victims of
64 domestic violence whatever information is reasonably necessary to make such a
65 determination. The director of the department of social services shall classify a
66 facility as a shelter for victims of domestic violence if such facility meets the
67 definition set forth in subsection 1 of this section.

68 6. The director of the department of social services shall establish a
69 procedure by which a taxpayer can determine if a facility has been classified as
70 a shelter for victims of domestic violence, and by which such taxpayer can then
71 contribute to such shelter for victims of domestic violence and claim a tax
72 credit. Shelters for victims of domestic violence shall be permitted to decline a
73 contribution from a taxpayer. The cumulative amount of tax credits which may
74 be claimed by all the taxpayers contributing to shelters for victims of domestic
75 violence in any one fiscal year shall not exceed two million dollars.

76 7. The director of the department of social services shall establish a
77 procedure by which, from the beginning of the fiscal year until some point in time
78 later in the fiscal year to be determined by the director of the department of
79 social services, the cumulative amount of tax credits are equally apportioned
80 among all facilities classified as shelters for victims of domestic violence. If a
81 shelter for victims of domestic violence fails to use all, or some percentage to be
82 determined by the director of the department of social services, of its apportioned
83 tax credits during this predetermined period of time, the director of the
84 department of social services may reapportion these unused tax credits to those
85 shelters for victims of domestic violence that have used all, or some percentage
86 to be determined by the director of the department of social services, of their
87 apportioned tax credits during this predetermined period of time. The director
88 of the department of social services may establish more than one period of time
89 and reapportion more than once during each fiscal year. To the maximum extent
90 possible, the director of the department of social services shall establish the
91 procedure described in this subsection in such a manner as to ensure that
92 taxpayers can claim all the tax credits possible up to the cumulative amount of
93 tax credits available for the fiscal year.

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

96 **9. Notwithstanding any provision of law to the contrary, no tax**
97 **credits provided under this section shall be authorized on or after**
98 **August 28, 2015. The provisions of this subsection shall not be**
99 **construed to limit or in any way impair the department's ability to**
100 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
101 **ability to redeem such tax credits.**

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty
2 thousand dollars or less incurs costs for the purpose of making all or any portion
3 of such taxpayer's principal dwelling accessible to an individual with a disability
4 who permanently resides with the taxpayer, such taxpayer shall receive a tax
5 credit against such taxpayer's Missouri income tax liability in an amount equal
6 to the lesser of one hundred percent of such costs or two thousand five hundred
7 dollars per taxpayer, per tax year.

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

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

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

- 21 (1) Constructing entrance or exit ramps;
- 22 (2) Widening exterior or interior doorways;
- 23 (3) Widening hallways;
- 24 (4) Installing handrails or grab bars;
- 25 (5) Moving electrical outlets and switches;
- 26 (6) Installing stairway lifts;
- 27 (7) Installing or modifying fire alarms, smoke detectors, and other alerting
28 systems;

29 (8) Modifying hardware of doors; or

30 (9) Modifying bathrooms.

31 5. The tax credits allowed, including the maximum amount that may be
32 claimed, pursuant to this section shall be reduced by an amount sufficient to
33 offset any amount of such costs a taxpayer has already deducted from such
34 taxpayer's federal adjusted gross income or to the extent such taxpayer has
35 applied any other state or federal income tax credit to such costs.

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

39 7. The department may, in consultation with the department of social
40 services, promulgate such rules or regulations as are necessary to administer the
41 provisions of this section. Any rule or portion of a rule, as that term is defined
42 in section 536.010, that is created under the authority delegated in this section
43 shall become effective only if it complies with and is subject to all of the
44 provisions of chapter 536 and, if applicable, section 536.028. This section and
45 chapter 536 are nonseverable and if any of the powers vested with the general
46 assembly pursuant to chapter 536 to review, to delay the effective date or to
47 disapprove and annul a rule are subsequently held unconstitutional, then the
48 grant of rulemaking authority and any rule proposed or adopted after August 28,
49 2007, shall be invalid and void.

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

52 9. [The provisions of this section shall expire December 31, 2013.

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

57 **10. Notwithstanding any provision of law to the contrary, no tax**
58 **credits provided under this section shall be authorized on or after**
59 **August 28, 2015. The provisions of this subsection shall not be**
60 **construed to limit or in any way impair the department's ability to**
61 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
62 **ability to redeem such tax credits.**

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

2 (1) "Missouri health care access fund", the fund created in section

3 191.1056;

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

6 (3) "Taxpayer", [any] **an** individual, [subject to the tax imposed in chapter
7 143, excluding withholding tax imposed by sections 143.191 to 143.265] **a firm,**
8 **a partner in a firm, sole proprietorship, partner in a limited or general**
9 **partnership, member of a limited liability company, corporation as**
10 **defined under sections 143.441 or 143.471, a shareholder in an S**
11 **corporation doing business in this state and subject to the state income**
12 **tax imposed by chapter 143, excluding withholding tax imposed by**
13 **sections 143.191 to 143.265, or a charitable organization, trust, or public**
14 **or private foundation which is exempt from federal income tax and**
15 **whose Missouri unrelated business taxable income, if any, would be**
16 **subject to state income tax imposed under chapter 143.**

17 2. The provisions of this section shall be subject to section 33.282. For all
18 taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed
19 a tax credit for donations in excess of one hundred dollars made to the Missouri
20 health care access fund. The tax credit shall be subject to annual approval by the
21 senate appropriations committee and the house budget committee. **For all**
22 **taxable years ending on or before December 31, 2011,** the tax credit
23 amount shall be equal to one-half of the total donation made, but shall not exceed
24 twenty-five thousand dollars per taxpayer claiming the credit. **For all taxable**
25 **years beginning on or after January 1, 2012, the tax credit amount shall**
26 **be equal to fifty percent of donations made which are equal to or less**
27 **than one thousand dollars. In addition to the fifty percent credit**
28 **allowed for donations equal to or less than one thousand dollars**
29 **provided under this subsection, if a taxpayer makes contributions in**
30 **excess of one thousand dollars, such taxpayer shall be allowed a credit**
31 **in an amount equal to thirty-five percent of such excess.** If the amount
32 of the tax credit issued exceeds the amount of the taxpayer's state tax liability for
33 the tax year for which the credit is claimed, the difference shall not be refundable
34 but may be carried forward to any of the taxpayer's next four taxable years. [No
35 tax credit] **Tax credits** granted under this section [shall] **may** be transferred,
36 sold, or assigned. The cumulative amount of tax credits which may be issued
37 under this section in any one fiscal year shall not exceed one million dollars.

38 3. The department of revenue may promulgate rules to implement the

39 provisions of this section. Any rule or portion of a rule, as that term is defined
40 in section 536.010, that is created under the authority delegated in this section
41 shall become effective only if it complies with and is subject to all of the
42 provisions of chapter 536 and, if applicable, section 536.028. This section and
43 chapter 536 are nonseverable and if any of the powers vested with the general
44 assembly pursuant to chapter 536 to review, to delay the effective date, or to
45 disapprove and annul a rule are subsequently held unconstitutional, then the
46 grant of rulemaking authority and any rule proposed or adopted after August 28,
47 2007, shall be invalid and void.

48 4. [Pursuant to section 23.253 of the Missouri sunset act:

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

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

55 (3) This section shall terminate on September first of the calendar year
56 immediately following the calendar year in which the program authorized under
57 this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset**
58 **act, the provisions of the program authorized under this section are**
59 **hereby reauthorized and shall automatically sunset on August 28, 2015.**

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

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

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

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

14 (4) "Taxpayer", [a person] **an individual**, firm, a partner in a firm, **sole**
15 **proprietorship, partner in a limited or general partnership, member of**

16 **a limited liability company, corporation as defined under sections 143.441**
17 **or 143.471, [or] a shareholder in an S corporation doing business in [the] this**
18 **state [of Missouri] and subject to the state income tax imposed by the provisions**
19 **of chapter 143, excluding withholding tax imposed by sections 143.191 to**
20 **143.265, or a [including any] charitable organization, trust, or public or**
21 **private foundation** which is exempt from federal income tax and whose
22 Missouri unrelated business taxable income, if any, would be subject to the state
23 income tax imposed under chapter 143, [or a corporation subject to the annual
24 corporation franchise tax imposed by the provisions of chapter 147, or an
25 insurance company paying an annual tax on its gross premium receipts in this
26 state, or other financial institution paying taxes to the state of Missouri or any
27 political subdivision of this state pursuant to the provisions of chapter 148, or an
28 express company which pays an annual tax on its gross receipts in this state
29 pursuant to chapter 153, or an individual subject to the state income tax imposed
30 by the provisions of chapter 143].

31 2. **For all taxable years ending on or before December 31, 2011,**
32 a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax
33 liability, in an amount equal to fifty percent of the amount such taxpayer
34 contributed to a maternity home. **For all taxable years beginning on or**
35 **after January 1, 2012, a taxpayer shall be allowed to claim a tax credit**
36 **against the taxpayer's state tax liability in an amount equal to fifty**
37 **percent of the amount such taxpayer contributed to maternity homes**
38 **if such contributions are equal to or less than one thousand dollars. In**
39 **addition to the fifty percent credit allowed for contributions equal to**
40 **or less than one thousand dollars provided under this subsection, if a**
41 **taxpayer makes contributions in excess of one thousand dollars, such**
42 **taxpayer shall be allowed a credit in an amount equal to thirty-five**
43 **percent of such excess.**

44 3. **For tax credits issued on or before December 31, 2011,** the
45 amount of the tax credit claimed shall not exceed the amount of the taxpayer's
46 state tax liability for the taxable year that the credit is claimed, and such
47 taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand
48 dollars per taxable year. **For tax credits issued on or after January 1,**
49 **2012, the amount of the tax credit claimed shall not exceed the amount**
50 **of the taxpayer's state tax liability for the taxable year that the credit**
51 **is claimed.** However, any tax credit that cannot be claimed in the taxable year

52 the contribution was made may be carried over to the next four succeeding
53 taxable years until the full credit has been claimed. **Tax credits provided**
54 **under this section may be transferred, sold, or assigned.**

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

60 5. The director of the department of social services shall determine, at
61 least annually, which facilities in this state may be classified as maternity
62 homes. The director of the department of social services may require of a facility
63 seeking to be classified as a maternity home whatever information is reasonably
64 necessary to make such a determination. The director of the department of social
65 services shall classify a facility as a maternity home if such facility meets the
66 definition set forth in subsection 1 of this section.

67 6. The director of the department of social services shall establish a
68 procedure by which a taxpayer can determine if a facility has been classified as
69 a maternity home, and by which such taxpayer can then contribute to such
70 maternity home and claim a tax credit. Maternity homes shall be permitted to
71 decline a contribution from a taxpayer. The cumulative amount of tax credits
72 which may be claimed by all the taxpayers contributing to maternity homes in
73 any one fiscal year shall not exceed two million dollars.

74 7. The director of the department of social services shall establish a
75 procedure by which, from the beginning of the fiscal year until some point in time
76 later in the fiscal year to be determined by the director of the department of
77 social services, the cumulative amount of tax credits are equally apportioned
78 among all facilities classified as maternity homes. If a maternity home fails to
79 use all, or some percentage to be determined by the director of the department of
80 social services, of its apportioned tax credits during this predetermined period of
81 time, the director of the department of social services may reapportion these
82 unused tax credits to those maternity homes that have used all, or some
83 percentage to be determined by the director of the department of social services,
84 of their apportioned tax credits during this predetermined period of time. The
85 director of the department of social services may establish more than one period
86 of time and reapportion more than once during each fiscal year. To the maximum
87 extent possible, the director of the department of social services shall establish

88 the procedure described in this subsection in such a manner as to ensure that
89 taxpayers can claim all the tax credits possible up to the cumulative amount of
90 tax credits available for the fiscal year.

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

93 **9. Notwithstanding any provision of law to the contrary, no tax**
94 **credits provided under this section shall be authorized on or after**
95 **August 28, 2015. The provisions of this subsection shall not be**
96 **construed to limit or in any way impair the department's ability to**
97 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
98 **ability to redeem such tax credits.**

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

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

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

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

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

11 (b) Where childbirths are not performed; and

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

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

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

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

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

21 (4) "State tax liability", in the case of a business taxpayer, any liability
22 incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148,
23 and 153, excluding sections 143.191 to 143.265 and related provisions, and in the
24 case of an individual taxpayer, any liability incurred by such taxpayer pursuant
25 to the provisions of chapter 143, excluding sections 143.191 to 143.265 and

26 related provisions;

27 (5) "Taxpayer", [a person] **an individual**, firm, a partner in a firm, **sole**
28 **proprietorship, partner in a limited or general partnership, member of**
29 **a limited liability company**, corporation **as defined under section 143.441**
30 **or 143.471**, or a shareholder in an S corporation doing business in [the] **this**
31 state [of Missouri] and subject to the state income tax imposed by the provisions
32 of chapter 143, [or a corporation subject to the annual corporation franchise tax
33 imposed by the provisions of chapter 147, or an insurance company paying an
34 annual tax on its gross premium receipts in this state, or other financial
35 institution paying taxes to the state of Missouri or any political subdivision of
36 this state pursuant to the provisions of chapter 148, or an express company which
37 pays an annual tax on its gross receipts in this state pursuant to chapter 153, or
38 an individual subject to the state income tax imposed by the provisions of chapter
39 143, or any] **excluding withholding tax imposed by sections 143.191 to**
40 **143.265, or a charitable organization, trust, or public or private foundation**
41 which is exempt from federal income tax and whose Missouri unrelated business
42 taxable income, if any, would be subject to the state income tax imposed under
43 chapter 143.

44 2. For all tax years beginning on or after January 1, 2007, **but ending**
45 **on or before December 31, 2011**, a taxpayer shall be allowed to claim a tax
46 credit against the taxpayer's state tax liability in an amount equal to fifty percent
47 of the amount such taxpayer contributed to a pregnancy resource center. **For all**
48 **tax years beginning on or after January 1, 2012, a taxpayer shall be**
49 **allowed to claim a tax credit against the taxpayer's state tax liability**
50 **in an amount equal to fifty percent of the amount such taxpayer**
51 **contributed pregnancy resource centers for contributions equal to or**
52 **less than one thousand dollars. In addition to the fifty percent credit**
53 **allowed for contributions equal to or less than one thousand dollars**
54 **provided under this subsection, if a taxpayer makes contributions in**
55 **excess of one thousand dollars, such taxpayer shall be allowed a credit**
56 **in an amount equal to thirty-five percent of such excess.**

57 3. **For tax credits issued on or before December 31 2011**, the
58 amount of the tax credit claimed shall not exceed the amount of the taxpayer's
59 state tax liability for the taxable year for which the credit is claimed, and such
60 taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand
61 dollars per taxable year. **For tax credits issued on or after January 1,**

62 **2012, the amount of the tax credit claimed shall not exceed the amount**
63 **of the taxpayer's state tax liability for the taxable year for which the**
64 **credit is claimed.** However, any tax credit that cannot be claimed in the
65 taxable year the contribution was made may be carried over to the next four
66 succeeding taxable years until the full credit has been claimed.

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

72 5. The director shall determine, at least annually, which facilities in this
73 state may be classified as pregnancy resource centers. The director may require
74 of a facility seeking to be classified as a pregnancy resource center whatever
75 information which is reasonably necessary to make such a determination. The
76 director shall classify a facility as a pregnancy resource center if such facility
77 meets the definition set forth in subsection 1 of this section.

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

85 7. The director shall establish a procedure by which, from the beginning
86 of the fiscal year until some point in time later in the fiscal year to be determined
87 by the director, the cumulative amount of tax credits are equally apportioned
88 among all facilities classified as pregnancy resource centers. If a pregnancy
89 resource center fails to use all, or some percentage to be determined by the
90 director, of its apportioned tax credits during this predetermined period of time,
91 the director may reapportion these unused tax credits to those pregnancy
92 resource centers that have used all, or some percentage to be determined by the
93 director, of their apportioned tax credits during this predetermined period of
94 time. The director may establish more than one period of time and reapportion
95 more than once during each fiscal year. To the maximum extent possible, the
96 director shall establish the procedure described in this subsection in such a
97 manner as to ensure that taxpayers can claim all the tax credits possible up to

98 the cumulative amount of tax credits available for the fiscal year.

99 8. Each pregnancy resource center shall provide information to the
100 director concerning the identity of each taxpayer making a contribution to the
101 pregnancy resource center who is claiming a tax credit pursuant to this section
102 and the amount of the contribution. The director shall provide the information
103 to the director of revenue. The director shall be subject to the confidentiality and
104 penalty provisions of section 32.057 relating to the disclosure of tax information.

105 9. Notwithstanding any other law to the contrary, any tax credits granted
106 under this section may be assigned, transferred, sold, or otherwise conveyed
107 without consent or approval. Such taxpayer, hereinafter the assignor for
108 purposes of this section, may sell, assign, exchange, or otherwise transfer earned
109 tax credits:

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

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

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

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

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

121 (3) This section shall terminate on September first of the calendar year
122 immediately following the calendar year in which a program authorized under
123 this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset**
124 **act, the provisions of the program authorized under this section are**
125 **hereby reauthorized and shall automatically sunset on August 28, 2015.**

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

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

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

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

8 (2) "Taxpayer", an individual, a firm, a partner in a firm, **sole**

9 **proprietorship, partner in a limited or general partnership, member of**
10 **a limited liability company, corporation as defined under section 143.441**
11 **or 143.471, [or] a shareholder in an S corporation doing business in this state**
12 **and subject to the state income tax imposed by chapter 143, excluding**
13 **withholding tax imposed by sections 143.191 to 143.265, or a charitable**
14 **organization, trust, or public or private foundation which is exempt**
15 **from federal income tax and whose Missouri unrelated business taxable**
16 **income, if any, would be subject to state income tax imposed under**
17 **chapter 143.**

18 2. For all tax years beginning on or after January 1, 2007, **but ending**
19 **on or before December 31, 2011**, any taxpayer who donates cash or food,
20 unless such food is donated after the food's expiration date, to any local food
21 pantry shall be allowed a credit against the tax otherwise due under chapter 143,
22 excluding withholding tax imposed by sections 143.191 to 143.265, in an amount
23 equal to fifty percent of the value of the donations made to the extent such
24 amounts that have been subtracted from federal adjusted gross income or federal
25 taxable income are added back in the determination of Missouri adjusted gross
26 income or Missouri taxable income before the credit can be claimed. **For all tax**
27 **years beginning on or after January 1, 2012, any taxpayer who donates**
28 **cash or food, unless such food is donated after the food's expiration**
29 **date, to any local food pantry shall be allowed a credit against the tax**
30 **otherwise due under chapter 143, excluding withholding tax imposed**
31 **by sections 143.191 to 143.265, in an amount equal to fifty percent of the**
32 **value of the donations made which are equal to or less than one**
33 **thousand dollars. In addition to the fifty percent credit for donations**
34 **equal to or less than one thousand dollars provided under this**
35 **subsection, a taxpayer shall be allowed a credit for donations in excess**
36 **of one thousand dollars in an amount equal to thirty-five percent of**
37 **such excess. Tax credits authorized under this section shall only be**
38 **available to the extent the amounts donated that have been subtracted**
39 **from federal adjusted gross income or federal taxable income are added**
40 **back in the determination of Missouri adjusted gross income or**
41 **Missouri taxable income before the credit can be claimed. Each taxpayer**
42 **claiming a tax credit under this section shall file an affidavit with the income tax**
43 **return verifying the amount of their contributions. For all taxable years**
44 **ending on or before December 31, 2011**, the amount of the tax credit claimed

45 shall not exceed the amount of the taxpayer's state tax liability for the tax year
46 that the credit is claimed, and shall not exceed two thousand five hundred dollars
47 per taxpayer claiming the credit. Any amount of credit that the taxpayer is
48 prohibited by this section from claiming in a tax year shall not be refundable, but
49 may be carried forward to any of the taxpayer's three subsequent taxable
50 years. [No tax credit granted] **Tax credits granted** under this section [shall]
51 **may** be transferred, sold, or assigned. No taxpayer shall be eligible to receive a
52 credit pursuant to this section if such taxpayer employs persons who are not
53 authorized to work in the United States under federal law. **For all taxable**
54 **years beginning on or after January 1, 2012, the amount of the tax**
55 **credit claimed shall not exceed the amount of the taxpayer's state tax**
56 **liability for the tax year that the credit is claimed, and shall not exceed**
57 **ten thousand dollars per taxpayer claiming the credit for donations of**
58 **food. Any amount of credit that the taxpayer is prohibited by this**
59 **section from claiming in a tax year shall not be refundable, but may be**
60 **carried forward to any of the taxpayer's three subsequent taxable**
61 **years.**

62 3. The cumulative amount of tax credits under this section which may be
63 allocated to all taxpayers contributing to a local food pantry in any one fiscal year
64 shall not exceed two million dollars. The director of revenue shall establish a
65 procedure by which the cumulative amount of tax credits is apportioned among
66 all taxpayers claiming the credit by April fifteenth of the fiscal year in which the
67 tax credit is claimed. To the maximum extent possible, the director of revenue
68 shall establish the procedure described in this subsection in such a manner as to
69 ensure that taxpayers can claim all the tax credits possible up to the cumulative
70 amount of tax credits available for the fiscal year.

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

76 5. The department of revenue shall promulgate rules to implement the
77 provisions of this section. Any rule or portion of a rule, as that term is defined
78 in section 536.010, that is created under the authority delegated in this section
79 shall become effective only if it complies with and is subject to all of the
80 provisions of chapter 536 and, if applicable, section 536.028. This section and

81 chapter 536 are nonseverable and if any of the powers vested with the general
82 assembly pursuant to chapter 536 to review, to delay the effective date, or to
83 disapprove and annul a rule are subsequently held unconstitutional, then the
84 grant of rulemaking authority and any rule proposed or adopted after August 28,
85 2007, shall be invalid and void.

86 6. [Under section 23.253 of the Missouri sunset act:

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

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

93 (3) This section shall terminate on September first of the calendar year
94 immediately following the calendar year in which the program authorized under
95 this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset**
96 **act, the provisions of the program authorized under this section are**
97 **hereby reauthorized and shall automatically sunset on August 28, 2015.**

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

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

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

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

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

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

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

13 (4) "Baseline weight", the average weight in the immediate past three
14 years of all beef animals sold that are thirty months of age or younger,
15 categorized by sex. Baseline weight for qualified beef animals that are physically
16 out-of-state but whose ownership is retained by a resident of this state shall be
17 established by the average transfer weight in the immediate past three years of
18 all beef animals that are thirty months of age or younger and that are transferred
19 out-of-state but whose ownership is retained by a resident of this state,

20 categorized by sex. The established baseline weight shall be effective for a period
21 of three years. If the taxpayer is a qualifying beef animal producer with fewer
22 than three years of production, the baseline weight shall be established by the
23 available average weight in the immediate past year of all beef animals sold that
24 are thirty months of age or younger, categorized by sex. If the qualifying beef
25 animal producer has no previous production, the baseline weight shall be
26 established by the authority;

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

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

32 (7) "Qualifying sale", the first time a qualifying beef animal is sold in this
33 state after the qualifying beef animal is backgrounded, and a subsequent sale if
34 the weight of the qualifying beef animal at the time of the subsequent sale is
35 greater than the weight of the qualifying beef animal at the time of the first
36 qualifying sale of such beef animal;

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

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

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

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

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

47 3. For all taxable years beginning on or after January 1, 2009, [but ending
48 on or before December 31, 2016,] a taxpayer shall be allowed a tax credit for the
49 first qualifying sale and for a subsequent qualifying sale of all qualifying beef
50 animals. The tax credit amount for the first qualifying sale shall be ten cents per
51 pound, shall be based on the backgrounded weight of all qualifying beef animals
52 at the time of the first qualifying sale, and shall be calculated as follows: the
53 qualifying sale weight minus the baseline weight multiplied by ten cents, as long
54 as the qualifying sale weight is equal to or greater than two hundred pounds
55 above the baseline weight. The tax credit amount for each subsequent qualifying

56 sale shall be ten cents per pound, shall be based on the backgrounded weight of
57 all qualifying beef animals at the time of the subsequent qualifying sale, and
58 shall be calculated as follows: the qualifying sale weight minus the baseline
59 weight multiplied by ten cents, as long as the qualifying sale weight is equal to
60 or greater than two hundred pounds above the baseline weight. The authority
61 may waive no more than twenty-five percent of the two hundred pound weight
62 gain requirement, but any such waiver shall be based on a disaster declaration
63 issued by the U. S. Department of Agriculture.

64 4. The amount of the tax credit claimed shall not exceed the amount of the
65 taxpayer's state tax liability for the taxable year for which the credit is claimed.
66 No tax credit claimed under this section shall be refundable. The tax credit shall
67 be claimed in the taxable year in which the qualifying sale of the qualifying beef
68 occurred, but any amount of credit that the taxpayer is prohibited by this section
69 from claiming in a taxable year may be carried forward to any of the taxpayer's
70 five subsequent taxable years and carried backward to any of the taxpayer's three
71 previous taxable years. The amount of tax credits that may be issued to all
72 eligible applicants claiming tax credits authorized in this section in a fiscal year
73 shall not exceed three million dollars. Tax credits shall be issued on an
74 as-received application basis until the fiscal year limit is reached. Any credits
75 not issued in any fiscal year shall expire and shall not be issued in any
76 subsequent years.

77 5. To claim the tax credit allowed under this section, the taxpayer shall
78 submit to the authority an application for the tax credit on a form provided by the
79 authority and any application fee imposed by the authority. The application shall
80 be filed with the authority at the end of each calendar year in which a qualified
81 sale was made and for which a tax credit is claimed under this section. The
82 application shall include any certified documentation and information required
83 by the authority. All required information obtained by the authority shall be
84 confidential and not disclosed except by court order, subpoena, or as otherwise
85 provided by law. If the taxpayer and the qualified sale meet all criteria required
86 by this section and approval is granted by the authority, the authority shall issue
87 a tax credit certificate in the appropriate amount. Tax credit certificates issued
88 under this section may be assigned, transferred, sold, or otherwise conveyed, and
89 the new owner of the tax credit certificate shall have the same rights in the tax
90 credit as the original taxpayer. Whenever a tax credit certificate is assigned,
91 transferred, sold or otherwise conveyed, a notarized endorsement shall be filed

92 with the authority specifying the name and address of the new owner of the tax
93 credit certificate or the value of the tax credit.

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

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

106 8. **Notwithstanding any provision of law to the contrary, no tax**
107 **credits provided under this section shall be authorized on or after**
108 **August 28, 2014. The provisions of this subsection shall not be**
109 **construed to limit or in any way impair the department's ability to**
110 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**
111 **ability to redeem such tax credits.**

112 9. This section shall not be subject to the Missouri sunset act, sections
113 23.250 to 23.298.

135.700. 1. For all tax years beginning on or after January 1, 1999, a
2 grape grower or wine producer shall be allowed a tax credit against the state tax
3 liability incurred pursuant to chapter 143, exclusive of the provisions relating to
4 the withholding of tax as provided in sections 143.191 to 143.265, in an amount
5 equal to twenty-five percent of the purchase price of all new equipment and
6 materials used directly in the growing of grapes or the production of wine in the
7 state. Each grower or producer shall apply to the department of economic
8 development and specify the total amount of such new equipment and materials
9 purchased during the calendar year. The department of economic development
10 shall certify to the department of revenue the amount of such tax credit to which
11 a grape grower or wine producer is entitled pursuant to this section. The
12 provisions of this section notwithstanding, a grower or producer may only apply
13 for and receive the credit authorized by this section for five tax periods. **No**
14 **more than two hundred thousand dollars in tax credits provided under**

15 **this section may be authorized annually.**

16 **2. Notwithstanding any provision of law to the contrary, no tax**
17 **credits provided under this section shall be authorized on or after**
18 **August 28, 2014. The provisions of this subsection shall not be**
19 **construed to limit or in any way impair the department's ability to**
20 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**
21 **ability to redeem such tax credits.**

 135.802. 1. Beginning January 1, 2005, all applications for all tax credit
2 programs shall include, in addition to any requirements provided by the enacting
3 statutes of a particular credit program, the following information to be submitted
4 to the department administering the tax credit:

5 (1) Name, address, and phone number of the applicant or applicants, and
6 the name, address, and phone number of a contact person or agent for the
7 applicant or applicants;

8 (2) Taxpayer type, whether individual, corporation, nonprofit or other, and
9 taxpayer identification number, if applicable;

10 (3) Standard industry code, if applicable;

11 (4) Program name and type of tax credit, including the identity of any
12 other state or federal program being utilized for the same activity or project; and

13 (5) Number of estimated jobs to be created, as a result of the tax credits,
14 if applicable, separated by construction, part-time permanent, and full-time
15 permanent.

16 2. In addition to the information required by subsection 1 of this section,
17 an applicant for a community development tax credit shall also provide
18 information detailing the title and location of the corresponding project, the
19 estimated time period for completion of the project, and all geographic areas
20 impacted by the project.

21 3. In addition to the information required by subsection 1 of this section,
22 an applicant for a redevelopment tax credit shall also provide information
23 detailing the location and legal description of the property, age of the structure,
24 if applicable, whether the property is residential, commercial, or governmental,
25 and the projected project cost, labor cost, and projected date of completion. Where
26 a redevelopment tax credit applicant is required to submit contemporaneously a
27 federal application for a similar credit on the same underlying project, the
28 submission of a copy of the federal application shall be sufficient to meet the
29 requirements of this subsection.

30 4. In addition to the information required by subsection 1 of this section,
31 an applicant for a business recruitment tax credit shall also provide information
32 detailing the category of business by size, the address of the business
33 headquarters and all offices located within this state, the number of employees
34 at the time of the application, the number of employees projected to increase as
35 a result of the completion of the project, and the estimated project cost.

36 5. In addition to the information required by subsection 1 of this section,
37 an applicant for a training and educational tax credit shall also provide
38 information detailing the name and address of the educational institution to be
39 used, the average salary of workers to be served, the estimated project cost, and
40 the number of employees and number of students to be served.

41 6. In addition to the information required by subsection 1 of this section,
42 an applicant for a housing tax credit also shall provide information detailing the
43 address, legal description, and fair market value of the property, and the
44 projected labor cost and projected completion date of the project. Where a
45 housing tax credit applicant is required to submit contemporaneously a federal
46 application for a similar credit on the same underlying project, the submission of
47 a copy of the federal application shall be sufficient to meet the requirements of
48 this subsection. For the purposes of this subsection, "fair market value" means
49 the value as of the purchase of the property or the most recent assessment,
50 whichever is more recent.

51 7. In addition to the information required by subsection 1 of this section,
52 an applicant for an entrepreneurial tax credit shall also provide information
53 detailing the amount of investment and the names of the project, fund, and
54 research project.

55 8. In addition to the information required by subsection 1 of this section,
56 an applicant for an agricultural tax credit shall also provide information detailing
57 the type of agricultural commodity, the amount of contribution, the type of
58 equipment purchased, and the name and description of the facility.

59 9. In addition to the information required by subsection 1 of this section,
60 an applicant for an environmental tax credit shall also include information
61 detailing the type of equipment, if applicable, purchased and any environmental
62 impact statement, if required by state or federal law.

63 10. An administering agency may, by rule, require additional information
64 to be submitted by an applicant. Any rule or portion of a rule, as that term is
65 defined in section 536.010, that is created pursuant to the authority delegated in

66 this section shall become effective only if it complies with and is subject to all of
67 the provisions of chapter 536 and if applicable, section 536.028. This section and
68 chapter 536 are nonseverable and if any of the powers vested with the general
69 assembly pursuant to chapter 536 to review, to delay the effective date or to
70 disapprove and annul a rule are subsequently held unconstitutional, then the
71 grant of rulemaking authority and any rule proposed or adopted after August 28,
72 2004, shall be void.

73 **11. An administering agency may, by rule, require applicants to**
74 **enter into contracts with the administering agency specifying**
75 **standards of performance, program requirements, and penalties in the**
76 **event of noncompliance.**

77 **12.** Where the sole requirement for receiving a tax credit in the enabling
78 legislation of any tax credit is an obligatory assessment upon a taxpayer or a
79 monetary contribution to a particular group or entity, the application
80 requirements provided in this section shall apply to the recipient of such
81 assessment or contribution and shall not apply to the assessed nor the
82 contributor.

83 **[12.] 13.** It shall be the duty of each administering agency to provide
84 information to every applicant, at some time prior to authorization of an
85 applicant's tax credit application, wherein the requirements of this section, the
86 annual reporting requirements of section 135.805, and the penalty provisions of
87 section 135.810 are described in detail.

135.815. 1. Prior to authorization of any tax credit application, an
2 administering agency shall verify through the department of revenue that the tax
3 credit applicant does not owe any delinquent income, sales, or use taxes, or
4 interest or penalties on such taxes, and through the department of insurance,
5 financial institutions and professional registration that the applicant does not
6 owe any delinquent insurance taxes. Such delinquency shall not affect the
7 authorization of the application for such tax credits, except that the amount of
8 credits issued shall be reduced by the applicant's tax delinquency. If the
9 department of revenue or the department of insurance, financial institutions and
10 professional registration concludes that a taxpayer is delinquent after June
11 fifteenth but before July first of any year, and the application of tax credits to
12 such delinquency causes a tax deficiency on behalf of the taxpayer to arise, then
13 the taxpayer shall be granted thirty days to satisfy the deficiency in which
14 interest, penalties, and additions to tax shall be tolled. After applying all

15 available credits towards a tax delinquency, the administering agency shall notify
16 the appropriate department, and that department shall update the amount of
17 outstanding delinquent tax owed by the applicant. If any credits remain after
18 satisfying all insurance, income, sales, and use tax delinquencies, the remaining
19 credits shall be issued to the applicant, subject to the restrictions of other
20 provisions of law.

21 2. Any applicant of a tax credit program contained in the definition of the
22 term "all tax credit programs" who purposely and directly employs unauthorized
23 aliens shall forfeit any tax credits issued to such applicant which have not been
24 redeemed, and shall repay the amount of any tax credits redeemed by such
25 applicant during the period of time such unauthorized alien was employed by the
26 applicant. As used in this subsection, the term "unauthorized alien" shall mean
27 an alien who does not have the legal right or authorization under federal law to
28 work in the United States, as defined under Section 8 U.S.C. 1324a(h)(3).

29 **3. Any administering agency may, by rule, provide for the**
30 **recapture of tax credits for noncompliance with program requirements.**

135.825. 1. The administering agencies for all tax credit programs shall,
2 in cooperation with the department of revenue, implement a system for tracking
3 the amount of tax credits authorized, issued, and redeemed. Any such agency
4 may promulgate rules for the implementation of this section.

5 2. The provisions of **subsection 1 of** this section shall not apply to any
6 credit that is issued and redeemed simultaneously.

7 **3. The committee on legislative research shall conduct a review**
8 **of any tax credit program, in the manner provided under the provisions**
9 **of sections 23.250 to 23.298, by September first of the calendar year**
10 **prior to the year in which tax credit authorizations or issuances will**
11 **be prohibited for such tax credit program.**

12 4. Any rule or portion of a rule, as that term is defined in section 536.010,
13 that is created under the authority delegated in this section shall become effective
14 only if it complies with and is subject to all of the provisions of chapter 536 and,
15 if applicable, section 536.028. This section and chapter 536 are nonseverable and
16 if any of the powers vested with the general assembly pursuant to chapter 536 to
17 review, to delay the effective date, or to disapprove and annul a rule are
18 subsequently held unconstitutional, then the grant of rulemaking authority and
19 any rule proposed or adopted after August 28, 2004, shall be invalid and void.

135.1150. 1. This section shall be known and may be cited as the

2 "Residential Treatment Agency Tax Credit Act".

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

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

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

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

13 (4) "Qualified residential treatment agency" or "agency", a residential care
14 facility that is licensed under section 210.484, accredited by the Council on
15 Accreditation (COA), the Joint Commission on Accreditation of Healthcare
16 Organizations (JCAHO), or the Commission on Accreditation of Rehabilitation
17 Facilities (CARF), and is under contract with the Missouri department of social
18 services to provide treatment services for children who are residents or wards of
19 residents of this state, and that receives eligible donations. Any agency that
20 operates more than one facility or at more than one location shall be eligible for
21 the tax credit under this section only for any eligible donation made to facilities
22 or locations of the agency which are licensed and accredited;

23 (5) "Taxpayer", [any of the following individuals or entities who make an
24 eligible donation to an agency:

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

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

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

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

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

35 (f) Any charitable organization which is exempt from federal income tax
36 and whose Missouri unrelated business taxable income, if any, would be subject
37 to the state income tax imposed under chapter 143] **an individual, a firm, a**

38 **partner in a firm, sole proprietorship, partner in a limited or general**
39 **partnership, member of a limited liability company, corporation as**
40 **defined under section 143.441 or 143.471, a shareholder in an S**
41 **corporation doing business in this state and subject to the state income**
42 **tax imposed by chapter 143, excluding withholding tax imposed by**
43 **sections 143.191 to 143.265, or a charitable organization, trust, or public**
44 **or private foundation which is exempt from federal income tax and**
45 **whose Missouri unrelated business taxable income, if any, would be**
46 **subject to state income tax imposed under chapter 143.**

47 3. For all taxable years beginning on or after January 1, 2007, any
48 taxpayer shall be allowed a credit against the taxes otherwise due under chapter
49 147, 148, or 143, excluding withholding tax imposed by sections 143.191 to
50 143.265, in an amount equal to fifty percent of the amount of an eligible donation,
51 subject to the restrictions in this section. The amount of the tax credit claimed
52 shall not exceed the amount of the taxpayer's state income tax liability in the tax
53 year for which the credit is claimed. Any amount of credit that the taxpayer is
54 prohibited by this section from claiming in a tax year shall not be refundable, but
55 may be carried forward to any of the taxpayer's four subsequent taxable years.

56 4. To claim the credit authorized in this section, an agency may submit
57 to the department an application for the tax credit authorized by this section on
58 behalf of taxpayers. The department shall verify that the agency has submitted
59 the following items accurately and completely:

- 60 (1) A valid application in the form and format required by the department;
61 (2) A statement attesting to the eligible donation received, which shall
62 include the name and taxpayer identification number of the individual making
63 the eligible donation, the amount of the eligible donation, and the date the
64 eligible donation was received by the agency; and
65 (3) Payment from the agency equal to the value of the tax credit for which
66 application is made. If the agency applying for the tax credit meets all criteria
67 required by this subsection, the department shall issue a certificate in the
68 appropriate amount.

69 5. An agency may apply for tax credits in an aggregate amount that does
70 not exceed forty percent of the payments made by the department to the agency
71 in the preceding twelve months.

72 6. Tax credits issued under this section may be assigned, transferred,
73 sold, or otherwise conveyed, and the new owner of the tax credit shall have the

74 same rights in the credit as the taxpayer. Whenever a certificate is assigned,
75 transferred, sold, or otherwise conveyed, a notarized endorsement shall be filed
76 with the department specifying the name and address of the new owner of the tax
77 credit or the value of the credit.

78 7. The department shall promulgate rules to implement the provisions of
79 this section. Any rule or portion of a rule, as that term is defined in section
80 536.010, that is created under the authority delegated in this section shall
81 become effective only if it complies with and is subject to all of the provisions of
82 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
83 nonseverable and if any of the powers vested with the general assembly pursuant
84 to chapter 536 to review, to delay the effective date, or to disapprove and annul
85 a rule are subsequently held unconstitutional, then the grant of rulemaking
86 authority and any rule proposed or adopted after August 28, 2006, shall be
87 invalid and void.

88 8. [Under section 23.253 of the Missouri sunset act:

89 (1) The provisions of the new program authorized under this section shall
90 automatically sunset six years after August 28, 2006, unless reauthorized by an
91 act of the general assembly; and

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

95 (3) This section shall terminate on September first of the calendar year
96 immediately following the calendar year in which the program authorized under
97 this section is sunset.] **Pursuant to section 23.253 of the Missouri sunset**
98 **act, the provisions of the program authorized under this section are**
99 **hereby reauthorized and shall automatically sunset on August 28, 2015.**

137.1018. 1. The commission shall ascertain the statewide average rate
2 of property taxes levied the preceding year, based upon the total assessed
3 valuation of the railroad and street railway companies and the total property
4 taxes levied upon the railroad and street railway companies. It shall determine
5 total property taxes levied from reports prescribed by the commission from the
6 railroad and street railway companies. Total taxes levied shall not include
7 revenues from the surtax on subclass three real property.

8 2. The commission shall report its determination of average property tax
9 rate for the preceding year, together with the taxable distributable assessed
10 valuation of each freight line company for the current year to the director no later

11 than October first of each year.

12 3. Taxes on property of such freight line companies shall be collected at
13 the state level by the director on behalf of the counties and other local public
14 taxing entities and shall be distributed in accordance with sections 137.1021 and
15 137.1024. The director shall tax such property based upon the distributable
16 assessed valuation attributable to Missouri of each freight line company, using
17 the average tax rate for the preceding year of the railroad and street railway
18 companies certified by the commission. Such tax shall be due and payable on or
19 before December thirty-first of the year levied and, if it becomes delinquent, shall
20 be subject to a penalty equal to that specified in section 140.100.

21 [4. (1) As used in this subsection, the following terms mean:

22 (a) "Eligible expenses", expenses incurred in this state to manufacture,
23 maintain, or improve a freight line company's qualified rolling stock;

24 (b) "Qualified rolling stock", any freight, stock, refrigerator, or other
25 railcars subject to the tax levied under this section.

26 (2) For all taxable years beginning on or after January 1, 2009, a freight
27 line company shall, subject to appropriation, be allowed a credit against the tax
28 levied under this section for the applicable tax year. The tax credit amount shall
29 be equal to the amount of eligible expenses incurred during the calendar year
30 immediately preceding the tax year for which the credit under this section is
31 claimed. The amount of the tax credit issued shall not exceed the freight line
32 company's liability for the tax levied under this section for the tax year for which
33 the credit is claimed.

34 (3) A freight line company may apply for the credit by submitting to the
35 commission an application in the form prescribed by the state tax commission.

36 (4) Subject to appropriation, the state shall reimburse, on an annual
37 basis, any political subdivision of this state for any decrease in revenue due to the
38 provisions of this subsection.

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

40 (1) The provisions of the new program authorized under this section shall
41 automatically sunset six years after August 28, 2008, unless reauthorized by an
42 act of the general assembly; and

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

46 (3) This section shall terminate on September first of the calendar year

47 immediately following the calendar year in which the program authorized under
48 this section is sunset.]

140.910. 1. In addition to any other remedy provided by law for
2 the collection of delinquent taxes due the state of Missouri, if the
3 director has filed a certificate of lien in the circuit court as provided
4 by section 143.902, 144.380, or 144.690, the director or his or her
5 designee may issue an order directing any person to withhold and pay
6 over to the department assets belonging to, due, or to become due the
7 taxpayer. The director or his or her designee shall not issue the
8 administrative garnishment if the taxpayer has entered into a written
9 agreement with the department for an alternative payment
10 arrangement and the taxpayer is in compliance with the agreement.

11 2. An order entered under this section shall be served on the
12 person or other legal entity either by regular mail or by certified mail,
13 return receipt requested, or may be issued through electronic means,
14 and shall be binding on the employer or other payor two weeks after
15 mailing or electronic issuance of such service. The person or other
16 entity in possession of assets belonging to, due, or to become due the
17 taxpayer may deduct an additional sum not to exceed six dollars per
18 month as reimbursement for costs, except that the total amount
19 withheld shall not exceed the limitations contained in the federal
20 Consumer Credit Protection Act, 15 U.S.C. 1673.

21 3. A copy of the order shall be mailed to the taxpayer at the
22 taxpayer's last known address. The notice shall advise the taxpayer
23 that the administrative garnishment has commenced and the
24 procedures to contest such garnishment on the grounds that such
25 garnishment is improper due to a mistake of fact by requesting a
26 hearing within thirty days from mailing or electronic issuance of the
27 notice. At such a hearing the certified records of the department shall
28 constitute prima facie evidence that the director's order is valid and
29 enforceable. If a prima facie case is established, the obligor may only
30 assert as a defense mistake as to the identity of the taxpayer, mistake
31 as to payments made, or existence of an alternative payment agreement
32 for which no default has occurred. The taxpayer shall have the burden
33 of proof on such issues. The taxpayer may obtain relief from the
34 garnishment by paying the amount owed.

35 4. An employer or other payor shall withhold from the earnings

36 or other income of each taxpayer the amount specified in the
37 order. The employer or other payor shall transmit the payments as
38 directed in the order within ten business days of the date the earnings,
39 money due, or other income was payable to the taxpayer. For purposes
40 of this section, "business day" means a day that state offices are open
41 for regular business. The employer or other payor shall, along with the
42 amounts transmitted, provide the date the amount was withheld from
43 the taxpayer.

44 5. An order issued under subsection 1 of this section shall be a
45 continuing order and shall remain in effect and be binding upon any
46 employer or other payor upon whom it is directed until a further order
47 of the director. The director shall notify an employer or other payor
48 upon whom such an order has been directed whenever the deficiency
49 is paid in full.

50 6. If the order is served on a person other than an employer or
51 other payor, it shall be a lien against any money belonging to the
52 taxpayer that is in the possession of the person on the date of
53 service. The person other than an employer or other payor shall pay
54 over any assets within ten business days of the service date of the
55 order. A financial institution ordered to surrender an account shall be
56 entitled to collect its normally scheduled account activity surcharges
57 to maintain the account during the period of time the account is
58 garnished. For purposes of this section, the interest of the taxpayer in
59 any joint financial accounts shall be presumed to be equal to all other
60 joint owners.

61 7. An order issued under subsection 1 of this section shall have
62 priority over any other legal process under state law against the same
63 income or other asset, except that where the other legal process is an
64 order issued under section 452.350, 454.505, or 454.507, the withholding
65 for child support shall have priority.

66 8. No person who complies with an order entered under this
67 section shall be liable to the taxpayer, or to any other person claiming
68 rights derived from the taxpayer, for wrongful withholding. A person
69 who fails or refuses to withhold or pay the amounts as ordered under
70 this section shall be liable to the state in a sum equal to the value of
71 the wages or property not surrendered, but not to exceed the amount
72 of tax deficiency. The director is hereby authorized to bring an action

73 in circuit court to determine the liability of a person for failure to
74 withhold or pay the amounts as ordered. If a court finds that a
75 violation has occurred, the court may fine the person in an amount not
76 to exceed five hundred dollars. The court may also enter a judgment
77 against the person or other legal entity for the amounts to be withheld
78 or paid, court costs, and reasonable attorney's surcharges.

79 9. The remedy provided by this section shall be available where
80 the state or any of its political subdivisions is the employer or other
81 payor of the taxpayer in the same manner and to the same extent as
82 where the employer or other payor is a private party.

83 10. An employer shall not discharge, or refuse to hire or
84 otherwise discipline, an employee as a result of an order to withhold
85 and pay over certain money authorized by this section. If any such
86 employee is discharged within thirty days of the date upon which an
87 order to withhold and pay over certain money is to take effect, there
88 shall arise a rebuttable presumption that such discharge was a result
89 of such order. This presumption shall be overcome only by clear,
90 cogent and convincing evidence produced by the employer that the
91 employee was not terminated because of the order to withhold and pay
92 over certain money. The director or his or her designee is hereby
93 authorized to bring an action in circuit court to determine whether the
94 discharge constitutes a violation of this subsection. If the court finds
95 that a violation has occurred, the court may enter an order against the
96 employer requiring reinstatement of the employee and may fine the
97 employer in an amount not to exceed five hundred dollars. Further, the
98 court may enter judgment against the employer for the back wages,
99 costs, attorney's surcharges, and for the amount of taxes that should
100 have been withheld and paid over during the period of time the
101 employee was wrongfully discharged.

102 11. If a taxpayer for whom an order to withhold has been issued
103 under subsection 1 of this section terminates the taxpayer's
104 employment, the employer shall, within ten days of the termination,
105 notify the department of the termination, shall provide to the
106 department the last known address of the taxpayer, if known to the
107 employer, and shall provide to the department the name and address
108 of the taxpayer's new employer, if known. The director or his or her
109 designee may issue an order to the new employer as provided in

110 subsection 1 of this section.

111 **12. For purposes of this section, "assets" include, but are not**
112 **limited to, currency, any financial account or other liquid asset, and**
113 **any income or other periodic form of payment due to a taxpayer**
114 **regardless of source, including, but not limited to, wages, salaries,**
115 **commissions, bonuses, workers' compensation benefits, disability**
116 **benefits, payments pursuant to a pension or a retirement program, and**
117 **interest.**

144.030. 1. There is hereby specifically exempted from the provisions of
2 sections 144.010 to 144.525 and from the computation of the tax levied, assessed
3 or payable pursuant to sections 144.010 to 144.525 such retail sales as may be
4 made in commerce between this state and any other state of the United States,
5 or between this state and any foreign country, and any retail sale which the state
6 of Missouri is prohibited from taxing pursuant to the Constitution or laws of the
7 United States of America, and such retail sales of tangible personal property
8 which the general assembly of the state of Missouri is prohibited from taxing or
9 further taxing by the constitution of this state.

10 2. There are also specifically exempted from the provisions of the local
11 sales tax law as defined in section 32.085, section 238.235, and sections 144.010
12 to 144.525 and 144.600 to 144.761 and from the computation of the tax levied,
13 assessed or payable pursuant to the local sales tax law as defined in section
14 32.085, section 238.235, and sections 144.010 to 144.525 and 144.600 to 144.745:

15 (1) Motor fuel or special fuel subject to an excise tax of this state, unless
16 all or part of such excise tax is refunded pursuant to section 142.824; or upon the
17 sale at retail of fuel to be consumed in manufacturing or creating gas, power,
18 steam, electrical current or in furnishing water to be sold ultimately at retail; or
19 feed for livestock or poultry; or grain to be converted into foodstuffs which are to
20 be sold ultimately in processed form at retail; or seed, limestone or fertilizer
21 which is to be used for seeding, liming or fertilizing crops which when harvested
22 will be sold at retail or will be fed to livestock or poultry to be sold ultimately in
23 processed form at retail; economic poisons registered pursuant to the provisions
24 of the Missouri pesticide registration law (sections 281.220 to 281.310) which are
25 to be used in connection with the growth or production of crops, fruit trees or
26 orchards applied before, during, or after planting, the crop of which when
27 harvested will be sold at retail or will be converted into foodstuffs which are to
28 be sold ultimately in processed form at retail;

29 (2) Materials, manufactured goods, machinery and parts which when used
30 in manufacturing, processing, compounding, mining, producing or fabricating
31 become a component part or ingredient of the new personal property resulting
32 from such manufacturing, processing, compounding, mining, producing or
33 fabricating and which new personal property is intended to be sold ultimately for
34 final use or consumption; and materials, including without limitation, gases and
35 manufactured goods, including without limitation slagging materials and
36 firebrick, which are ultimately consumed in the manufacturing process by
37 blending, reacting or interacting with or by becoming, in whole or in part,
38 component parts or ingredients of steel products intended to be sold ultimately
39 for final use or consumption;

40 (3) Materials, replacement parts and equipment purchased for use directly
41 upon, and for the repair and maintenance or manufacture of, motor vehicles,
42 watercraft, railroad rolling stock or aircraft engaged as common carriers of
43 persons or property;

44 (4) Replacement machinery, equipment, and parts and the materials and
45 supplies solely required for the installation or construction of such replacement
46 machinery, equipment, and parts, used directly in manufacturing, mining,
47 fabricating or producing a product which is intended to be sold ultimately for
48 final use or consumption; and machinery and equipment, and the materials and
49 supplies required solely for the operation, installation or construction of such
50 machinery and equipment, purchased and used to establish new, or to replace or
51 expand existing, material recovery processing plants in this state. For the
52 purposes of this subdivision, a "material recovery processing plant" means a
53 facility that has as its primary purpose the recovery of materials into a useable
54 product or a different form which is used in producing a new product and shall
55 include a facility or equipment which are used exclusively for the collection of
56 recovered materials for delivery to a material recovery processing plant but shall
57 not include motor vehicles used on highways. For purposes of this section, the
58 terms motor vehicle and highway shall have the same meaning pursuant to
59 section 301.010. Material recovery is not the reuse of materials within a
60 manufacturing process or the use of a product previously recovered. The material
61 recovery processing plant shall qualify under the provisions of this section
62 regardless of ownership of the material being recovered;

63 (5) Machinery and equipment, and parts and the materials and supplies
64 solely required for the installation or construction of such machinery and

65 equipment, purchased and used to establish new or to expand existing
66 manufacturing, mining or fabricating plants in the state if such machinery and
67 equipment is used directly in manufacturing, mining or fabricating a product
68 which is intended to be sold ultimately for final use or consumption;

69 (6) Tangible personal property which is used exclusively in the
70 manufacturing, processing, modification or assembling of products sold to the
71 United States government or to any agency of the United States government;

72 (7) Animals or poultry used for breeding or feeding purposes;

73 (8) Newsprint, ink, computers, photosensitive paper and film, toner,
74 printing plates and other machinery, equipment, replacement parts and supplies
75 used in producing newspapers published for dissemination of news to the general
76 public;

77 (9) The rentals of films, records or any type of sound or picture
78 transcriptions for public commercial display;

79 (10) Pumping machinery and equipment used to propel products delivered
80 by pipelines engaged as common carriers;

81 (11) Railroad rolling stock for use in transporting persons or property in
82 interstate commerce and motor vehicles licensed for a gross weight of twenty-four
83 thousand pounds or more or trailers used by common carriers, as defined in
84 section 390.020, in the transportation of persons or property;

85 (12) Electrical energy used in the actual primary manufacture, processing,
86 compounding, mining or producing of a product, or electrical energy used in the
87 actual secondary processing or fabricating of the product, or a material recovery
88 processing plant as defined in subdivision (4) of this subsection, in facilities
89 owned or leased by the taxpayer, if the total cost of electrical energy so used
90 exceeds ten percent of the total cost of production, either primary or secondary,
91 exclusive of the cost of electrical energy so used or if the raw materials used in
92 such processing contain at least twenty-five percent recovered materials as
93 defined in section 260.200. There shall be a rebuttable presumption that the raw
94 materials used in the primary manufacture of automobiles contain at least
95 twenty-five percent recovered materials. For purposes of this subdivision,
96 "processing" means any mode of treatment, act or series of acts performed upon
97 materials to transform and reduce them to a different state or thing, including
98 treatment necessary to maintain or preserve such processing by the producer at
99 the production facility;

100 (13) Anodes which are used or consumed in manufacturing, processing,

101 compounding, mining, producing or fabricating and which have a useful life of
102 less than one year;

103 (14) Machinery, equipment, appliances and devices purchased or leased
104 and used solely for the purpose of preventing, abating or monitoring air pollution,
105 and materials and supplies solely required for the installation, construction or
106 reconstruction of such machinery, equipment, appliances and devices;

107 (15) Machinery, equipment, appliances and devices purchased or leased
108 and used solely for the purpose of preventing, abating or monitoring water
109 pollution, and materials and supplies solely required for the installation,
110 construction or reconstruction of such machinery, equipment, appliances and
111 devices;

112 (16) Tangible personal property purchased by a rural water district;

113 (17) All amounts paid or charged for admission or participation or other
114 fees paid by or other charges to individuals in or for any place of amusement,
115 entertainment or recreation, games or athletic events, including museums, fairs,
116 zoos and planetariums, owned or operated by a municipality or other political
117 subdivision where all the proceeds derived therefrom benefit the municipality or
118 other political subdivision and do not inure to any private person, firm, or
119 corporation;

120 (18) All sales of insulin and prosthetic or orthopedic devices as defined on
121 January 1, 1980, by the federal Medicare program pursuant to Title XVIII of the
122 Social Security Act of 1965, including the items specified in Section 1862(a)(12)
123 of that act, and also specifically including hearing aids and hearing aid supplies
124 and all sales of drugs which may be legally dispensed by a licensed pharmacist
125 only upon a lawful prescription of a practitioner licensed to administer those
126 items, including samples and materials used to manufacture samples which may
127 be dispensed by a practitioner authorized to dispense such samples and all sales
128 of medical oxygen, home respiratory equipment and accessories, hospital beds and
129 accessories and ambulatory aids, all sales of manual and powered wheelchairs,
130 stairway lifts, Braille writers, electronic Braille equipment and, if purchased by
131 or on behalf of a person with one or more physical or mental disabilities to enable
132 them to function more independently, all sales of scooters, reading machines,
133 electronic print enlargers and magnifiers, electronic alternative and augmentative
134 communication devices, and items used solely to modify motor vehicles to permit
135 the use of such motor vehicles by individuals with disabilities or sales of
136 over-the-counter or nonprescription drugs to individuals with disabilities, **if**

137 **dispensed pursuant to a lawful prescription;**

138 (19) All sales made by or to religious and charitable organizations and
139 institutions in their religious, charitable or educational functions and activities
140 and all sales made by or to all elementary and secondary schools operated at
141 public expense in their educational functions and activities;

142 (20) All sales of aircraft to common carriers for storage or for use in
143 interstate commerce and all sales made by or to not-for-profit civic, social, service
144 or fraternal organizations, including fraternal organizations which have been
145 declared tax-exempt organizations pursuant to Section 501(c)(8) or (10) of the
146 1986 Internal Revenue Code, as amended, in their civic or charitable functions
147 and activities and all sales made to eleemosynary and penal institutions and
148 industries of the state, and all sales made to any private not-for-profit institution
149 of higher education not otherwise excluded pursuant to subdivision (19) of this
150 subsection or any institution of higher education supported by public funds, and
151 all sales made to a state relief agency in the exercise of relief functions and
152 activities;

153 (21) All ticket sales made by benevolent, scientific and educational
154 associations which are formed to foster, encourage, and promote progress and
155 improvement in the science of agriculture and in the raising and breeding of
156 animals, and by nonprofit summer theater organizations if such organizations are
157 exempt from federal tax pursuant to the provisions of the Internal Revenue Code
158 and all admission charges and entry fees to the Missouri state fair or any fair
159 conducted by a county agricultural and mechanical society organized and
160 operated pursuant to sections 262.290 to 262.530;

161 (22) All sales made to any private not-for-profit elementary or secondary
162 school, all sales of feed additives, medications or vaccines administered to
163 livestock or poultry in the production of food or fiber, all sales of pesticides used
164 in the production of crops, livestock or poultry for food or fiber, all sales of
165 bedding used in the production of livestock or poultry for food or fiber, all sales
166 of propane or natural gas, electricity or diesel fuel used exclusively for drying
167 agricultural crops, natural gas used in the primary manufacture or processing of
168 fuel ethanol as defined in section 142.028, natural gas, propane, and electricity
169 used by an eligible new generation cooperative or an eligible new generation
170 processing entity as defined in section 348.432, and all sales of farm machinery
171 and equipment, other than airplanes, motor vehicles and trailers. As used in this
172 subdivision, the term "feed additives" means tangible personal property which,

173 when mixed with feed for livestock or poultry, is to be used in the feeding of
174 livestock or poultry. As used in this subdivision, the term "pesticides" includes
175 adjuvants such as crop oils, surfactants, wetting agents and other assorted
176 pesticide carriers used to improve or enhance the effect of a pesticide and the
177 foam used to mark the application of pesticides and herbicides for the production
178 of crops, livestock or poultry. As used in this subdivision, the term "farm
179 machinery and equipment" means new or used farm tractors and such other new
180 or used farm machinery and equipment and repair or replacement parts thereon,
181 and supplies and lubricants used exclusively, solely, and directly for producing
182 crops, raising and feeding livestock, fish, poultry, pheasants, chukar, quail, or for
183 producing milk for ultimate sale at retail, including field drain tile, and one-half
184 of each purchaser's purchase of diesel fuel therefor which is:

185 (a) Used exclusively for agricultural purposes;

186 (b) Used on land owned or leased for the purpose of producing farm
187 products; and

188 (c) Used directly in producing farm products to be sold ultimately in
189 processed form or otherwise at retail or in producing farm products to be fed to
190 livestock or poultry to be sold ultimately in processed form at retail;

191 (23) Except as otherwise provided in section 144.032, all sales of metered
192 water service, electricity, electrical current, natural, artificial or propane gas,
193 wood, coal or home heating oil for domestic use and in any city not within a
194 county, all sales of metered or unmetered water service for domestic use:

195 (a) "Domestic use" means that portion of metered water service,
196 electricity, electrical current, natural, artificial or propane gas, wood, coal or
197 home heating oil, and in any city not within a county, metered or unmetered
198 water service, which an individual occupant of a residential premises uses for
199 nonbusiness, noncommercial or nonindustrial purposes. Utility service through
200 a single or master meter for residential apartments or condominiums, including
201 service for common areas and facilities and vacant units, shall be deemed to be
202 for domestic use. Each seller shall establish and maintain a system whereby
203 individual purchases are determined as exempt or nonexempt;

204 (b) Regulated utility sellers shall determine whether individual purchases
205 are exempt or nonexempt based upon the seller's utility service rate
206 classifications as contained in tariffs on file with and approved by the Missouri
207 public service commission. Sales and purchases made pursuant to the rate
208 classification "residential" and sales to and purchases made by or on behalf of the

occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, shall be considered as sales made for domestic use and such sales shall be exempt from sales tax. Sellers shall charge sales tax upon the entire amount of purchases classified as nondomestic use. The seller's utility service rate classification and the provision of service thereunder shall be conclusive as to whether or not the utility must charge sales tax;

(c) Each person making domestic use purchases of services or property and who uses any portion of the services or property so purchased for a nondomestic use shall, by the fifteenth day of the fourth month following the year of purchase, and without assessment, notice or demand, file a return and pay sales tax on that portion of nondomestic purchases. Each person making nondomestic purchases of services or property and who uses any portion of the services or property so purchased for domestic use, and each person making domestic purchases on behalf of occupants of residential apartments or condominiums through a single or master meter, including service for common areas and facilities and vacant units, under a nonresidential utility service rate classification may, between the first day of the first month and the fifteenth day of the fourth month following the year of purchase, apply for credit or refund to the director of revenue and the director shall give credit or make refund for taxes paid on the domestic use portion of the purchase. The person making such purchases on behalf of occupants of residential apartments or condominiums shall have standing to apply to the director of revenue for such credit or refund;

(24) All sales of handicraft items made by the seller or the seller's spouse if the seller or the seller's spouse is at least sixty-five years of age, and if the total gross proceeds from such sales do not constitute a majority of the annual gross income of the seller;

(25) Excise taxes, collected on sales at retail, imposed by Sections 4041, 4061, 4071, 4081, 4091, 4161, 4181, 4251, 4261 and 4271 of Title 26, United States Code. The director of revenue shall promulgate rules pursuant to chapter 536 to eliminate all state and local sales taxes on such excise taxes;

(26) Sales of fuel consumed or used in the operation of ships, barges, or waterborne vessels which are used primarily in or for the transportation of property or cargo, or the conveyance of persons for hire, on navigable rivers bordering on or located in part in this state, if such fuel is delivered by the seller to the purchaser's barge, ship, or waterborne vessel while it is afloat upon such

245 river;

246 (27) All sales made to an interstate compact agency created pursuant to
247 sections 70.370 to 70.441 or sections 238.010 to 238.100 in the exercise of the
248 functions and activities of such agency as provided pursuant to the compact;

249 (28) Computers, computer software and computer security systems
250 purchased for use by architectural or engineering firms headquartered in this
251 state. For the purposes of this subdivision, "headquartered in this state" means
252 the office for the administrative management of at least four integrated facilities
253 operated by the taxpayer is located in the state of Missouri;

254 (29) All livestock sales when either the seller is engaged in the growing,
255 producing or feeding of such livestock, or the seller is engaged in the business of
256 buying and selling, bartering or leasing of such livestock;

257 (30) All sales of barges which are to be used primarily in the
258 transportation of property or cargo on interstate waterways;

259 (31) Electrical energy or gas, whether natural, artificial or propane, water,
260 or other utilities which are ultimately consumed in connection with the
261 manufacturing of cellular glass products or in any material recovery processing
262 plant as defined in subdivision (4) of this subsection;

263 (32) Notwithstanding other provisions of law to the contrary, all sales of
264 pesticides or herbicides used in the production of crops, aquaculture, livestock or
265 poultry;

266 (33) Tangible personal property and utilities purchased for use or
267 consumption directly or exclusively in the research and development of
268 agricultural/biotechnology and plant genomics products and prescription
269 pharmaceuticals consumed by humans or animals;

270 (34) All sales of grain bins for storage of grain for resale;

271 (35) All sales of feed which are developed for and used in the feeding of
272 pets owned by a commercial breeder when such sales are made to a commercial
273 breeder, as defined in section 273.325, and licensed pursuant to sections 273.325
274 to 273.357;

275 (36) All purchases by a contractor on behalf of an entity located in another
276 state, provided that the entity is authorized to issue a certificate of exemption for
277 purchases to a contractor under the provisions of that state's laws. For purposes
278 of this subdivision, the term "certificate of exemption" shall mean any document
279 evidencing that the entity is exempt from sales and use taxes on purchases
280 pursuant to the laws of the state in which the entity is located. Any contractor

281 making purchases on behalf of such entity shall maintain a copy of the entity's
282 exemption certificate as evidence of the exemption. If the exemption certificate
283 issued by the exempt entity to the contractor is later determined by the director
284 of revenue to be invalid for any reason and the contractor has accepted the
285 certificate in good faith, neither the contractor or the exempt entity shall be liable
286 for the payment of any taxes, interest and penalty due as the result of use of the
287 invalid exemption certificate. Materials shall be exempt from all state and local
288 sales and use taxes when purchased by a contractor for the purpose of fabricating
289 tangible personal property which is used in fulfilling a contract for the purpose
290 of constructing, repairing or remodeling facilities for the following:

291 (a) An exempt entity located in this state, if the entity is one of those
292 entities able to issue project exemption certificates in accordance with the
293 provisions of section 144.062; or

294 (b) An exempt entity located outside the state if the exempt entity is
295 authorized to issue an exemption certificate to contractors in accordance with the
296 provisions of that state's law and the applicable provisions of this section;

297 (37) All sales or other transfers of tangible personal property to a lessor
298 who leases the property under a lease of one year or longer executed or in effect
299 at the time of the sale or other transfer to an interstate compact agency created
300 pursuant to sections 70.370 to 70.441 or sections 238.010 to 238.100;

301 (38) Sales of tickets to any collegiate athletic championship event that is
302 held in a facility owned or operated by a governmental authority or commission,
303 a quasi-governmental agency, a state university or college or by the state or any
304 political subdivision thereof, including a municipality, and that is played on a
305 neutral site and may reasonably be played at a site located outside the state of
306 Missouri. For purposes of this subdivision, "neutral site" means any site that is
307 not located on the campus of a conference member institution participating in the
308 event;

309 (39) All purchases by a sports complex authority created under section
310 64.920, and all sales of utilities by such authority at the authority's cost that are
311 consumed in connection with the operation of a sports complex leased to a
312 professional sports team;

313 (40) Beginning January 1, 2009, but not after January 1, 2015, materials,
314 replacement parts, and equipment purchased for use directly upon, and for the
315 modification, replacement, repair, and maintenance of aircraft, aircraft power
316 plants, and aircraft accessories;

317 (41) Sales of sporting clays, wobble, skeet, and trap targets to any
318 shooting range or similar places of business for use in the normal course of
319 business and money received by a shooting range or similar places of business
320 from patrons and held by a shooting range or similar place of business for
321 redistribution to patrons at the conclusion of a shooting event.

144.083. 1. The director of revenue shall require all persons who are
2 responsible for the collection of taxes under the provisions of section 144.080 to
3 procure a retail sales license at no cost to the licensee which shall be prominently
4 displayed at the licensee's place of business, and the license is valid until revoked
5 by the director or surrendered by the person to whom issued when sales are
6 discontinued. The director shall issue the retail sales license within ten working
7 days following the receipt of a properly completed application. Any person
8 applying for a retail sales license or reinstatement of a revoked sales tax license
9 who owes any tax under sections 144.010 to 144.510 or sections 143.191 to
10 143.261 must pay the amount due plus interest and penalties before the
11 department may issue the applicant a license or reinstate the revoked license. All
12 persons beginning business subsequent to August 13, 1986, and who are required
13 to collect the sales tax shall secure a retail sales license prior to making sales at
14 retail. Such license may, after ten days' notice, be revoked by the director of
15 revenue only in the event the licensee shall be in default for a period of sixty days
16 in the payment of any taxes levied under section 144.020 or sections 143.191 to
17 143.261. Notwithstanding the provisions of section 32.057 in the event of
18 revocation, the director of revenue may publish the status of the business account
19 including the date of revocation in a manner as determined by the director.

20 2. The possession of a retail sales license and a statement from the
21 department of revenue that the licensee owes no tax due under [sections 144.010
22 to 144.510 or sections 143.191 to 143.261] **section 32.088** shall be a prerequisite
23 to the issuance or renewal of any city or county occupation license or any state
24 license which is required for conducting any business [where goods are sold at
25 retail]. The date of issuance on the statement that the licensee owes no tax due
26 shall be no more than ninety days before the date of submission for application
27 or renewal of the local license. The revocation of a retailer's license by the
28 director shall render the occupational license or the state license null and void.

29 3. No person responsible for the collection of taxes under section 144.080
30 shall make sales at retail unless such person is the holder of a valid retail sales
31 license. After all appeals have been exhausted, the director of revenue may notify

32 the county or city law enforcement agency representing the area in which the
33 former licensee's business is located that the retail sales license of such person
34 has been revoked, and that any county or city occupation license of such person
35 is also revoked. The county or city may enforce the provisions of this section, and
36 may prohibit further sales at retail by such person.

37 4. In addition to the provisions of subsection 2 of this section, beginning
38 January 1, 2009, **and until December 31, 2011**, the possession of a statement
39 from the department of revenue stating no tax is due under sections 143.191 to
40 143.265 or sections 144.010 to 144.510 shall also be a prerequisite to the issuance
41 or renewal of any city or county occupation license or any state license required
42 for conducting any business where goods are sold at retail. The statement of no
43 tax due shall be dated no longer than ninety days before the date of submission
44 for application or renewal of the city or county license.

45 5. Notwithstanding any law or rule to the contrary, sales tax shall only
46 apply to the sale price paid by the final purchaser and not to any off-invoice
47 discounts or other pricing discounts or mechanisms negotiated between
48 manufacturers, wholesalers, and retailers.

168.071. 1. The state board of education may refuse to issue or renew a
2 certificate, or may, upon hearing, discipline the holder of a certificate of license
3 to teach for the following causes:

4 (1) A certificate holder or applicant for a certificate has pleaded to or been
5 found guilty of a felony or crime involving moral turpitude under the laws of this
6 state, any other state, of the United States, or any other country, whether or not
7 sentence is imposed;

8 (2) The certification was obtained through use of fraud, deception,
9 misrepresentation or bribery;

10 (3) There is evidence of incompetence, immorality, or neglect of duty by
11 the certificate holder;

12 (4) A certificate holder has been subject to disciplinary action relating to
13 certification issued by another state, territory, federal agency, or country upon
14 grounds for which discipline is authorized in this section; [or]

15 (5) If charges are filed by the local board of education, based upon the
16 annulling of a written contract with the local board of education, for reasons other
17 than election to the general assembly, without the consent of the majority of the
18 members of the board that is a party to the contract; **or**

19 (6) **Beginning, January 1, 2012, the government entity issuing a**

20 valid certificate of license to teach in Missouri under section 168.011,
21 shall at least one time each year provide the name and Social Security
22 number of each certificate holder or applicant for certificate of a
23 license to teach in Missouri to the director of revenue. The director of
24 revenue shall at least one time each year check the status of each
25 certificate holder or applicant for certificate of a license to teach in
26 Missouri against a database developed by the director to determine if
27 all state income tax returns have been filed and all state income taxes
28 owed have been paid. If such certificate holder or applicant for
29 certificate of a license to teach in Missouri is delinquent on any state
30 taxes, or has failed to file state income tax returns in the last three
31 years, the director shall then send notice to the certificate holder or
32 applicant for certificate of a license to teach in Missouri and the
33 department of elementary and secondary education. In the case of such
34 delinquency or failure to file, the certificate holder's license shall be
35 suspended within ninety days after notice of such delinquency or
36 failure to file, and the applicant for certificate's license shall not be
37 issued unless the director of revenue verifies that such delinquency or
38 failure has been remedied or arrangements have been made to achieve
39 such remedy. The director of revenue shall, within ten business days
40 of notification to the government entity issuing the certificate of
41 license to teach, that the delinquency has been remedied or
42 arrangements have been made to remedy such delinquency, and send
43 written notification to the certificate holder or applicant for certificate
44 that the delinquency has been remedied. Tax liability paid in protest
45 or reasonably founded disputes with such liability shall be considered
46 paid for the purposes of this section.

47 2. A public school district may file charges seeking the discipline of a
48 holder of a certificate of license to teach based upon any cause or combination of
49 causes outlined in subsection 1 of this section, including annulment of a written
50 contract. Charges shall be in writing, specify the basis for the charges, and be
51 signed by the chief administrative officer of the district, or by the president of the
52 board of education as authorized by a majority of the board of education. The
53 board of education may also petition the office of the attorney general to file
54 charges on behalf of the school district for any cause other than annulment of
55 contract, with acceptance of the petition at the discretion of the attorney general.

56 3. The department of elementary and secondary education may file

57 charges seeking the discipline of a holder of a certificate of license to teach based
58 upon any cause or combination of causes outlined in subsection 1 of this section,
59 other than annulment of contract. Charges shall be in writing, specify the basis
60 for the charges, and be signed by legal counsel representing the department of
61 elementary and secondary education.

62 4. If the underlying conduct or actions which are the basis for charges
63 filed pursuant to this section are also the subject of a pending criminal charge
64 against the person holding such certificate, the certificate holder may request, in
65 writing, a delayed hearing on advice of counsel under the fifth amendment of the
66 Constitution of the United States. Based upon such a request, no hearing shall
67 be held until after a trial has been completed on this criminal charge.

68 5. The certificate holder shall be given not less than thirty days' notice of
69 any hearing held pursuant to this section.

70 6. Other provisions of this section notwithstanding, the certificate of
71 license to teach shall be revoked or, in the case of an applicant, a certificate shall
72 not be issued, if the certificate holder or applicant has pleaded guilty to or been
73 found guilty of any of the following offenses established pursuant to Missouri law
74 or offenses of a similar nature established under the laws of any other state or
75 of the United States, or any other country, whether or not the sentence is
76 imposed:

77 (1) Any dangerous felony as defined in section 556.061 or murder in the
78 first degree;

79 (2) Any of the following sexual offenses: rape; statutory rape in the first
80 degree; statutory rape in the second degree; sexual assault; forcible sodomy;
81 statutory sodomy in the first degree; statutory sodomy in the second degree; child
82 molestation in the first degree; child molestation in the second degree; deviate
83 sexual assault; sexual misconduct involving a child; sexual misconduct in the first
84 degree; sexual abuse; enticement of a child; or attempting to entice a child;

85 (3) Any of the following offenses against the family and related offenses:
86 incest; abandonment of child in the first degree; abandonment of child in the
87 second degree; endangering the welfare of a child in the first degree; abuse of a
88 child; child used in a sexual performance; promoting sexual performance by a
89 child; or trafficking in children; and

90 (4) Any of the following offenses involving child pornography and related
91 offenses: promoting obscenity in the first degree; promoting obscenity in the
92 second degree when the penalty is enhanced to a class D felony; promoting child

93 pornography in the first degree; promoting child pornography in the second
94 degree; possession of child pornography in the first degree; possession of child
95 pornography in the second degree; furnishing child pornography to a minor;
96 furnishing pornographic materials to minors; or coercing acceptance of obscene
97 material.

98 7. When a certificate holder pleads guilty or is found guilty of any offense
99 that would authorize the state board of education to seek discipline against that
100 holder's certificate of license to teach, the local board of education or the
101 department of elementary and secondary education shall immediately provide
102 written notice to the state board of education and the attorney general regarding
103 the plea of guilty or finding of guilty.

104 8. The certificate holder whose certificate was revoked pursuant to
105 subsection 6 of this section may appeal such revocation to the state board of
106 education. Notice of this appeal must be received by the commissioner of
107 education within ninety days of notice of revocation pursuant to this
108 subsection. Failure of the certificate holder to notify the commissioner of the
109 intent to appeal waives all rights to appeal the revocation. Upon notice of the
110 certificate holder's intent to appeal, an appeal hearing shall be held by a hearing
111 officer designated by the commissioner of education, with the final decision made
112 by the state board of education, based upon the record of that hearing. The
113 certificate holder shall be given not less than thirty days' notice of the hearing,
114 and an opportunity to be heard by the hearing officer, together with witnesses.

115 9. In the case of any certificate holder who has surrendered or failed to
116 renew his or her certificate of license to teach, the state board of education may
117 refuse to issue or renew, or may suspend or revoke, such certificate for any of the
118 reasons contained in this section.

119 10. In those cases where the charges filed pursuant to this section are
120 based upon an allegation of misconduct involving a minor child, the hearing
121 officer may accept into the record the sworn testimony of the minor child relating
122 to the misconduct received in any court or administrative hearing.

123 11. Hearings, appeals or other matters involving certificate holders,
124 licensees or applicants pursuant to this section may be informally resolved by
125 consent agreement or agreed settlement or voluntary surrender of the certificate
126 of license pursuant to the rules promulgated by the state board of education.

127 12. The final decision of the state board of education is subject to judicial
128 review pursuant to sections 536.100 to 536.140.

129 13. A certificate of license to teach to an individual who has been
130 convicted of a felony or crime involving moral turpitude, whether or not sentence
131 is imposed, shall be issued only upon motion of the state board of education
132 adopted by a unanimous affirmative vote of those members present and voting.

 208.770. 1. Moneys deposited in or withdrawn pursuant to subsection 1
2 of section 208.760 from a family development account by an account holder are
3 exempted from taxation pursuant to chapter 143, excluding withholding tax
4 imposed by sections 143.191 to 143.265, and chapter 147, 148 or 153 provided,
5 however, that any money withdrawn for an unapproved use should be subject to
6 tax as required by law.

7 2. Interest earned by a family development account is exempted from
8 taxation pursuant to chapter 143.

9 3. Any funds in a family development account, including accrued interest,
10 shall be disregarded when determining eligibility to receive, or the amount of, any
11 public assistance or benefits.

12 4. A program contributor shall be allowed a credit against the tax imposed
13 by chapter 143, excluding withholding tax imposed by sections 143.191 to
14 143.265, and chapter 147, 148 or 153, pursuant to sections 208.750 to
15 208.775. **For all taxable years ending on or before December 31, 2011,**
16 contributions up to fifty thousand dollars per program contributor are eligible for
17 the tax credit which shall not exceed fifty percent of the contribution
18 amount. **For all taxable years beginning on or after January 1, 2012,**
19 **program contributors shall be eligible for the tax credit which shall not**
20 **exceed fifty percent of the amount of contributions made, if such**
21 **contributions are equal to or less than one thousand dollars. In**
22 **addition to the fifty percent credit allowed for contributions equal to**
23 **or less than one thousand dollars provided under this subsection,**
24 **program contributors that make contributions in excess of one**
25 **thousand dollars, shall be eligible for a credit equal to thirty-five**
26 **percent of such excess. Tax credits provided under this section may be**
27 **transferred, sold, or assigned.**

28 5. The department of economic development shall verify all tax credit
29 claims by contributors. The administrator of the community-based organization,
30 with the cooperation of the participating financial institutions, shall submit the
31 names of contributors and the total amount each contributor contributes to a
32 family development account reserve fund for the calendar year. The director shall

33 determine the date by which such information shall be submitted to the
34 department by the local administrator. The department shall submit verification
35 of qualified tax credits pursuant to sections 208.750 to 208.775 to the department
36 of revenue.

37 6. For all fiscal years ending on or before June 30, 2010, the total tax
38 credits authorized pursuant to sections 208.750 to 208.775 shall not exceed four
39 million dollars in any fiscal year. For all fiscal years beginning on or after July
40 1, 2010, the total tax credits authorized under sections 208.750 to 208.775 shall
41 not exceed three hundred thousand dollars in any fiscal year.

42 **7. Notwithstanding any provision of law to the contrary, no tax**
43 **credits provided under this section shall be authorized on or after**
44 **August 28, 2015. The provisions of this subsection shall not be**
45 **construed to limit or in any way impair the department's ability to**
46 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
47 **ability to redeem such tax credits.**

 253.545. As used in sections 253.545 to 253.559, the following terms
2 mean, unless the context requires otherwise:

3 (1) **"Applicant", a taxpayer applying for tax credits provided**
4 **under sections 253.545 to 253.559, or any bank, financial institution, or**
5 **political subdivision acquiring such taxpayer's interest by deed or**
6 **foreclosure;**

7 (2) **"Certified historic structure", a property located in Missouri and listed**
8 **individually on the National Register of Historic Places;**

9 [(2)] (3) **"Deed in lieu of foreclosure or voluntary conveyance", a transfer**
10 **of title from a borrower to the lender to satisfy the mortgage debt and avoid**
11 **foreclosure;**

12 [(3)] (4) **"Eligible property", property located in Missouri and offered or**
13 **used for residential or business purposes;**

14 [(4)] (5) **"Leasehold interest", a lease in an eligible property for a term**
15 **of not less than thirty years;**

16 [(5)] (6) **"Principal", a managing partner, general partner, or president**
17 **of a taxpayer;**

18 [(6)] (7) **"Structure in a certified historic district", a structure located in**
19 **Missouri which is certified by the department of natural resources as contributing**
20 **to the historic significance of a certified historic district listed on the National**
21 **Register of Historic Places, or a local district that has been certified by the**

22 United States Department of the Interior;

23 [(7)] (8) "Taxpayer", any person, firm, partnership, trust, estate, limited
24 liability company, or corporation.

253.550. 1. Any taxpayer incurring **and paying** costs and expenses for
2 the rehabilitation of eligible property, which is a certified historic structure or
3 structure in a certified historic district, may, subject to the provisions of this
4 section and section 253.559, receive a credit against the taxes imposed pursuant
5 to chapters 143 and 148, except for sections 143.191 to 143.265, on such taxpayer
6 in an amount equal to twenty-five percent of the total costs and expenses of
7 rehabilitation incurred **and paid** [after January 1, 1998,] **prior to issuance of**
8 **tax credits** which shall include, but not be limited to, qualified rehabilitation
9 expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code
10 of 1986, as amended, and the related regulations thereunder, provided the
11 rehabilitation costs associated with rehabilitation and the expenses exceed fifty
12 percent of the total basis in the property **and were incurred and paid prior**
13 **to the issuance of tax credits**, and the rehabilitation meets standards
14 consistent with the standards of the Secretary of the United States Department
15 of the Interior for rehabilitation as determined by the state historic preservation
16 officer of the Missouri department of natural resources.

17 2. During the period beginning on January 1, 2010, but ending on or after
18 June 30, 2010, the department of economic development shall not approve
19 applications for tax credits under the provisions of subsections 3 and 8 of section
20 253.559 which, in the aggregate, exceed seventy million dollars, increased by any
21 amount of tax credits for which approval shall be rescinded under the provisions
22 of section 253.559. For each fiscal year beginning on or after July 1, 2010, **but**
23 **ending on or before June 30, 2011**, the department of economic development
24 shall not approve applications for tax credits under the provisions of subsections
25 3 and 8 of section 253.559 which, in the aggregate, exceed one hundred forty
26 million dollars, increased by any amount of tax credits for which approval shall
27 be rescinded under the provisions of section 253.559. The limitations provided
28 under this subsection shall not apply to applications approved under the
29 provisions of subsection 3 of section 253.559 for projects to receive less than two
30 hundred seventy-five thousand dollars in tax credits.

31 3. For all applications for tax credits approved on or after January 1,
32 2010, **but before June 30, 2011**, no more than two hundred fifty thousand
33 dollars in tax credits may be issued for eligible costs and expenses incurred in the

34 rehabilitation of an eligible property which is a nonincome producing
35 single-family, owner-occupied residential property and is either a certified historic
36 structure or a structure in a certified historic district.

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

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

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

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

48 (b) Has received certification, by the state historic preservation officer,
49 that the rehabilitation plan meets the standards consistent with the standards
50 of the Secretary of the United States Department of the Interior, and the
51 rehabilitation costs and expenses associated with such rehabilitation shall exceed
52 fifty percent of the total basis in the property.

53 5. For each fiscal year beginning on or after July 1, 2011, the
54 department of economic development shall not approve applications for
55 tax credits under the provisions of subsections 3 and 8 of section
56 253.559 which, in the aggregate, exceed seventy-five million dollars,
57 increased by any amount of tax credits for which approval shall be
58 rescinded under the provisions of section 253.559.

59 6. For all applications for tax credits approved on or after July
60 1, 2011, no more than fifty thousand dollars in tax credits may be issued
61 for eligible costs and expenses incurred in the rehabilitation of an
62 eligible property which is a nonincome producing single-family,
63 owner-occupied residential property and is either a certified historic
64 structure or a structure in a certified historic district. For purposes of
65 this subsection, "eligible property" shall not include any property with
66 a purchase price in excess of one hundred fifty thousand dollars.

67 7. In lieu of the limitations on tax credit authorization provided
68 under the provisions of subsections 5 and 6 of this section, the
69 limitations on tax credit authorization provided under the provisions

70 of subsections 2 and 3 of this section shall apply to:

71 (1) Any application submitted by a taxpayer, which has received
72 approval from the department prior to July 1, 2011;

73 (2) Any application for a project which will be funded, at least
74 partially, through the issuance of tax exempt bonds and is authorized
75 to receive federal low-income housing tax credits;

76 (3) Any applicant for tax credits provided under this section,
77 which, on or before July 1, 2011, has filed an application with the
78 department evidencing that such taxpayer:

79 (a) Has incurred costs and expenses for an eligible property
80 which exceed the lesser of fifteen percent of the total project costs or
81 three million dollars and received an approved Part I from the
82 Secretary of the United States Department of Interior; or

83 (b) Has received certification, by the state historic preservation
84 officer, that the rehabilitation plan meets the standards consistent with
85 the standards of the Secretary of the United States Department of the
86 Interior, and the rehabilitation costs and expenses associated with such
87 rehabilitation would, upon completion, be expected to exceed fifty
88 percent of the total basis in the property.

253.557. 1. If the amount of such credit exceeds the total tax liability for
2 the year in which the rehabilitated property is placed in service, the amount that
3 exceeds the state tax liability may be carried back to any of the three preceding
4 years and carried forward for credit against the taxes imposed pursuant to
5 chapter 143 and chapter 148, except for sections 143.191 to 143.265 for the
6 succeeding ten years, or until the full credit is used, whichever occurs first. **For**
7 **all tax credits authorized under the provisions of sections 253.545 to**
8 **253.559 on or after July 1, 2011, if the total amount of such credit**
9 **exceeds the total tax liability for the year in which the rehabilitated**
10 **property is placed in service, the amount that exceeds the state tax**
11 **liability may be carried back to the preceding year and carried forward**
12 **for credit against the taxes imposed pursuant to chapter 143 and**
13 **chapter 148, except for sections 143.191 to 143.265 for the succeeding**
14 **five years, or until the full credit is used, whichever occurs**
15 **first.** Not-for-profit entities, including but not limited to corporations organized
16 as not-for-profit corporations pursuant to chapter 355 shall be ineligible for the
17 tax credits authorized under sections 253.545 [through 253.561] **to 253.559. Any**
18 **taxpayer that receives tax credits under the provisions of sections**

19 **135.350 to 135.363 or sections 135.475 to 135.487 shall be ineligible for**
20 **the tax credits authorized under sections 253.545 to 253.559 for the**
21 **same project.** Taxpayers eligible for such tax credits may transfer, sell or
22 assign the credits. Credits granted to a partnership, a limited liability company
23 taxed as a partnership or multiple owners of property shall be passed through to
24 the partners, members or owners respectively pro rata or pursuant to an executed
25 agreement among the partners, members or owners documenting an alternate
26 distribution method.

27 2. The assignee of the tax credits, hereinafter the assignee for purposes
28 of this subsection, may use acquired credits to offset up to one hundred percent
29 of the tax liabilities otherwise imposed pursuant to chapter 143 and chapter 148,
30 except for sections 143.191 to 143.265. The assignor shall perfect such transfer
31 by notifying the department of economic development in writing within thirty
32 calendar days following the effective date of the transfer and shall provide any
33 information as may be required by the department of economic development to
34 administer and carry out the provisions of this section.

253.559. 1. To obtain approval for tax credits allowed under sections
2 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the
3 department of economic development. Each application for approval, including
4 any applications received for supplemental allocations of tax credits as provided
5 under subsection 8 of this section, shall be prioritized for review and approval,
6 in the order of the date on which the application was postmarked, with the oldest
7 postmarked date receiving priority. Applications postmarked on the same day
8 shall go through a lottery process to determine the order in which such
9 applications shall be reviewed.

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

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

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

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

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

30 (5) Any other information which the department of economic development
31 may reasonably require to review the project for approval. Only the property for
32 which a property address is provided in the application shall be reviewed for
33 approval. Once selected for review, a taxpayer shall not be permitted to request
34 the review of another property for approval in the place of the property contained
35 in such application. Any disapproved application shall be removed from the
36 review process. If an application is removed from the review process, the
37 department of economic development shall notify the taxpayer in writing of the
38 decision to remove such application. Disapproved applications shall lose priority
39 in the review process. A disapproved application, which is removed from the
40 review process, may be resubmitted, but shall be deemed to be a new submission
41 for purposes of the priority procedures described in this section.

42 3. If the department of economic development deems the application
43 sufficient, the taxpayer shall be notified in writing of the approval for an amount
44 of tax credits equal to the amount provided under section 253.550 less any
45 amount of tax credits previously approved. Such approvals shall be granted to
46 applications in the order of priority established under this section and shall
47 require full compliance thereafter with all other requirements of law as a
48 condition to any claim for such credits.

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

51 (1) The taxpayer may add partners, members, or shareholders as part of
52 the ownership structure, so long as the principal remains the same, provided
53 however, that subsequent to the commencement of renovation and the
54 expenditure of at least ten percent of the proposed rehabilitation budget, removal
55 of the principal for failure to perform duties and the appointment of a new
56 principal thereafter shall not constitute a change of the principal; or

57 (2) Where the ownership of the project is changed due to a foreclosure,
58 deed in lieu of a foreclosure or voluntary conveyance, or a transfer in
59 bankruptcy. **Upon any such change in ownership, the taxpayer contained**
60 **in such application shall notify the department of such change.**

61 5. In the event that the department of economic development grants
62 approval for tax credits equal to the **applicable** total amount available under
63 subsection 2 **or 5** of section 253.550, or sufficient that when totaled with all other
64 approvals, the **applicable** amount available under subsection 2 **or 5** of section
65 253.550 is exhausted, all taxpayers with applications then awaiting approval or
66 thereafter submitted for approval shall be notified by the department of economic
67 development that no additional approvals shall be granted during the fiscal year
68 and shall be notified of the priority given to such taxpayer's application then
69 awaiting approval. Such applications shall be kept on file by the department of
70 economic development and shall be considered for approval for tax credits in the
71 order established in this section in the event that additional credits become
72 available due to the rescission of approvals or when a new fiscal year's allocation
73 of credits becomes available for approval.

74 6. All taxpayers with applications receiving approval on or after the
75 effective date of this act shall commence rehabilitation within two years of the
76 date of issuance of the letter from the department of economic development
77 granting the approval for tax credits. "Commencement of rehabilitation" shall
78 mean that as of the date in which actual physical work, contemplated by the
79 architectural plans submitted with the application, has begun, the taxpayer has
80 incurred no less than ten percent of the estimated costs of rehabilitation provided
81 in the application. Taxpayers with approval of a project shall submit evidence of
82 compliance with the provisions of this subsection. If the department of economic
83 development determines that a taxpayer has failed to comply with the
84 requirements provided under this section, the approval for the amount of tax
85 credits for such taxpayer shall be rescinded and such amount of tax credits shall
86 then be included in the **applicable** total amount of tax credits, provided under
87 subsection 2 **or 5** of section 253.550, from which approvals may be granted. Any
88 taxpayer whose approval shall be subject to rescission shall be notified of such
89 from the department of economic development and, upon receipt of such notice,
90 may submit a new application for the project.

91 7. To claim the credit authorized under sections 253.550 to 253.559, a
92 taxpayer with approval shall apply for final approval and issuance of tax credits

93 from the department of economic development which, in consultation with the
94 department of natural resources, shall determine the final amount of eligible
95 rehabilitation costs and expenses and whether the completed rehabilitation meets
96 the standards of the Secretary of the United States Department of the Interior
97 for rehabilitation as determined by the state historic preservation officer of the
98 Missouri department of natural resources. For financial institutions credits
99 authorized pursuant to sections 253.550 to 253.561 shall be deemed to be
100 economic development credits for purposes of section 148.064. The approval of
101 all applications and the issuing of certificates of eligible credits to taxpayers shall
102 be performed by the department of economic development. The department of
103 economic development shall inform a taxpayer of final approval by letter and
104 shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the
105 certificate to all Missouri income tax returns on which the credit is claimed.

106 8. Except as expressly provided in this subsection, tax credit certificates
107 shall be issued in the final year that costs and expenses of rehabilitation of the
108 project are incurred, or within the twelve-month period immediately following the
109 conclusion of such rehabilitation. In the event the amount of eligible
110 rehabilitation costs and expenses incurred by a taxpayer would result in the
111 issuance of an amount of tax credits in excess of the amount provided under such
112 taxpayer's approval granted under subsection 3 of this section, such taxpayer may
113 apply to the department for issuance of tax credits in an amount equal to such
114 excess. Applications for issuance of tax credits in excess of the amount provided
115 under a taxpayer's application shall be made on a form prescribed by the
116 department. Such applications shall be subject to all provisions regarding
117 priority provided under subsection 1 of this section.

118 9. The department of economic development shall determine, on an annual
119 basis, the overall economic impact to the state from the rehabilitation of eligible
120 property.

121 **10. Notwithstanding any provision of law to the contrary, no tax**
122 **credits provided under sections 253.545 to 253.559 shall be authorized**
123 **on or after August 28, 2015. The provisions of this subsection shall not**
124 **be construed to limit or in any way impair the department's ability to**
125 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
126 **ability to redeem such tax credits.**

348.430. 1. The tax credit created in this section shall be known as the
2 "Agricultural Product Utilization Contributor Tax Credit".

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

4 (1) "Authority", the agriculture and small business development authority
5 as provided in this chapter;

6 (2) "Contributor", an individual, partnership, corporation, trust, limited
7 liability company, entity or person that contributes cash funds to the authority;

8 (3) "Development facility", a facility, **located within a rural area**,
9 producing either a good derived from an agricultural commodity or using a
10 process to produce a good derived from an agricultural product;

11 (4) "Eligible new generation cooperative", a nonprofit cooperative
12 association formed pursuant to chapter 274, or incorporated pursuant to chapter
13 357, for the purpose of operating within this state a development facility or a
14 renewable fuel production facility;

15 (5) "Eligible new generation processing entity", a partnership, corporation,
16 cooperative, or limited liability company organized or incorporated pursuant to
17 the laws of this state consisting of not less than twelve members, approved by the
18 authority, for the purpose of owning or operating within this state a development
19 facility or a renewable fuel production facility in which producer members:

20 (a) Hold a majority of the governance or voting rights of the entity and
21 any governing committee;

22 (b) Control the hiring and firing of management; and

23 (c) Deliver agricultural commodities or products to the entity for
24 processing, unless processing is required by multiple entities;

25 (6) "Renewable fuel production facility", a facility, **located within a**
26 **rural area**, producing an energy source which is derived from a renewable,
27 domestically grown, organic compound capable of powering machinery, including
28 an engine or power plant, and any by-product derived from such energy source;

29 (7) "**Rural area**", a county in Missouri with a population less than
30 **seventy-five thousand or that does not contain an individual city with**
31 **a population greater than fifty thousand according to the most recent**
32 **federal decennial census.**

33 3. For all tax years beginning on or after January 1, 1999, a contributor
34 who contributes funds to the authority may receive a credit against the tax or
35 estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes
36 withheld pursuant to sections 143.191 to 143.265, chapter 148 chapter 147, in an
37 amount of up to one hundred percent of such contribution. Tax credits claimed
38 in a taxable year may be done so on a quarterly basis and applied to the

39 estimated quarterly tax pursuant to this subsection. If a quarterly tax credit
40 claim or series of claims contributes to causing an overpayment of taxes for a
41 taxable year, such overpayment shall not be refunded but shall be applied to the
42 next taxable year. The awarding of such credit shall be at the approval of the
43 authority, based on the least amount of credits necessary to provide incentive for
44 the contributions. A contributor that receives tax credits for a contribution to the
45 authority shall receive no other consideration or compensation for such
46 contribution, other than a federal tax deduction, if applicable, and goodwill.

47 4. A contributor shall submit to the authority an application for the tax
48 credit authorized by this section on a form provided by the authority. If the
49 contributor meets all criteria prescribed by this section and the authority, the
50 authority shall issue a tax credit certificate in the appropriate amount. Tax
51 credits issued pursuant to this section may be claimed in the taxable year in
52 which the contributor contributes funds to the authority. For all fiscal years
53 beginning on or after July 1, 2004, tax credits allowed pursuant to this section
54 may be carried back to any of the contributor's three prior tax years and may be
55 carried forward to any of the contributor's five subsequent taxable years. Tax
56 credits issued pursuant to this section may be assigned, transferred or sold and
57 the new owner of the tax credit shall have the same rights in the credit as the
58 contributor. Whenever a certificate of tax credit is assigned, transferred, sold or
59 otherwise conveyed, a notarized endorsement shall be filed with the authority
60 specifying the name and address of the new owner of the tax credit or the value
61 of the credit.

62 5. The funds derived from contributions in this section shall be used for
63 financial assistance or technical assistance for the purposes provided in section
64 348.407 to rural agricultural business concepts as approved by the authority. The
65 authority may provide or facilitate loans, equity investments, or guaranteed loans
66 for rural agricultural business concepts, but limited to two million dollars per
67 project or the net state economic impact, whichever is less. Loans, equity
68 investments or guaranteed loans may only be provided to feasible projects, and
69 for an amount that is the least amount necessary to cause the project to occur, as
70 determined by the authority. The authority may structure the loans, equity
71 investments or guaranteed loans in a way that facilitates the project, but also
72 provides for a compensatory return on investment or loan payment to the
73 authority, based on the risk of the project.

74 6. In any given year, at least ten percent of the funds granted to rural

75 agricultural business concepts shall be awarded to grant requests of twenty-five
76 thousand dollars or less. No single rural agricultural business concept shall
77 receive more than two hundred thousand dollars in grant awards from the
78 authority. Agricultural businesses owned by minority members or women shall
79 be given consideration in the allocation of funds.

80 **7. Notwithstanding any provision of law to the contrary, no tax**
81 **credits provided under this section shall be authorized on or after**
82 **August 28, 2014. The provisions of this subsection shall not be**
83 **construed to limit or in any way impair the department's ability to**
84 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**
85 **ability to redeem such tax credits.**

348.432. 1. The tax credit created in this section shall be known as the
2 "New Generation Cooperative Incentive Tax Credit".

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

4 (1) "Authority", the agriculture and small business development authority
5 as provided in this chapter;

6 (2) "Development facility", a facility, **located within a rural area**,
7 producing either a good derived from an agricultural commodity or using a
8 process to produce a good derived from an agricultural product;

9 (3) "Eligible new generation cooperative", a nonprofit cooperative
10 association formed pursuant to chapter 274 or incorporated pursuant to chapter
11 357 for the purpose of operating within this state a development facility or a
12 renewable fuel production facility and approved by the authority;

13 (4) "Eligible new generation processing entity", a partnership, corporation,
14 cooperative, or limited liability company organized or incorporated pursuant to
15 the laws of this state consisting of not less than twelve members, approved by the
16 authority, for the purpose of owning or operating within this state a development
17 facility or a renewable fuel production facility in which producer members:

18 (a) Hold a majority of the governance or voting rights of the entity and
19 any governing committee;

20 (b) Control the hiring and firing of management; and

21 (c) Deliver agricultural commodities or products to the entity for
22 processing, unless processing is required by multiple entities;

23 (5) "Employee-qualified capital project", an eligible new generation
24 cooperative with capital costs greater than fifteen million dollars which will
25 employ at least sixty employees;

26 (6) "Large capital project", an eligible new generation cooperative with
27 capital costs greater than one million dollars;

28 (7) "Producer member", a person, partnership, corporation, trust or limited
29 liability company whose main purpose is agricultural production that invests cash
30 funds to an eligible new generation cooperative or eligible new generation
31 processing entity;

32 (8) "Renewable fuel production facility", a facility, **located within a**
33 **rural area**, producing an energy source which is derived from a renewable,
34 domestically grown, organic compound capable of powering machinery, including
35 an engine or power plant, and any by-product derived from such energy source;

36 (9) **"Rural area", a county in Missouri with a population less than**
37 **seventy-five thousand or that does not contain an individual city with**
38 **a population greater than fifty thousand according to the most recent**
39 **federal decennial census;**

40 **(10)** "Small capital project", an eligible new generation cooperative with
41 capital costs of no more than one million dollars.

42 3. Beginning tax year 1999, and ending December 31, 2002, any producer
43 member who invests cash funds in an eligible new generation cooperative or
44 eligible new generation processing entity may receive a credit against the tax or
45 estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes
46 withheld pursuant to sections 143.191 to 143.265 or chapter 148, chapter 147, in
47 an amount equal to the lesser of fifty percent of such producer member's
48 investment or fifteen thousand dollars.

49 4. For all tax years beginning on or after January 1, 2003, any producer
50 member who invests cash funds in an eligible new generation cooperative or
51 eligible new generation processing entity may receive a credit against the tax or
52 estimated quarterly tax otherwise due pursuant to chapter 143, other than taxes
53 withheld pursuant to sections 143.191 to 143.265, chapter 147 or chapter 148, in
54 an amount equal to the lesser of fifty percent of such producer member's
55 investment or fifteen thousand dollars. Tax credits claimed in a taxable year may
56 be done so on a quarterly basis and applied to the estimated quarterly tax
57 pursuant to subsection 3 of this section. If a quarterly tax credit claim or series
58 of claims contributes to causing an overpayment of taxes for a taxable year, such
59 overpayment shall not be refunded but shall be applied to the next taxable year.

60 5. A producer member shall submit to the authority an application for the
61 tax credit authorized by this section on a form provided by the authority. If the

62 producer member meets all criteria prescribed by this section and is approved by
63 the authority, the authority shall issue a tax credit certificate in the appropriate
64 amount. Tax credits issued pursuant to this section may be carried back to any
65 of the producer member's three prior taxable years and carried forward to any of
66 the producer member's five subsequent taxable years regardless of the type of tax
67 liability to which such credits are applied as authorized pursuant to subsection
68 3 of this section. Tax credits issued pursuant to this section may be assigned,
69 transferred, sold or otherwise conveyed and the new owner of the tax credit shall
70 have the same rights in the credit as the producer member. Whenever a
71 certificate of tax credit is assigned, transferred, sold or otherwise conveyed, a
72 notarized endorsement shall be filed with the authority specifying the name and
73 address of the new owner of the tax credit or the value of the credit.

74 6. Ten percent of the tax credits authorized pursuant to this section
75 initially shall be offered in any fiscal year to small capital projects. If any portion
76 of the ten percent of tax credits offered to small capital costs projects is unused
77 in any calendar year, then the unused portion of tax credits may be offered to
78 employee-qualified capital projects and large capital projects. If the authority
79 receives more applications for tax credits for small capital projects than tax
80 credits are authorized therefor, then the authority, by rule, shall determine the
81 method of distribution of tax credits authorized for small capital projects.

82 7. Ninety percent of the tax credits authorized pursuant to this section
83 initially shall be offered in any fiscal year to employee-qualified capital projects
84 and large capital projects. If any portion of the ninety percent of tax credits
85 offered to employee-qualified capital projects and large capital costs projects is
86 unused in any fiscal year, then the unused portion of tax credits may be offered
87 to small capital projects. The maximum tax credit allowed per employee-qualified
88 capital project is three million dollars and the maximum tax credit allowed per
89 large capital project is one million five hundred thousand dollars. If the
90 authority approves the maximum tax credit allowed for any employee-qualified
91 capital project or any large capital project, then the authority, by rule, shall
92 determine the method of distribution of such maximum tax credit. In addition,
93 if the authority receives more tax credit applications for employee-qualified
94 capital projects and large capital projects than the amount of tax credits
95 authorized therefor, then the authority, by rule, shall determine the method of
96 distribution of tax credits authorized for employee-qualified capital projects and
97 large capital projects.

98 **8. Notwithstanding any provision of law to the contrary, no tax**
99 **credits provided under this section shall be authorized on or after**
100 **August 28, 2014. The provisions of this subsection shall not be**
101 **construed to limit or in any way impair the department's ability to**
102 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**
103 **ability to redeem such tax credits.**

 348.434. 1. The aggregate of tax credits issued per fiscal year pursuant
2 to sections 348.430 and 348.432 shall not exceed six million dollars.

3 2. Upon July 2, 1999, and ending June 30, 2000, tax credits shall be
4 issued pursuant to section 348.430, except that, the authority shall allocate no
5 more than three million dollars to fund section 348.432 in fiscal year
6 2000. Beginning in fiscal year 2001 and each subsequent year, tax credits shall
7 be issued pursuant to section 348.432.

8 3. Beginning the first day of May of each fiscal year [following
9 implementation of section 348.432] **ending on or before June 30, 2011**, the
10 authority may determine the extent of tax credits, pursuant to section 348.432,
11 that will be utilized in each fiscal year. If the authority determines that:

12 (1) Less than six million dollars for a fiscal year is to be utilized in tax
13 credits pursuant to section 348.432; and

14 (2) The assets available to the authority, pursuant to section 348.430, do
15 not exceed twelve million dollars; then, the authority may offer the remaining
16 authorized tax credits be issued pursuant to section 348.430.

17 **4. For all fiscal years beginning on or after July 1, 2011, the**
18 **authority shall allocate tax credits for authorization under the**
19 **provisions of sections 348.430 and 348.432 in a manner sufficient to**
20 **provide the greatest state benefit while providing the least amount of**
21 **tax credits necessary.**

 348.500. 1. This section shall be known and may be cited as the "Family
2 Farms Act".

3 [2. As used in this section, "small farmer" means a farmer who is a
4 Missouri resident and who has less than two hundred fifty thousand dollars in
5 gross sales per year.

6 3. The agricultural and small business development authority shall
7 establish a family farm breeding livestock loan program for small farmers for the
8 purchase of beef cattle, dairy cattle, sheep and goats, and swine only.

9 4. To participate in the loan program, a small farmer shall first obtain

10 approval for a family farm livestock loan from a lender as defined in section
11 348.015. Each small farmer shall be eligible for only one family farm livestock
12 loan per family and for only one type of livestock.

13 5. The maximum amount of the family farm livestock loan for each type
14 of livestock shall be as follows:

- 15 (1) Seventy-five thousand dollars for beef cattle;
- 16 (2) Seventy-five thousand dollars for dairy cattle;
- 17 (3) Thirty-five thousand dollars for swine; and
- 18 (4) Thirty thousand dollars for sheep and goats.

19 6. Eligible borrowers under the program:

20 (1) Shall use the proceeds of the family farm loan to acquire breeding
21 livestock;

22 (2) Shall not finance more than ninety percent of the anticipated cost of
23 the purchase of such livestock through the family farm livestock loan; and

24 (3) Shall not be charged interest by the lender, as defined in section
25 348.015, for the first year of the qualified family farm livestock loan.

26 7. Upon approval of the family farm livestock loan by a lender under
27 subsection 4 of this section, the loan shall be submitted for approval by the
28 agricultural and small business development authority. The authority shall
29 promulgate rules establishing eligibility under this section, taking into
30 consideration:

31 (1) The eligible borrower's ability to repay the family farm livestock loan;
32 (2) The general economic conditions of the area in which the farm is
33 located;

34 (3) The prospect of a financial return for the small farmer for the type of
35 livestock for which the family farm livestock loan is sought; and

36 (4) Such other factors as the authority may establish.

37 8. For eligible borrowers participating in the program, the authority shall
38 be responsible for reviewing the purchase price of any livestock to be purchased
39 by an eligible borrower under the program to determine whether the price to be
40 paid is appropriate for the type of livestock purchased. The authority may impose
41 a one-time loan review fee of one percent which shall be collected by the lender
42 at the time of the loan and paid to the authority.

43 9. Nothing in this section shall preclude a small farmer from participating
44 in any other agricultural program.

45 10. Any rule or portion of a rule, as that term is defined in section

46 536.010, that is created under the authority delegated in this section shall
47 become effective only if it complies with and is subject to all of the provisions of
48 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
49 nonseverable and if any of the powers vested with the general assembly pursuant
50 to chapter 536 to review, to delay the effective date, or to disapprove and annul
51 a rule are subsequently held unconstitutional, then the grant of rulemaking
52 authority and any rule proposed or adopted after August 28, 2006, shall be
53 invalid and void.]

54 **2. For purposes of this section, the following terms shall mean:**

55 **(1) "Authority", the Missouri agricultural and small business**
56 **development authority;**

57 **(2) "Breeding livestock", beef, dairy cattle, swine, sheep and**
58 **goats;**

59 **(3) "Eligible purchase", the lesser of the purchase price of**
60 **breeding livestock paid by a small farmer or:**

61 **(a) Seventy-five thousand dollars for beef cattle;**

62 **(b) Seventy-five thousand dollars for dairy cattle;**

63 **(c) Thirty-five thousand dollars for swine; and**

64 **(d) Thirty thousand dollars for sheep and goats;**

65 **(4) "Small farmer", a farmer who is a Missouri resident and who**
66 **has less than two hundred fifty thousand dollars in gross sales per year;**

67 **(5) "State tax liability", any state tax liability incurred by a**
68 **taxpayer under the provisions of chapters 143, 147, and 148, exclusive**
69 **of the provisions relating to the withholding of tax as provided for in**
70 **sections 143.191 to 143.265 and related provisions.**

71 **3. For all taxable years beginning on or after January 1, 2012, a**
72 **small farmer shall be entitled to receive a tax credit equal to seven**
73 **percent of an eligible purchase. The tax credit shall be evidenced by**
74 **a tax credit certificate issued by the agricultural and small business**
75 **development authority and may be used to satisfy the state tax liability**
76 **of the owner of such certificate that becomes due in the tax year in**
77 **which the eligible purchase is made. No small farmer may receive a tax**
78 **credit under this section unless such person presents a tax credit**
79 **certificate to the department of revenue for payment of such state tax**
80 **liability. The total amount of all tax credits that may be issued to small**
81 **farmers claiming tax credits authorized in this section in a fiscal year**
82 **shall not exceed three hundred thousand dollars.**

83 4. The agricultural and small business development authority
84 shall be responsible for the administration and issuance of the
85 certificate of tax credits authorized by this section. The authority shall
86 issue a certificate of tax credit at the request of any small farmer. Each
87 request shall include a true copy of the receipt for the eligible
88 purchase, the name of the small farmer who is to receive a certificate
89 of tax credit, the type of state tax liability against which the tax credit
90 is to be used, and the amount of the certificate of tax credit to be issued
91 to the small farmer based on the eligible purchase.

92 5. The Missouri department of revenue shall accept a certificate
93 of tax credit in lieu of other payment in such amount as is equal to the
94 lesser of the amount of the tax or the remaining unused amount of the
95 credit as indicated on the certificate of tax credit, and shall indicate on
96 the certificate of tax credit the amount of tax thereby paid and the date
97 of such payment.

98 6. The following provisions shall apply to tax credits authorized
99 under this section:

100 (1) Tax credits claimed in a taxable year may be claimed on a
101 quarterly basis and applied to the estimated quarterly tax of the small
102 farmer;

103 (2) Any amount of tax credit which exceeds the tax due,
104 including any estimated quarterly taxes paid by the small farmer under
105 subdivision (1) of this subsection which results in an overpayment of
106 taxes for a taxable year, shall not be refunded but may be carried over
107 to any subsequent taxable year, not to exceed a total of three years;

108 (3) Notwithstanding any provision of law to the contrary, a small
109 farmer may assign, transfer, or sell tax credits authorized under this
110 section, with the new owner of the tax credit receiving the same rights
111 in the tax credit as the small farmer. For any tax credits assigned,
112 transferred, sold, or otherwise conveyed, a notarized endorsement shall
113 be filed by the small farmer with the authority specifying the name and
114 address of the new owner of the tax credit and the value of such tax
115 credit.

116 7. Notwithstanding any provision of law to the contrary, no tax
117 credits provided under this section shall be authorized on or after
118 August 28, 2014. The provisions of this subsection shall not be
119 construed to limit or in any way impair the department's ability to

120 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**
121 **ability to redeem such tax credits.**

447.708. 1. For eligible projects, the director of the department of
2 economic development, with notice to the directors of the departments of natural
3 resources and revenue, and subject to the other provisions of sections 447.700 to
4 447.718, may not create a new enterprise zone but may decide that a prospective
5 operator of a facility being remedied and renovated pursuant to sections 447.700
6 to 447.718 may receive the tax credits and exemptions pursuant to sections
7 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits allowed
8 pursuant to this subsection shall be used to offset the tax imposed by chapter
9 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax
10 otherwise imposed by chapter 147, or the tax otherwise imposed by chapter
11 148. **Notwithstanding any provisions of law to the contrary, the**
12 **department shall not authorize tax credits and exemptions pursuant to**
13 **this subsection after June 30, 2011.** For purposes of this subsection:

14 (1) For receipt of the ad valorem tax abatement pursuant to section
15 135.215, the eligible project must create at least ten new jobs or retain businesses
16 which supply at least twenty-five existing jobs. The city, or county if the eligible
17 project is not located in a city, must provide ad valorem tax abatement of at least
18 fifty percent for a period not less than ten years and not more than twenty-five
19 years;

20 (2) For receipt of the income tax exemption pursuant to section 135.220
21 and tax credit for new or expanded business facilities pursuant to sections
22 135.100 to 135.150, and 135.225, the eligible project must create at least ten new
23 jobs or retain businesses which supply at least twenty-five existing jobs, or
24 combination thereof. For purposes of sections 447.700 to 447.718, the tax credits
25 described in section 135.225 are modified as follows: the tax credit shall be four
26 hundred dollars per employee per year, an additional four hundred dollars per
27 year for each employee exceeding the minimum employment thresholds of ten and
28 twenty-five jobs for new and existing businesses, respectively, an additional four
29 hundred dollars per year for each person who is a person difficult to employ as
30 defined by section 135.240, and investment tax credits at the same amounts and
31 levels as provided in subdivision (4) of subsection 1 of section 135.225;

32 (3) For eligibility to receive the income tax refund pursuant to section
33 135.245, the eligible project must create at least ten new jobs or retain businesses
34 which supply at least twenty-five existing jobs, or combination thereof, and

35 otherwise comply with the provisions of section 135.245 for application and use
36 of the refund and the eligibility requirements of this section;

37 (4) The eligible project operates in compliance with applicable
38 environmental laws and regulations, including permitting and registration
39 requirements, of this state as well as the federal and local requirements;

40 (5) The eligible project operator shall file such reports as may be required
41 by the director of economic development or the director's designee;

42 (6) The taxpayer may claim the state tax credits authorized by this
43 subsection and the state income exemption for a period not in excess of ten
44 consecutive tax years. For the purpose of this section, "taxpayer" means an
45 individual proprietorship, partnership or corporation described in section 143.441
46 or 143.471 who operates an eligible project. The director shall determine the
47 number of years the taxpayer may claim the state tax credits and the state
48 income exemption based on the projected net state economic benefits attributed
49 to the eligible project;

50 (7) For the purpose of meeting the new job requirement prescribed in
51 subdivisions (1), (2) and (3) of this subsection, it shall be required that at least
52 ten new jobs be created and maintained during the taxpayer's tax period for
53 which the credits are earned, in the case of an eligible project that does not
54 replace a similar facility in Missouri. "New job" means a person who was not
55 previously employed by the taxpayer or related taxpayer within the twelve-month
56 period immediately preceding the time the person was employed by that taxpayer
57 to work at, or in connection with, the eligible project on a full-time basis. "Full-
58 time basis" means the employee works an average of at least thirty-five hours per
59 week during the taxpayer's tax period for which the tax credits are earned. For
60 the purposes of this section, related taxpayer has the same meaning as defined
61 in subdivision (9) of section 135.100;

62 (8) For the purpose of meeting the existing job retention requirement, if
63 the eligible project replaces a similar facility that closed elsewhere in Missouri
64 prior to the end of the taxpayer's tax period in which the tax credits are earned,
65 it shall be required that at least twenty-five existing jobs be retained at, and in
66 connection with the eligible project, on a full-time basis during the taxpayer's tax
67 period for which the credits are earned. "Retained job" means a person who was
68 previously employed by the taxpayer or related taxpayer, at a facility similar to
69 the eligible project that closed elsewhere in Missouri prior to the end of the
70 taxpayer's tax period in which the tax credits are earned, within the tax period

71 immediately preceding the time the person was employed by the taxpayer to work
72 at, or in connection with, the eligible project on a full-time basis. "Full-time
73 basis" means the employee works an average of at least thirty-five hours per week
74 during the taxpayer's tax period for which the tax credits are earned;

75 (9) In the case where an eligible project replaces a similar facility that
76 closed elsewhere in Missouri prior to the end of the taxpayer's tax period in which
77 the tax credits are earned, the owner and operator of the eligible project shall
78 provide the director with a written statement explaining the reason for
79 discontinuing operations at the closed facility. The statement shall include a
80 comparison of the activities performed at the closed facility prior to the date the
81 facility ceased operating, to the activities performed at the eligible project, and
82 a detailed account describing the need and rationale for relocating to the eligible
83 project. If the director finds the relocation to the eligible project significantly
84 impaired the economic stability of the area in which the closed facility was
85 located, and that such move was detrimental to the overall economic development
86 efforts of the state, the director may deny the taxpayer's request to claim tax
87 benefits;

88 (10) Notwithstanding any provision of law to the contrary, for the purpose
89 of this section, the number of new jobs created and maintained, the number of
90 existing jobs retained, and the value of new qualified investment used at the
91 eligible project during any tax year shall be determined by dividing by twelve, in
92 the case of jobs, the sum of the number of individuals employed at the eligible
93 project, or in the case of new qualified investment, the value of new qualified
94 investment used at the eligible project, on the last business day of each full
95 calendar month of the tax year. If the eligible project is in operation for less than
96 the entire tax year, the number of new jobs created and maintained, the number
97 of existing jobs retained, and the value of new qualified investment created at the
98 eligible project during any tax year shall be determined by dividing the sum of
99 the number of individuals employed at the eligible project, or in the case of new
100 qualified investment, the value of new qualified investment used at the eligible
101 project, on the last business day of each full calendar month during the portion
102 of the tax year during which the eligible project was in operation, by the number
103 of full calendar months during such period;

104 (11) For the purpose of this section, "new qualified investment" means
105 new business facility investment as defined and as determined in subdivision (7)
106 of section 135.100 which is used at and in connection with the eligible

107 project. "New qualified investment" shall not include small tools, supplies and
108 inventory. "Small tools" means tools that are portable and can be hand held.

109 2. The determination of the director of economic development pursuant
110 to subsection 1 of this section shall not affect requirements for the prospective
111 purchaser to obtain the approval of the granting of real property tax abatement
112 by the municipal or county government where the eligible project is located.

113 3. (1) The director of the department of economic development, with the
114 approval of the director of the department of natural resources, may, [in addition
115 to the tax credits allowed in subsection 1 of this section,] grant a remediation tax
116 credit to the applicant for up to one hundred percent of the costs of materials,
117 supplies, equipment, labor, [professional engineering, consulting and
118 architectural fees,] permitting fees and expenses, demolition, asbestos abatement,
119 and direct utility charges for performing the voluntary remediation activities for
120 the preexisting hazardous substance contamination and releases, including, but
121 not limited to, the costs of performing operation and maintenance of the
122 remediation equipment at the property beyond the year in which the systems and
123 equipment are built and installed at the eligible project and the costs of
124 performing the voluntary remediation activities over a period not in excess of four
125 tax years following the taxpayer's tax year in which the system and equipment
126 were first put into use at the eligible project, provided the remediation activities
127 are the subject of a plan submitted to, and approved by, the director of natural
128 resources pursuant to sections 260.565 to 260.575. **The director of the**
129 **department of economic development, with the approval of the director**
130 **of the department of natural resources, may also grant a remediation**
131 **tax credit to the applicant for up to twenty-five percent of the costs of**
132 **professional engineering, consulting, and architectural fees.** The tax
133 credit may also include up to one hundred percent of the costs of demolition that
134 are not directly part of the remediation activities, provided that the demolition
135 is on the property where the voluntary remediation activities are occurring, the
136 demolition is necessary to accomplish the planned use of the facility where the
137 remediation activities are occurring, and the demolition is part of a
138 redevelopment plan approved by the municipal or county government and the
139 department of economic development. The demolition may occur on an adjacent
140 property if the project is located in a municipality which has a population less
141 than twenty thousand and the above conditions are otherwise met. The adjacent
142 property shall independently qualify as abandoned or underutilized. The amount

143 of the credit available for demolition not associated with remediation cannot
144 exceed the total amount of credits approved for remediation including demolition
145 required for remediation.

146 (2) The amount of remediation tax credits issued shall be limited to the
147 least amount necessary to cause the project to occur, as determined by the
148 director of the department of economic development.

149 (3) The director may, with the approval of the director of natural
150 resources, extend the tax credits allowed for performing voluntary remediation
151 maintenance activities, in increments of three-year periods, not to exceed five
152 consecutive three-year periods. The tax credits allowed in this subsection shall
153 be used to offset the tax imposed by chapter 143, excluding withholding tax
154 imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter
155 147, or the tax otherwise imposed by chapter 148. The remediation tax credit
156 may be taken in the same tax year in which the tax credits are received or may
157 be taken over a period not to exceed twenty years.

158 (4) The project facility shall be projected to create at least ten new jobs
159 or at least twenty-five retained jobs, or a combination thereof, as determined by
160 the department of economic development, to be eligible for tax credits pursuant
161 to this section.

162 (5) No more than seventy-five percent of earned remediation tax credits
163 may be issued when the remediation costs were paid, and the remaining
164 percentage may be issued when the department of natural resources issues a
165 letter of completion letter or covenant not to sue following completion of the
166 voluntary remediation activities. It shall not include any costs associated with
167 ongoing operational environmental compliance of the facility or remediation costs
168 arising out of spills, leaks, or other releases arising out of the ongoing business
169 operations of the facility. In the event the department of natural resources issues
170 a letter of completion for a portion of a property, an impacted media such as soil
171 or groundwater, or for a site or a portion of a site improvement, a prorated
172 amount of the remaining percentage may be released based on the percentage of
173 the total site receiving a letter of completion.

174 4. In the exercise of the sound discretion of the director of the department
175 of economic development or the director's designee, the tax credits and
176 exemptions described in this section may be terminated, suspended or revoked,
177 if the eligible project fails to continue to meet the conditions set forth in this
178 section, **including creating or retaining the jobs required under**

179 **subsection 3 of this section.** In making such a determination, the director
180 shall consider the severity of the condition violation, actions taken to correct the
181 violation, the frequency of any condition violations and whether the actions
182 exhibit a pattern of conduct by the eligible facility owner and operator. The
183 director shall also consider changes in general economic conditions and the
184 recommendation of the director of the department of natural resources, or his or
185 her designee, concerning the severity, scope, nature, frequency and extent of any
186 violations of the environmental compliance conditions. The taxpayer or person
187 claiming the tax credits or exemptions may appeal the decision regarding
188 termination, suspension or revocation of any tax credit or exemption in
189 accordance with the procedures outlined in subsections 4 to 6 of section
190 135.250. The director of the department of economic development shall notify the
191 directors of the departments of natural resources and revenue of the termination,
192 suspension or revocation of any tax credits as determined in this section or
193 pursuant to the provisions of section 447.716.

194 5. Notwithstanding any provision of law to the contrary, no taxpayer shall
195 earn the tax credits, exemptions or refund otherwise allowed in subdivisions (2),
196 (3) and (4) of subsection 1 of this section and the tax credits otherwise allowed in
197 section 135.110, or the tax credits, exemptions and refund otherwise allowed in
198 sections 135.215, 135.220, 135.225 and 135.245, respectively, for the same facility
199 for the same tax period.

200 6. The total amount of the tax credits allowed in subsection 1 of this
201 section may not exceed the greater of:

202 (1) That portion of the taxpayer's income attributed to the eligible project;
203 or

204 (2) One hundred percent of the total business' income tax if the eligible
205 facility does not replace a similar facility that closed elsewhere in Missouri prior
206 to the end of the taxpayer's tax period in which the tax credits are earned, and
207 further provided the taxpayer does not operate any other facilities besides the
208 eligible project in Missouri; fifty percent of the total business' income tax if the
209 eligible facility replaces a similar facility that closed elsewhere in Missouri prior
210 to the end of the taxpayer's tax period in which the credits are earned, and
211 further provided the taxpayer does not operate any other facilities besides the
212 eligible project in Missouri; or twenty-five percent of the total business income if
213 the taxpayer operates, in addition to the eligible facility, any other facilities in
214 Missouri. In no case shall a taxpayer operating more than one eligible project in

215 Missouri be allowed to offset more than twenty-five percent of the taxpayer's
216 business income in any tax period. That portion of the taxpayer's income
217 attributed to the eligible project as referenced in subdivision (1) of this
218 subsection, for which the credits allowed in sections 135.110 and 135.225 and
219 subsection 3 of this section, may apply, shall be determined in the same manner
220 as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's
221 franchise tax attributed to the eligible project for which the remediation tax
222 credit may offset, shall be determined in the same manner as prescribed in
223 paragraph (a) of subdivision (6) of section 135.100.

224 7. Taxpayers claiming the state tax benefits allowed in subdivisions (2)
225 and (3) of subsection 1 of this section shall be required to file all applicable tax
226 credit applications, forms and schedules prescribed by the director during the
227 taxpayer's tax period immediately after the tax period in which the eligible
228 project was first put into use. Otherwise, the taxpayer's right to claim such state
229 tax benefits shall be forfeited. Unused business facility and enterprise zone tax
230 credits shall not be carried forward but shall be initially claimed for the tax
231 period during which the eligible project was first capable of being used, and
232 during any applicable subsequent tax periods.

233 8. Taxpayers claiming the remediation tax credit allowed in subsection 3
234 of this section shall be required to file all applicable tax credit applications, forms
235 and schedules prescribed by the director during the taxpayer's tax period
236 immediately after the tax period in which the eligible project was first put into
237 use, or during the taxpayer's tax period immediately after the tax period in which
238 the voluntary remediation activities were performed.

239 9. The recipient of remediation tax credits, for the purpose of this
240 subsection referred to as assignor, may assign, sell or transfer, in whole or in
241 part, the remediation tax credit allowed in subsection 3 of this section to any
242 other person, for the purpose of this subsection referred to as assignee. To perfect
243 the transfer, the assignor shall provide written notice to the director of the
244 assignor's intent to transfer the tax credits to the assignee, the date the transfer
245 is effective, the assignee's name, address and the assignee's tax period and the
246 amount of tax credits to be transferred. The number of tax periods during which
247 the assignee may subsequently claim the tax credits shall not exceed twenty tax
248 periods, less the number of tax periods the assignor previously claimed the credits
249 before the transfer occurred.

250 10. In the case where an operator and assignor of an eligible project has

251 been certified to claim state tax benefits allowed in subdivisions (2) and (3) of
252 subsection 1 of this section, and sells or otherwise transfers title of the eligible
253 project to another taxpayer or assignee who continues the same or substantially
254 similar operations at the eligible project, the director shall allow the assignee to
255 claim the credits for a period of time to be determined by the director; except
256 that, the total number of tax periods the tax credits may be earned by the
257 assignor and the assignee shall not exceed ten. To perfect the transfer, the
258 assignor shall provide written notice to the director of the assignor's intent to
259 transfer the tax credits to the assignee, the date the transfer is effective, the
260 assignee's name, address, and the assignee's tax period, and the amount of tax
261 credits to be transferred.

262 11. For the purpose of the state tax benefits described in this section, in
263 the case of a corporation described in section 143.471 or partnership, in
264 computing Missouri's tax liability, such state benefits shall be allowed to the
265 following:

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

267 (2) The partners of the partnership. The credit provided in this
268 subsection shall be apportioned to the entities described in subdivisions (1) and
269 (2) of this subsection in proportion to their share of ownership on the last day of
270 the taxpayer's tax period.

271 **12. For each fiscal year beginning on or after July 1, 2011, the**
272 **total amount of tax credits authorized under the provisions of sections**
273 **447.700 to 447.718 shall not exceed twenty-five million dollars. No more**
274 **than five million dollars in tax credits authorized under the provisions**
275 **of sections 447.700 to 447.718 shall be authorized in any fiscal year for**
276 **projects which receive benefits under the provisions of section**
277 **99.1205. Taxpayers receiving tax credits provided under sections**
278 **447.700 to 447.718 shall not simultaneously receive any other state**
279 **benefit unless the department of economic development determines**
280 **that such project shall result in a positive fiscal benefit to the state. If**
281 **within six years of the date the project investment is made by the**
282 **taxpayer, the department determines that the project has not resulted**
283 **in a positive fiscal benefit to the state, the department shall recapture**
284 **the amount of tax credits issued which exceed the state benefit.**

285 **13. Notwithstanding any provision of law to the contrary, no tax**
286 **credits provided under sections 447.700 to 447.718 shall be authorized**

287 **on or after August 28, 2014. The provisions of this subsection shall not**
288 **be construed to limit or in any way impair the department's ability to**
289 **issue tax credits authorized prior to August 28, 2014, or a taxpayer's**
290 **ability to redeem such tax credits.**

620.495. 1. This section shall be known as the "Small Business
2 Incubators Act".

3 2. As used in this section, unless the context clearly indicates otherwise,
4 the following words and phrases shall mean:

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

6 (2) "Incubator", a program in which small units of space may be leased by
7 a tenant and in which management maintains or provides access to business
8 development services for use by tenants or a program without infrastructure in
9 which participants avail themselves of business development services to assist in
10 the growth of their start-up small businesses;

11 (3) "Local sponsor" or "sponsor", an organization which enters into a
12 written agreement with the department to establish, operate and administer a
13 small business incubator program or to provide funding to an organization which
14 operates such a program;

15 (4) "Participant", a sole proprietorship, business partnership or
16 corporation operating a business for profit through which the owner avails
17 himself or herself of business development services in an incubator program;

18 (5) "Tenant", a sole proprietorship, business partnership or corporation
19 operating a business for profit and leasing or otherwise occupying space in an
20 incubator.

21 3. There is hereby established under the direction of the department a
22 loan, loan guarantee and grant program for the establishment, operation and
23 administration of small business incubators, to be known as the "Small Business
24 Incubator Program". A local sponsor may submit an application to the
25 department to obtain a loan, loan guarantee or grant to establish an
26 incubator. Each application shall:

27 (1) Demonstrate that a program exists that can be transformed into an
28 incubator at a specified cost;

29 (2) Demonstrate the ability to directly provide or arrange for the provision
30 of business development services for tenants and participants of the
31 incubator. These services shall include, but need not be limited to, financial
32 consulting assistance, management and marketing assistance, business education,

33 and physical services;

34 (3) Demonstrate a potential for sustained use of the incubator program by
35 eligible tenants and participants, through a market study or other means;

36 (4) Demonstrate the ability to manage and operate the incubator program;

37 (5) Include such other information as the department may require through
38 its guidelines.

39 4. The department shall review and accept applications based on the
40 following criteria:

41 (1) Ability of the local sponsor to carry out the provisions of this section;

42 (2) Economic impact of the incubator on the community;

43 (3) Conformance with areawide and local economic development plans, if
44 such exist;

45 (4) Location of the incubator, in order to encourage geographic
46 distribution of incubators across the state.

47 5. Loans, loan guarantees and grants shall be administered in the
48 following manner:

49 (1) Loans awarded or guaranteed and grants awarded shall be used only
50 for the acquisition and leasing of land and existing buildings, the rehabilitation
51 of buildings or other facilities, construction of new facilities, the purchase of
52 equipment and furnishings which are necessary for the creation and operation of
53 the incubator, and business development services including, but not limited to,
54 business management advising and business education;

55 (2) Loans, loan guarantees and grants may not exceed fifty percent of total
56 eligible project costs;

57 (3) Payment of interest and principal on loans may be deferred at the
58 discretion of the department; **and**

59 **(4) Loans and grants shall only be available upon receipt of**
60 **matching private funds.**

61 6. A local sponsor, or the organization receiving assistance through the
62 local sponsor, shall have the following responsibilities and duties in establishing
63 and operating an incubator with assistance from the small business incubator
64 program:

65 (1) Secure title on a facility for the program or a lease of a facility for the
66 program;

67 (2) Manage the physical development of the incubator program, including
68 the provision of common conference or meeting space;

69 (3) Furnish and equip the program to provide business services to the
70 tenants and participants;

71 (4) Market the program and secure eligible tenants and participants;

72 (5) Provide financial consulting, marketing and management assistance
73 services or arrange for the provision of these services for tenants and participants
74 of the incubator, including assistance in accessing private financial markets;

75 (6) Set rental and service fees;

76 (7) Encourage the sharing of ideas between tenants and participants and
77 otherwise aid the tenants and participants in an innovative manner while they
78 are within the incubator;

79 (8) Establish policies and criteria for the acceptance of tenants and
80 participants into the incubator and for the termination of occupancy of tenants
81 so as to maximize the opportunity to succeed for the greatest number of tenants,
82 consistent with those specified in this section.

83 7. The department:

84 (1) May adopt such rules, statements of policy, procedures, forms and
85 guidelines as may be necessary for the implementation of this section;

86 (2) May make loans, loan guarantees and grants to local sponsors for
87 incubators;

88 (3) Shall ensure that local sponsors receiving loans, loan guarantees or
89 grants meet the conditions of this section;

90 (4) Shall receive and evaluate annual reports from local sponsors. Such
91 annual reports shall include, but need not be limited to, a financial statement for
92 the incubator, evidence that all tenants and participants in the program are
93 eligible under the terms of this section, and a list of companies in the incubator.

94 8. The department of economic development is also hereby authorized to
95 review any previous loans made under this program and, where appropriate in
96 the department's judgment, convert such loans to grant status.

97 9. On or before January first of each year, the department shall provide
98 a report to the governor, the chief clerk of the house of representatives and the
99 secretary of the senate which shall include, but need not be limited to:

100 (1) The number of applications for incubators submitted to the
101 department;

102 (2) The number of applications for incubators approved by the
103 department;

104 (3) The number of incubators created through the small business

105 incubator program;

106 (4) The number of tenants and participants engaged in each incubator;

107 (5) The number of jobs provided by each incubator and tenants and
108 participant of each incubator;

109 (6) The occupancy rate of each incubator;

110 (7) The number of firms still operating in the state after leaving
111 incubators and the number of jobs they have provided.

112 10. There is hereby established in the state treasury a special fund to be
113 known as the "Missouri Small Business Incubators Fund", which shall consist of
114 all moneys which may be appropriated to it by the general assembly, and also any
115 gifts, contributions, grants or bequests received from federal, private or other
116 sources. Moneys for loans, loan guarantees and grants under the small business
117 incubator program may be obtained from appropriations made by the general
118 assembly from the Missouri small business incubators fund. Any moneys
119 remaining in the Missouri small business incubators fund at the end of any fiscal
120 year shall not lapse to the general revenue fund, as provided in section 33.080,
121 but shall remain in the Missouri small business incubators fund.

122 11. For any taxable year beginning after December 31, 1989, a taxpayer,
123 including any charitable organization which is exempt from federal income tax
124 and whose Missouri unrelated business taxable income, if any, would be subject
125 to the state income tax imposed under chapter 143, shall be entitled to a tax
126 credit against any tax otherwise due under the provisions of chapter 143, or
127 chapter 147, or chapter 148, excluding withholding tax imposed by sections
128 143.191 to 143.265, in the amount of fifty percent of any amount contributed by
129 the taxpayer to the Missouri small business incubators fund during the taxpayer's
130 tax year or any contribution by the taxpayer to a local sponsor after the local
131 sponsor's application has been accepted and approved by the department. The
132 tax credit allowed by this subsection shall be claimed by the taxpayer at the time
133 he files his return and shall be applied against the income tax liability imposed
134 by chapter 143, or chapter 147, or chapter 148, after all other credits provided by
135 law have been applied. That portion of earned tax credits which exceeds the
136 taxpayer's tax liability may be carried forward for up to five years. The aggregate
137 of all tax credits authorized under this section shall not exceed five hundred
138 thousand dollars in any taxable year. **Notwithstanding provisions of law to**
139 **the contrary, no tax credits authorized under the provision of this**
140 **section shall be authorized on or after the effective date of this**

141 **act. The provisions of this subsection shall not be construed to limit or**
142 **in any way impair the department's ability to issue tax credits**
143 **authorized prior to the effective date of this act, or a taxpayer's ability**
144 **to redeem such tax credits.**

145 12. Notwithstanding any provision of Missouri law to the contrary, any
146 taxpayer may sell, assign, exchange, convey or otherwise transfer tax credits
147 allowed in subsection 11 of this section under the terms and conditions prescribed
148 in subdivisions (1) and (2) of this subsection. Such taxpayer, hereinafter the
149 assignor for the purpose of this subsection, may sell, assign, exchange or
150 otherwise transfer earned tax credits:

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

153 (2) In an amount not to exceed one hundred percent of annual earned
154 credits. The taxpayer acquiring earned credits, hereinafter the assignee for the
155 purpose of this subsection, may use the acquired credits to offset up to one
156 hundred percent of the tax liabilities otherwise imposed by chapter 143, or
157 chapter 147, or chapter 148 excluding withholding tax imposed by sections
158 143.191 to 143.265. Unused credits in the hands of the assignee may be carried
159 forward for up to five years. The assignor shall enter into a written agreement
160 with the assignee establishing the terms and conditions of the agreement and
161 shall perfect such transfer by notifying the department of economic development
162 in writing within thirty calendar days following the effective day of the transfer
163 and shall provide any information as may be required by the department of
164 economic development to administer and carry out the provisions of this
165 section. The director of the department of economic development shall prescribe
166 the method for submitting applications for claiming the tax credit allowed under
167 subsection 11 of this section and shall, if the application is approved, certify to
168 the director of revenue that the taxpayer claiming the credit has satisfied all the
169 requirements specified in this section and is eligible to claim the credit.

660.055. 1. Any registered caregiver who meets the requirements of this
2 section shall be eligible for a shared care tax credit in an amount not to exceed
3 five hundred dollars to defray the cost of caring for an elderly person. In order
4 to be eligible for a shared care tax credit, a registered caregiver shall:

5 (1) Care for an elderly person, age sixty or older, who:

6 (a) Is physically or mentally incapable of living alone, as determined and
7 certified by his or her physician licensed pursuant to chapter 334, or by the

8 division of aging staff when an assessment has been completed for the purpose
9 of qualification for other services; and

10 (b) Requires assistance with activities of daily living to the extent that
11 without care and oversight at home would require placement in a facility licensed
12 pursuant to chapter 198; and

13 (c) Under no circumstances, is able or allowed to operate a motor vehicle;
14 and

15 (d) Does not receive funding or services through Medicaid or social
16 services block grant funding;

17 (2) Live in the same residence to give protective oversight for the elderly
18 person meeting the requirements described in subdivision (1) of this subsection
19 for an aggregate of more than six months per tax year;

20 (3) Not receive monetary compensation for providing care for the elderly
21 person meeting the requirements described in subdivision (1) of this subsection;
22 and

23 (4) File the original completed and signed physician certification for
24 shared care tax credit form or the original completed and signed division of aging
25 certification for shared care tax credit form provided for in subsection 2 of section
26 660.054 along with such caregiver's Missouri individual income tax return to the
27 department of revenue.

28 2. The tax credit allowed by this section shall apply to any year beginning
29 after December 31, 1999.

30 3. Any rule or portion of a rule, as that term is defined in section 536.010,
31 that is created under the authority delegated in sections 660.050 to 660.057 shall
32 become effective only if it complies with and is subject to all of the provisions of
33 chapter 536 and, if applicable, section 536.028. All rulemaking authority
34 delegated prior to August 28, 1999, is of no force and effect and
35 repealed. Nothing in this section shall be interpreted to repeal or affect the
36 validity of any rule filed or adopted prior to August 28, 1999, if it fully complied
37 with all applicable provisions of law. This section and chapter 536 are
38 nonseverable and if any of the powers vested with the general assembly pursuant
39 to chapter 536 to review, to delay the effective date or to disapprove and annul
40 a rule are subsequently held unconstitutional, then the grant of rulemaking
41 authority and any rule proposed or adopted after August 28, 1999, shall be
42 invalid and void.

43 4. Any person who knowingly falsifies any document required for the

44 shared care tax credit shall be subject to the same penalties for falsifying other
45 tax documents as provided in chapter 143.

46 **5. Notwithstanding any provision of law to the contrary, no tax**
47 **credits provided under this section shall be authorized on or after**
48 **August 28, 2015. The provisions of this subsection shall not be**
49 **construed to limit or in any way impair the department's ability to**
50 **issue tax credits authorized prior to August 28, 2015, or a taxpayer's**
51 **ability to redeem such tax credits.**

[135.313. 1. Any person, firm or corporation who engages
2 in the business of producing charcoal or charcoal products in the
3 state of Missouri shall be eligible for a tax credit on income taxes
4 otherwise due pursuant to chapter 143, except sections 143.191 to
5 143.261, as an incentive to implement safe and efficient
6 environmental controls. The tax credit shall be equal to fifty
7 percent of the purchase price of the best available control
8 technology equipment connected with the production of charcoal in
9 the state of Missouri or, if the taxpayer manufactures such
10 equipment, fifty percent of the manufacturing cost of the
11 equipment, to and including the year the equipment is put into
12 service. The credit may be claimed for a period of eight years
13 beginning with the 1998 calendar year and is to be a tax credit
14 against the tax otherwise due.

15 2. Any amount of credit which exceeds the tax due shall not
16 be refunded but may be carried over to any subsequent taxable
17 year, not to exceed seven years.

18 3. The charcoal producer may elect to assign to a third
19 party the approved tax credit. Certification of assignment and
20 other appropriate forms must be filed with the Missouri
21 department of revenue and the department of economic
22 development.

23 4. When applying for a tax credit, the charcoal producer
24 specified in subsection 1 of this section shall make application for
25 the credit to the division of environmental quality of the
26 department of natural resources. The application shall identify the
27 specific best available control technology equipment and the
28 purchase price, or manufacturing cost of such equipment. The

29 director of the department of natural resources is authorized to
30 require permits to construct prior to the installation of best
31 available control technology equipment and other information
32 which he or she deems appropriate.

33 5. The director of the department of natural resources in
34 conjunction with the department of economic development shall
35 certify to the department of revenue that the best available control
36 technology equipment meets the requirements to obtain a tax credit
37 as specified in this section.]

 [143.119. 1. A self-employed taxpayer, as such term is used
2 in the federal internal revenue code, who is otherwise ineligible for
3 the federal income tax health insurance deduction under Section
4 162 of the federal internal revenue code shall be entitled to a credit
5 against the tax otherwise due under this chapter, excluding
6 withholding tax imposed by sections 143.191 to 143.265, in an
7 amount equal to the portion of such taxpayer's federal tax liability
8 incurred due to such taxpayer's inclusion of such payments in
9 federal adjusted gross income. The tax credits authorized under
10 this section shall be nontransferable. To the extent tax credit
11 issued under this section exceeds a taxpayer's state income tax
12 liability, such excess shall be considered an overpayment of tax and
13 shall be refunded to the taxpayer.

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

 [348.505. 1. As used in this section, "state tax liability",

2 any state tax liability incurred by a taxpayer under the provisions
3 of chapters 143, 147, and 148, exclusive of the provisions relating
4 to the withholding of tax as provided for in sections 143.191 to
5 143.265 and related provisions.

6 2. Any eligible lender under the family farm livestock loan
7 program under section 348.500 shall be entitled to receive a tax
8 credit equal to one hundred percent of the amount of interest
9 waived by the lender under section 348.500 on a qualifying loan for
10 the first year of the loan only. The tax credit shall be evidenced by
11 a tax credit certificate issued by the agricultural and small
12 business development authority and may be used to satisfy the
13 state tax liability of the owner of such certificate that becomes due
14 in the tax year in which the interest on a qualified loan is waived
15 by the lender under section 348.500. No lender may receive a tax
16 credit under this section unless such person presents a tax credit
17 certificate to the department of revenue for payment of such state
18 tax liability. The amount of the tax credits that may be issued to
19 all eligible lenders claiming tax credits authorized in this section
20 in a fiscal year shall not exceed three hundred thousand dollars.

21 3. The agricultural and small business development
22 authority shall be responsible for the administration and issuance
23 of the certificate of tax credits authorized by this section. The
24 authority shall issue a certificate of tax credit at the request of any
25 lender. Each request shall include a true copy of the loan
26 documents, the name of the lender who is to receive a certificate of
27 tax credit, the type of state tax liability against which the tax
28 credit is to be used, and the amount of the certificate of tax credit
29 to be issued to the lender based on the interest waived by the
30 lender under section 348.500 on the loan for the first year.

31 4. The Missouri department of revenue shall accept a
32 certificate of tax credit in lieu of other payment in such amount as
33 is equal to the lesser of the amount of the tax or the remaining
34 unused amount of the credit as indicated on the certificate of tax
35 credit, and shall indicate on the certificate of tax credit the amount
36 of tax thereby paid and the date of such payment.

37 5. The following provisions shall apply to tax credits

38 authorized under this section:

39 (1) Tax credits claimed in a taxable year may be claimed on
40 a quarterly basis and applied to the estimated quarterly tax of the
41 lender;

42 (2) Any amount of tax credit which exceeds the tax due,
43 including any estimated quarterly taxes paid by the lender under
44 subdivision (1) of this subsection which results in an overpayment
45 of taxes for a taxable year, shall not be refunded but may be
46 carried over to any subsequent taxable year, not to exceed a total
47 of three years for which a tax credit may be taken for a qualified
48 family farm livestock loan;

49 (3) Notwithstanding any provision of law to the contrary, a
50 lender may assign, transfer or sell tax credits authorized under
51 this section, with the new owner of the tax credit receiving the
52 same rights in the tax credit as the lender. For any tax credits
53 assigned, transferred, sold, or otherwise conveyed, a notarized
54 endorsement shall be filed by the lender with the authority
55 specifying the name and address of the new owner of the tax credit
56 and the value of such tax credit; and

57 (4) Notwithstanding any other provision of this section to
58 the contrary, any commercial bank may use tax credits created
59 under this section as provided in section 148.064 and receive a net
60 tax credit against taxes actually paid in the amount of the first
61 year's interest on loans made under this section. If such first year
62 tax credits reduce taxes due as provided in section 148.064 to zero,
63 the remaining tax credits may be carried over as otherwise
64 provided in this section and utilized as provided in section 148.064
65 in subsequent years.]

Section B. Because immediate action is necessary to secure adequate state
2 revenue, section A of this act is deemed necessary for the immediate preservation
3 of the public health, welfare, peace and safety, and is hereby declared to be an
4 emergency act within the meaning of the constitution, and section A of this act
5 shall be in full force and effect upon its passage and approval.

✓