

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 100
96TH GENERAL ASSEMBLY

0725L.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 32.028, 32.057, 32.087, 67.1303, 105.716, 135.010, 135.025, 135.030, 135.352, 135.484, 135.1150, 144.083, 168.071, 215.020, 215.033, 253.545, 253.550, 253.557, 253.559, 447.708, 620.1878, 620.1881, and 620.1900, RSMo, and to enact in lieu thereof forty-nine new sections relating to economic incentives and taxation policy, with a penalty provision and an emergency clause for certain sections.

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

Section A. Sections 32.028, 32.057, 32.087, 67.1303, 105.716, 135.010, 135.025, 2 135.030, 135.352, 135.484, 135.1150, 144.083, 168.071, 215.020, 215.033, 253.545, 253.550, 3 253.557, 253.559, 447.708, 620.1878, 620.1881, and 620.1900, RSMo, are repealed and forty- 4 nine new sections enacted in lieu thereof, to be known as sections 32.028, 32.057, 32.087, 5 32.088, 32.383, 32.385, 32.410, 32.420, 32.430, 32.440, 32.450, 32.460, 67.1303, 67.3000, 6 105.716, 135.010, 135.025, 135.030, 135.352, 135.484, 135.1150, 135.1169, 135.1180, 7 135.1500, 135.1503, 135.1505, 135.1507, 135.1509, 135.1511, 135.1513, 135.1515, 135.1517, 8 135.1519, 135.1521, 140.910, 144.083, 144.810, 168.071, 215.020, 253.545, 253.550, 253.557, 9 253.559, 447.708, 620.1878, 620.1881, 620.1900, 620.2300, and 1, to read as follows:

32.028. 1. There is hereby created a department of revenue in charge of a director 2 appointed by the governor, by and with the advice and consent of the senate. The department 3 shall collect all taxes and fees payable to the state as provided by law, **and may collect, upon 4 referral by a state agency, debts owed to any state agency subject to section 32.420.**

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

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

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

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

15 5. All the powers, duties and functions of the highway reciprocity commission, chapter
16 301, are transferred by type II transfer to the department of revenue.

 32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the
2 director of revenue, any officer, employee, agent or deputy or former director, officer, employee,
3 agent or deputy of the department of revenue, any person engaged or retained by the department
4 of revenue on an independent contract basis, any person to whom authorized or unauthorized
5 disclosure is made by the department of revenue, or any person who lawfully or unlawfully
6 inspects any report or return filed with the department of revenue or to whom a copy, an abstract
7 or a portion of any report or return is furnished by the department of revenue to make known in
8 any manner, to permit the inspection or use of or to divulge to anyone any information relative
9 to any such report or return, any information obtained by an investigation conducted by the
10 department in the discharge of official duty, or any information received by the director in
11 cooperation with the United States or other states in the enforcement of the revenue laws of this
12 state. Such confidential information is limited to information received by the department in
13 connection with the administration of the tax laws of this state.

14 2. Nothing in this section shall be construed to prohibit:

15 (1) The disclosure of information, returns, reports, or facts shown thereby, as described
16 in subsection 1 of this section, by any officer, clerk or other employee of the department of
17 revenue charged with the custody of such information:

18 (a) To a taxpayer or the taxpayer's duly authorized representative under regulations
19 which the director of revenue may prescribe;

20 (b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue
21 laws of this state;

22 (c) To the state auditor or the auditor's duly authorized employees as required by
23 subsection 4 of this section;

24 (d) To any city officer designated by ordinance of a city within this state to collect a city
25 earnings tax, upon written request of such officer, which request states that the request is made
26 for the purpose of determining or enforcing compliance with such city earnings tax ordinance
27 and provided that such information disclosed shall be limited to that sufficient to identify the
28 taxpayer, and further provided that in no event shall any information be disclosed that will result
29 in the department of revenue being denied such information by the United States or any other
30 state. The city officer requesting the identity of taxpayers filing state returns but not paying city

31 earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax,
32 and the director shall compare the list submitted with the director's records and return to such
33 city official the name and address of any taxpayer who is a resident of such city who has filed
34 a state tax return but who does not appear on the list furnished by such city. The director of
35 revenue may set a fee to reimburse the department for the costs reasonably incurred in providing
36 this information;

37 (e) To any employee of any county or other political subdivision imposing a sales tax
38 which is administered by the state department of revenue whose office is authorized by the
39 governing body of the county or other political subdivision to receive any and all records of the
40 state director of revenue pertaining to the administration, collection and enforcement of its sales
41 tax. The request for sales tax records and reports shall include a description of the type of report
42 requested, the media form including electronic transfer, computer tape or disk, or printed form,
43 and the frequency desired. The request shall be made by annual written application and shall be
44 filed with the director of revenue. The director of revenue may set a fee to reimburse the
45 department for the costs reasonably incurred in providing this information. Such city or county
46 or any employee thereof shall be subject to the same standards for confidentiality as required for
47 the department of revenue in using the information contained in the reports;

48 (f) To the director of the department of economic development or the director's duly
49 authorized employees in discharging the director's official duties to certify taxpayers eligibility
50 to claim state tax credits as prescribed by statutes;

51 (g) To any employee of any political subdivision, such records of the director of revenue
52 pertaining to the administration, collection and enforcement of the tax imposed in chapter 149
53 as are necessary for ensuring compliance with any cigarette or tobacco tax imposed by such
54 political subdivision. The request for such records shall be made in writing to the director of
55 revenue, and shall include a description of the type of information requested and the desired
56 frequency. The director of revenue may charge a fee to reimburse the department for costs
57 reasonably incurred in providing such information;

58 **(h) To the public solely relating to the number of cigarettes sold annually by each**
59 **tobacco product manufacturer, including but not limited to such information obtained by**
60 **the department under sections 196.1020 to 196.1035;**

61 (2) The publication by the director of revenue or of the state auditor in the audit reports
62 relating to the department of revenue of:

63 (a) Statistics, statements or explanations so classified as to prevent the identification of
64 any taxpayer or of any particular reports or returns and the items thereof;

65 (b) The names and addresses without any additional information of persons who filed
66 returns and of persons whose tax refund checks have been returned undelivered by the United
67 States Post Office;

68 (3) The director of revenue from permitting the Secretary of the Treasury of the United
69 States or the Secretary's delegates, the proper officer of any state of the United States imposing
70 a tax equivalent to any of the taxes administered by the department of revenue of the state of
71 Missouri or the appropriate representative of the multistate tax commission to inspect any return
72 or report required by the respective tax provision of this state, or may furnish to such officer an
73 abstract of the return or report or supply the officer with information contained in the return or
74 disclosed by the report of any authorized investigation. Such permission, however, shall be
75 granted on condition that the corresponding revenue statute of the United States or of such other
76 state, as the case may be, grants substantially similar privileges to the director of revenue and on
77 further condition that such corresponding statute gives confidential status to the material with
78 which it is concerned;

79 (4) The disclosure of information, returns, reports, or facts shown thereby, by any person
80 on behalf of the director of revenue, in any action or proceeding to which the director is a party
81 or on behalf of any party to any action or proceeding pursuant to the revenue laws of this state
82 when such information is directly involved in the action or proceeding, in either of which events
83 the court may require the production of, and may admit in evidence, so much of such information
84 as is pertinent to the action or proceeding and no more;

85 (5) The disclosure of information, returns, reports, or facts shown thereby, by any person
86 to a state or federal prosecuting official, including, but not limited to, the state and federal
87 attorneys general, or the official's designees involved in any criminal, quasi-criminal, or civil
88 investigation, action or proceeding pursuant to the laws of this state or of the United States when
89 such information is pertinent to an investigation, action or proceeding involving the
90 administration of the revenue laws or duties of public office or employment connected therewith;

91 (6) Any school district from obtaining the aggregate amount of the financial institution
92 tax paid pursuant to chapter 148 by financial institutions located partially or exclusively within
93 the school district's boundaries, provided that the school district request such disclosure in
94 writing to the department of revenue;

95 (7) The disclosure of records which identify all companies licensed by this state pursuant
96 to the provisions of subsections 1 and 2 of section 149.035. The director of revenue may charge
97 a fee to reimburse the department for the costs reasonably incurred in providing such records;

98 (8) The disclosure to the commissioner of administration pursuant to section 34.040 of
99 a list of vendors and their affiliates who meet the conditions of section 144.635, but refuse to
100 collect the use tax levied pursuant to chapter 144 on their sales delivered to this state;

101 (9) The disclosure to the public of any information, or facts shown thereby regarding the
102 claiming of a state tax credit by a member of the Missouri general assembly or any statewide
103 elected public official.

104 3. Any person violating any provision of subsection 1 or 2 of this section shall, upon
105 conviction, be guilty of a class D felony.

106 4. The state auditor or the auditor's duly authorized employees who have taken the oath
107 of confidentiality required by section 29.070 shall have the right to inspect any report or return
108 filed with the department of revenue if such inspection is related to and for the purpose of
109 auditing the department of revenue; except that, the state auditor or the auditor's duly authorized
110 employees shall have no greater right of access to, use and publication of information, audit and
111 related activities with respect to income tax information obtained by the department of revenue
112 pursuant to chapter 143 or federal statute than specifically exists pursuant to the laws of the
113 United States and of the income tax laws of the state of Missouri.

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

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

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

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

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

26 6. On and after the effective date of any local sales tax imposed under the provisions of
27 the local sales tax law, the director of revenue shall perform all functions incident to the
28 administration, collection, enforcement, and operation of the tax, and the director of revenue
29 shall collect in addition to the sales tax for the state of Missouri all additional local sales taxes
30 authorized under the authority of the local sales tax law. **The director shall retain one percent**

31 **of the amount of any local sales or use tax collected for cost of collection.** All local sales
32 taxes imposed under the local sales tax law together with all taxes imposed under the sales tax
33 law of the state of Missouri shall be collected together and reported upon such forms and under
34 such administrative rules and regulations as may be prescribed by the director of revenue.

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

39 8. All exemptions granted to agencies of government, organizations, persons and to the
40 sale of certain articles and items of tangible personal property and taxable services under the
41 provisions of sections 144.010 to 144.525, as these sections now read and as they may hereafter
42 be amended, it being the intent of this general assembly to ensure that the same sales tax
43 exemptions granted from the state sales tax law also be granted under the local sales tax law, are
44 hereby made applicable to the imposition and collection of all local sales taxes imposed under
45 the local sales tax law.

46 9. The same sales tax permit, exemption certificate and retail certificate required by
47 sections 144.010 to 144.525 for the administration and collection of the state sales tax shall
48 satisfy the requirements of the local sales tax law, and no additional permit or exemption
49 certificate or retail certificate shall be required; except that the director of revenue may prescribe
50 a form of exemption certificate for an exemption from any local sales tax imposed by the local
51 sales tax law.

52 10. All discounts allowed the retailer under the provisions of the state sales tax law for
53 the collection of and for payment of taxes under the provisions of the state sales tax law are
54 hereby allowed and made applicable to any local sales tax collected under the provisions of the
55 local sales tax law.

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

59 12. (1) For the purposes of any local sales tax imposed by an ordinance or order under
60 the local sales tax law, all sales, except the sale of motor vehicles, trailers, boats, and outboard
61 motors, shall be deemed to be consummated at the place of business of the retailer unless the
62 tangible personal property sold is delivered by the retailer or his agent to an out-of-state
63 destination. In the event a retailer has more than one place of business in this state which
64 participates in the sale, the sale shall be deemed to be consummated at the place of business of
65 the retailer where the initial order for the tangible personal property is taken, even though the
66 order must be forwarded elsewhere for acceptance, approval of credit, shipment or billing. A
67 sale by a retailer's agent or employee shall be deemed to be consummated at the place of business
68 from which he works.

69 (2) For the purposes of any local sales tax imposed by an ordinance or order under the
70 local sales tax law, all sales of motor vehicles, trailers, boats, and outboard motors shall be
71 deemed to be consummated at the residence of the purchaser and not at the place of business of
72 the retailer, or the place of business from which the retailer's agent or employee works.

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

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

82 14. The director of revenue and any of his **or her** deputies, assistants and employees who
83 have any duties or responsibilities in connection with the collection, deposit, transfer, transmittal,
84 disbursement, safekeeping, accounting, or recording of funds which come into the hands of the
85 director of revenue under the provisions of the local sales tax law shall enter a surety bond or
86 bonds payable to any and all taxing entities in whose behalf such funds have been collected
87 under the local sales tax law in the amount of one hundred thousand dollars for each such tax;
88 but the director of revenue may enter into a blanket bond covering himself **or herself** and all
89 such deputies, assistants and employees. The cost of any premium for such bonds shall be paid
90 by the director of revenue from the share of the collections under the sales tax law retained by
91 the director of revenue for the benefit of the state.

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

99 16. Within the boundaries of any taxing entity where one or more local sales taxes have
100 been imposed, if any person is delinquent in the payment of the amount required to be paid by
101 him **or her** under the local sales tax law or in the event a determination has been made against
102 him **or her** for taxes and penalty under the local sales tax law, the limitation for bringing suit for
103 the collection of the delinquent tax and penalty shall be the same as that provided in sections
104 144.010 to 144.525. Where the director of revenue has determined that suit must be filed against
105 any person for the collection of delinquent taxes due the state under the state sales tax law, and
106 where such person is also delinquent in payment of taxes under the local sales tax law, the

107 director of revenue shall notify the taxing entity in the event any person fails or refuses to pay
108 the amount of any local sales tax due so that appropriate action may be taken by the taxing entity.

109 17. Where property is seized by the director of revenue under the provisions of any law
110 authorizing seizure of the property of a taxpayer who is delinquent in payment of the tax imposed
111 by the state sales tax law, and where such taxpayer is also delinquent in payment of any tax
112 imposed by the local sales tax law, the director of revenue shall permit the taxing entity to join
113 in any sale of property to pay the delinquent taxes and penalties due the state and to the taxing
114 entity under the local sales tax law. The proceeds from such sale shall first be applied to all sums
115 due the state, and the remainder, if any, shall be applied to all sums due such taxing entity.

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

**32.088. 1. Beginning January 1, 2012, the possession of a statement from the
2 department of revenue stating no tax is due under chapters 142, 143, 144, 147, and 149, and
3 that no fees are due under section 260.262 or 260.273, shall be a prerequisite to the issuance
4 or renewal of any city or county occupation license or any state license required for
5 conducting any business. The statement of no tax due shall be dated no longer than ninety
6 days before the date of submission for application or renewal of the city or county license.**

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

20 been made to remedy such delinquency, send written notification to the licensee that the
21 delinquency has been remedied. Tax liability paid in protest or reasonably founded
22 disputes with such liability shall be considered paid for the purposes of this section.

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

12 2. Upon written application by the taxpayer, on forms prescribed by the director
13 of revenue, and upon compliance with the provisions of this section, the department of
14 revenue shall not seek to collect any penalty, addition to tax, or interest that may be
15 applicable. The department of revenue shall not seek civil or criminal prosecution for any
16 taxpayer for the taxable period for which the amnesty has been granted, unless subsequent
17 investigation or audit shows that the taxpayer engaged in fraudulent or criminal conduct
18 in applying for amnesty.

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

26 4. All taxpayers granted amnesty under this section shall comply with this state's
27 tax laws for the eight years following the date of the amnesty agreement. If any such
28 taxpayer fails to comply with all of this state's tax laws at any time during the eight years
29 following the date of the agreement, all penalties, additions to tax, and interest that were
30 waived under the amnesty agreement shall become due and owing immediately.

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

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

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

41 **8. The department may promulgate rules or issue administrative guidelines as are**
42 **necessary to implement the provisions of this section. Any rule or portion of a rule, as that**
43 **term is defined in section 536.010, that is created under the authority delegated in this**
44 **section shall become effective only if it complies with and is subject to all of the provisions**
45 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
46 **nonseverable and if any of the powers vested with the general assembly under chapter 536**
47 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
48 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
49 **adopted after July 1, 2011, shall be invalid and void.**

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

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

10 **(1) "Federal official" means a unit or official of the federal government charged**
11 **with the collection of nontax liabilities payable to the federal government under 31 U.S.C.**
12 **Section 3716;**

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

15 **(3) "Nontax liability due the state" means a liability certified to the director of**
16 **revenue by a state agency and shall include, but shall not be limited to, fines, fees, penalties,**
17 **and other nontax assessments imposed by or payable to any state agency that is finally**
18 **determined to be due and owing;**

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

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

25 (6) "Vendor payment" means any payment, other than a refund, made by the state
26 to any person or entity, and shall include but shall not be limited to any expense
27 reimbursement to an employee of the state; but shall not include a person's salary, wages,
28 or pension;

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

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

31 (1) Certify to the state of Missouri the existence of a person's delinquent nontax
32 liability owed by the person to the federal government; and

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

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

37 (a) Allow the state of Missouri to enter into a reciprocal agreement with the United
38 States, under which the federal official would be authorized to offset federal payments to
39 collect delinquent tax and nontax debts owed to the state; and

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

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

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

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

47 (2) The Social Security number or federal tax identification number;

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

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

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

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

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

58 (3) Pay to the federal official the lesser of:

59 (a) The entire refund or vendor payment; or

60 (b) The amount certified; and

61 (4) Pay any refund or vendor payment in excess of the certified amount to the
62 person.

63 **6. Under the agreement, the director of revenue shall:**

64 **(1) Certify to a federal official the existence of a person's delinquent tax or nontax**
65 **liability due the state owed by the person to any state agency;**

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

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

69 **7. A certification by a state agency to the director of revenue and by the director**
70 **of revenue to the federal official under the offset agreement shall include:**

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

73 **(2) The Social Security number or tax identification number;**

74 **(3) The amount of the tax or nontax liability;**

75 **(4) A statement that the debt is past due and legally enforceable in the amount**
76 **certified; and**

77 **(5) Any other information required by federal statute or regulation applicable to**
78 **the collection of the debt by offset of federal payments.**

79 **8. Any other provisions of law to the contrary notwithstanding, the director of**
80 **revenue and the commissioner of administration shall have the authority to enter into**
81 **reciprocal agreements with any other state which extends a like comity to this state to set**
82 **off offset from state tax refunds and from payments otherwise due to vendors and**
83 **contractors providing goods or services to state departments, agencies, or other state**
84 **agencies nontax debt for debts due the other state that extends a like comity to this state.**

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

2 **(1) "Debt", an amount owed to the state directly or through a state agency, on**
3 **account of a fee, duty, lease, direct loan, loan insured or guaranteed by the state, rent,**
4 **service, sale of real or personal property, overpayment, fine, assessment, penalty,**
5 **restitution, damages, interest, tax, bail bond, forfeiture, reimbursement, liability owed, an**
6 **assignment, recovery of costs incurred by the state, or any other source of indebtedness to**
7 **the state;**

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

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

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

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

2. A referring agency may refer the debt to the department for collection at any time after a debt becomes delinquent and uncontested and the debtor shall have no further administrative appeal of the amount of the debt. Methods and procedures for referral shall be governed by an agreement between the referring agency and the department.

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

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

32.430. 1. Except as otherwise provided in this section, the department shall have the authority to use all general remedies afforded creditors of this state in collection of debt as well as any remedies afforded the state agency referring the debt and to the state in general as a creditor. The department shall not have authority to prosecute or defend civil actions on behalf of any other state agency, except as necessary to defend any challenges made to actions under section 140.910 or 143.902 for a debt referred by a state agency or to prosecute an action under subsection 10 of section 140.910.

2. In addition to the remedies identified in sections 32.410 to 32.460, the department may use the collection remedies afforded under sections 140.910 and 143.902 in the collection of any state debt referred to the department.

3. The department may employ department staff and attorneys, and at the department's discretion, prosecuting attorneys and private collection agencies as authorized in sections 136.150 and 140.850 in seeking collection of debts referred to the department by a state agency.

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

2. The cost of collection shall only be waived when:

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

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

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

17 **3. If the department collects an amount less than the total due, the payment shall**
18 **be applied proportionally to collection costs and the underlying debt unless the department**
19 **has waived this requirement for certain categories of debt. Collection costs collected by the**
20 **department under this section shall be deposited in the general revenue fund.**

32.450. The department may compromise state debt referred to the department in
2 **accordance with section 32.378 and any agreement with the referring agency.**

32.460. The department and state agencies, including the judiciary, may exchange
2 **information, including the debtor's Social Security number, as is necessary for the**
3 **successful collection of the state debt referred. The referring state agency shall follow all**
4 **applicable federal and state laws regarding the confidentiality of information and records**
5 **regarding the debtor. The confidentiality laws applicable to the particular information**
6 **received and retained by each agency shall apply to the employees of the state agency and**
7 **to the department when the information has been forwarded to the department.**

 67.1303. 1. The governing body of any home rule city with more than one hundred
2 fifty-one thousand five hundred but less than one hundred fifty-one thousand six hundred
3 inhabitants, any home rule city with more than forty-five thousand five hundred but less than
4 forty-five thousand nine hundred inhabitants and the governing body of any city within any
5 county of the first classification with more than one hundred four thousand six hundred but less
6 than one hundred four thousand seven hundred inhabitants and the governing body of any county
7 of the third classification without a township form of government and with more than forty
8 thousand eight hundred but less than forty thousand nine hundred inhabitants or any city within
9 such county may impose, by order or ordinance, a sales tax on all retail sales made in the city or
10 county which are subject to sales tax under chapter 144. In addition, the governing body of any
11 county of the first classification with more than eighty-five thousand nine hundred but less than
12 eighty-six thousand inhabitants or the governing body of any home rule city with more than
13 seventy-three thousand but less than seventy-five thousand inhabitants may impose, by order or
14 ordinance, a sales tax on all retail sales made in the city or county which are subject to sales tax
15 under chapter 144. The tax authorized in this section shall not be more than one-half of one

16 percent. The order or ordinance imposing the tax shall not become effective unless the
 17 governing body of the city or county submits to the voters of the city or county at a state general
 18 or primary election a proposal to authorize the governing body to impose a tax under this section.
 19 The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and
 20 shall be stated separately from all other charges and taxes.

21 2. The ballot of submission for the tax authorized in this section shall be in substantially
 22 the following form:

23 Shall (insert the name of the city or county) impose a sales tax at a rate
 24 of (insert rate of percent) percent for economic development purposes?

25 YES NO

26

27 If a majority of the votes cast on the question by the qualified voters voting thereon are in favor
 28 of the question, then the tax shall become effective on the first day of the second calendar quarter
 29 following the calendar quarter in which the election was held. If a majority of the votes cast on
 30 the question by the qualified voters voting thereon are opposed to the question, then the tax shall
 31 not become effective unless and until the question is resubmitted under this section to the
 32 qualified voters and such question is approved by a majority of the qualified voters voting on the
 33 question, provided that no proposal shall be resubmitted to the voters sooner than twelve months
 34 from the date of the submission of the last proposal.

35 3. No revenue generated by the tax authorized in this section shall be used for any retail
 36 development project. At least twenty percent of the revenue generated by the tax authorized in
 37 this section shall be used solely for projects directly related to long-term economic development
 38 preparation, including, but not limited to, the following:

- 39 (1) Acquisition of land;
- 40 (2) Installation of infrastructure for industrial or business parks;
- 41 (3) Improvement of water and wastewater treatment capacity;
- 42 (4) Extension of streets;
- 43 (5) Providing matching dollars for state or federal grants;
- 44 (6) Marketing;
- 45 (7) **Construction and operation of job training and educational facilities;**
- 46 (8) Providing grants and low-interest loans to companies for job training, equipment
 47 acquisition, site development, and infrastructure. Not more than twenty-five percent of the
 48 revenue generated may be used annually for administrative purposes, including staff and facility
 49 costs.

50 4. All revenue generated by the tax shall be deposited in a special trust fund and shall
 51 be used solely for the designated purposes. If the tax is repealed, all funds remaining in the
 52 special trust fund shall continue to be used solely for the designated purposes. Any funds in the
 53 special trust fund which are not needed for current expenditures may be invested by the

54 governing body in accordance with applicable laws relating to the investment of other city or
55 county funds.

56 5. Any city or county imposing the tax authorized in this section shall establish an
57 economic development tax board. The board shall consist of eleven members, to be appointed
58 as follows:

59 (1) Two members shall be appointed by the school boards whose districts are included
60 within any economic development plan or area funded by the sales tax authorized in this section.
61 Such members shall be appointed in any manner agreed upon by the affected districts;

62 (2) One member shall be appointed, in any manner agreed upon by the affected districts,
63 to represent all other districts levying ad valorem taxes within the area selected for an economic
64 development project or area funded by the sales tax authorized in this section, excluding
65 representatives of the governing body of the city or county;

66 (3) One member shall be appointed by the largest public school district in the city or
67 county;

68 (4) In each city or county, five members shall be appointed by the chief elected officer
69 of the city or county with the consent of the majority of the governing body of the city or county;

70 (5) In each city, two members shall be appointed by the governing body of the county
71 in which the city is located. In each county, two members shall be appointed by the governing
72 body of the county. At the option of the members appointed by a city or county the members
73 who are appointed by the school boards and other taxing districts may serve on the board for a
74 term to coincide with the length of time an economic development project, plan, or designation
75 of an economic development area is considered for approval by the board, or for the definite
76 terms as provided in this subsection. If the members representing school districts and other
77 taxing districts are appointed for a term coinciding with the length of time an economic
78 development project, plan, or area is approved, such term shall terminate upon final approval of
79 the project, plan, or designation of the area by the governing body of the city or county. If any
80 school district or other taxing jurisdiction fails to appoint members of the board within thirty
81 days of receipt of written notice of a proposed economic development plan, economic
82 development project, or designation of an economic development area, the remaining members
83 may proceed to exercise the power of the board. Of the members first appointed by the city or
84 county, three shall be designated to serve for terms of two years, three shall be designated to
85 serve for a term of three years, and the remaining members shall be designated to serve for a term
86 of four years from the date of such initial appointments. Thereafter, the members appointed by
87 the city or county shall serve for a term of four years, except that all vacancies shall be filled for
88 unexpired terms in the same manner as were the original appointments.

89 6. The board, subject to approval of the governing body of the city or county, shall
90 develop economic development plans, economic development projects, or designations of an
91 economic development area, and shall hold public hearings and provide notice of any such

92 hearings. The board shall vote on all proposed economic development plans, economic
93 development projects, or designations of an economic development area, and amendments
94 thereto, within thirty days following completion of the hearing on any such plan, project, or
95 designation, and shall make recommendations to the governing body within ninety days of the
96 hearing concerning the adoption of or amendment to economic development plans, economic
97 development projects, or designations of an economic development area.

98 7. The board shall report at least annually to the governing body of the city or county on
99 the use of the funds provided under this section and on the progress of any plan, project, or
100 designation adopted under this section.

101 8. The governing body of any city or county that has adopted the sales tax authorized in
102 this section may submit the question of repeal of the tax to the voters on any date available for
103 elections for the city or county. The ballot of submission shall be in substantially the following
104 form:

105 Shall (insert the name of the city or county) repeal the sales tax
106 imposed at a rate of (insert rate of percent) percent for economic development purposes?

107 YES NO

108

109 If a majority of the votes cast on the proposal are in favor of repeal, that repeal shall become
110 effective on December thirty-first of the calendar year in which such repeal was approved. If a
111 majority of the votes cast on the question by the qualified voters voting thereon are opposed to
112 the repeal, then the sales tax authorized in this section shall remain effective until the question
113 is resubmitted under this section to the qualified voters of the city or county, and the repeal is
114 approved by a majority of the qualified voters voting on the question.

115 9. Whenever the governing body of any city or county that has adopted the sales tax
116 authorized in this section receives a petition, signed by ten percent of the registered voters of the
117 city or county voting in the last gubernatorial election, calling for an election to repeal the sales
118 tax imposed under this section, the governing body shall submit to the voters a proposal to repeal
119 the tax. If a majority of the votes cast on the question by the qualified voters voting thereon are
120 in favor of the repeal, that repeal shall become effective on December thirty-first of the calendar
121 year in which such repeal was approved. If a majority of the votes cast on the question by the
122 qualified voters voting thereon are opposed to the repeal, then the tax shall remain effective until
123 the question is resubmitted under this section to the qualified voters and the repeal is approved
124 by a majority of the qualified voters voting on the question.

67.3000. 1. As used in this section, the following words shall mean:

- 2 **(1) "Active member", an organization located in the state of Missouri, which**
- 3 **solicits and services sports events, sports organizations, and other types of sports-related**
- 4 **activities in that community;**

- 5 (2) "Applicant" or "applicants", one or more certified sponsors, endorsing
6 counties, endorsing municipalities, or a local organizing committee, acting individually or
7 collectively;
- 8 (3) "Certified sponsor" or "certified sponsors", a nonprofit organization which is
9 an active member of the National Association of Sports Commissions;
- 10 (4) "Department", the Missouri department of economic development;
- 11 (5) "Director", the director of revenue;
- 12 (6) "Eligible costs", shall include:
- 13 (a) Costs necessary for conducting the sporting event;
- 14 (b) Costs relating to the preparations necessary for the conduct of the sporting
15 event; and
- 16 (c) An applicant's pledged obligations to the site selection organization as evidenced
17 by the support contract for the sporting event.
- 18
- 19 Eligible costs shall not include any cost associated with (i) the rehabilitation or construction
20 of any facilities used to host the sporting event but may include costs associated with the
21 retrofitting of a facility necessary to accommodate the sporting event, and (ii) direct
22 payments to a for-profit site selection organization;
- 23 (7) "Endorsing municipality" or "endorsing municipalities", any city, town,
24 incorporated village, or county that contains a site selected by a site selection organization
25 for one or more sporting events;
- 26 (8) "Joinder agreement", an agreement entered into by one or more applicants,
27 acting individually or collectively, and a site selection organization setting out
28 representations and assurances by each applicant in connection with the selection of a site
29 in this state for the location of a sporting event;
- 30 (9) "Joinder undertaking", an agreement entered into by one or more applicants,
31 acting individually or collectively, and a site selection organization that each applicant will
32 execute a joinder agreement in the event that the site selection organization selects a site
33 in this state for a sporting event;
- 34 (10) "Local organizing committee", a nonprofit corporation or its successor in
35 interest that:
- 36 (a) Has been authorized by one or more certified sponsors, endorsing
37 municipalities, or endorsing counties, acting individually or collectively, to pursue an
38 application and bid on its or the applicant's behalf to a site selection organization for
39 selection as the site of one or more sporting events; or
- 40 (b) With the authorization of one or more certified sponsors, endorsing
41 municipalities, or endorsing counties, acting individually or collectively, executes an

42 agreement with a site selection organization regarding a bid to host one or more sporting
43 events;

44 (11) "Site selection organization", the National Collegiate Athletic Association
45 (NCAA); an NCAA member conference, university, or institution; the National Association
46 of Intercollegiate Athletics (NAIA); the United States Olympic Committee (USOC); a
47 national governing body (NGB) or international federation of a sport recognized by the
48 USOC; the United States Golf Association (USGA); the United States Tennis Association
49 (USTA); the Amateur Athletic Union (AAU); the Amateur Softball Association of America
50 (ASA); other major regional, national, and international sports associations, leagues, and
51 organizations that promote, organize, or administer sporting games, competitions, or
52 events; or other major regional, national, and international organizations that promote or
53 organize eligible events;

54 (12) "Sporting event" or "sporting events", an NCAA national championship,
55 including the Final Four, Frozen Four, wrestling championships, and other Division I, II,
56 and III men's and women's national championship events; NCAA postseason basketball
57 regional and first and second rounds; college football bowl game; NCAA post-season
58 college football game; college football or basketball game played at a neutral site; collegiate
59 athletic conference championship or tournament; NAIA tournament or championship; a
60 regional or national championship of an amateur sport sanctioned by the national
61 governing body of a sport recognized by the USOC; Olympic trials or other Olympic
62 competition; USGA amateur event; Davis Cup or Fed Cup tennis match; World Cup
63 soccer match; AAU, ASA, US Youth Soccer, or other major regional or national youth
64 sports tournaments; or other major sporting events approved by the department that
65 generate new tax revenue for the state of Missouri. The term includes any event and
66 activity related to or associated with a sporting event;

67 (13) "Support contract" or "support contracts", an event award notification,
68 joinder undertaking, joinder agreement, or contract executed by an applicant and a site
69 selection organization;

70 (14) "Tax credit" or "tax credits", a credit or credits issued by the department
71 against the tax otherwise due under chapter 143 or 148, excluding withholding tax imposed
72 by sections 143.191 to 143.265.

73 2. An applicant may submit a copy of a support contract for a sporting event to the
74 department. Within sixty days of receipt of the sporting event support contract, the
75 department shall review the applicant's support contract and certify such support contract
76 if it complies with the requirements of this section. Upon certification of the support
77 contract by the department, the applicant shall be authorized to receive the tax credit
78 under subsection 4 of this section. In addition, at any time, including during the site
79 selection process, an applicant may request that the department estimate the receipts from

80 the total tax imposed by chapter 144, determined in the manner set forth in subsection 3
81 of this section, that is directly attributable to the preparation for and conduct of the
82 sporting event. The applicant may submit the department's estimate to a site selection
83 organization.

84 **3. In making the determinations of the estimated or actual tax receipts provided for**
85 **in this section, the department, in consultation with the director, shall determine the**
86 **geographic boundaries of the market area for the sporting event and the time period for**
87 **which there is likely to be an economic impact attributable to the sporting event. The**
88 **market area shall be the geographic area in which there is a reasonable likelihood of a**
89 **measurable economic impact directly attributable to the preparation for and conduct of**
90 **the sporting event, including areas likely to provide venues, accommodations, and services**
91 **in connection with the sporting event based on the support contract entered into by the**
92 **applicant and the site selection organization. An endorsing municipality that has been**
93 **selected as the site for the sporting event shall be included in the market area for the**
94 **sporting event. The tax revenues in the market area of the sporting event shall be**
95 **calculated from the total tax imposed by chapter 144. The time period shall be the greater**
96 **of:**

97 **(1) The period for which the primary venue is contracted by the site selection**
98 **organization for the sporting event; or**

99 **(2) The two-week period that ends at the end of the day after the date on which a**
100 **sporting event will be held or such longer period as determined by the department.**

101 **4. No more than thirty days following the conclusion of the sporting event, the**
102 **applicant shall submit eligible costs and documentation of the costs evidenced by receipts,**
103 **paid invoices, or other documentation in a manner prescribed by the department.**

104 **5. No later than sixty days following the conclusion of the sporting event, the**
105 **department, in consultation with the director, shall determine the amount of tax revenues**
106 **which are directly attributable to the sporting event or related events, in the manner**
107 **provided under subsection 3 of this section. No later than sixty days following the receipt**
108 **of eligible costs and documentation of such costs from the applicant as required in**
109 **subsection 4 of this section, the department shall issue a refundable tax credit to the**
110 **applicant for the lesser of one hundred percent of eligible costs incurred by the applicant**
111 **or fifty percent of the increase in tax revenues within the market area directly attributable**
112 **to the supporting event. Tax credits authorized by this section may be claimed against**
113 **taxes imposed by chapters 143 and 148 and shall be claimed within one year of the close**
114 **of the taxable year for which the credits were issued. Tax credits authorized by this section**
115 **may be transferred, sold, or assigned by filing a notarized endorsement thereof with the**
116 **department that names the transferee, the amount of tax credit transferred, and the value**

117 received for the credit, as well as any other information reasonably requested by the
118 department.

119 **6. In no event shall the amount of tax credits issued by the department under this**
120 **section exceed ten million dollars in any fiscal year. In any fiscal year, no more than eight**
121 **million dollars in tax credits shall be available to all applicants which submit support**
122 **contracts for sporting events to be held in any city not within a county or counties with a**
123 **population in excess of three hundred thousand inhabitants.**

124 **7. An applicant shall provide any information necessary as determined by the**
125 **department for the department and the director to fulfill the duties required by this**
126 **section. At any time upon the request of the state of Missouri, a certified sponsor will**
127 **subject itself to an audit conducted by the state.**

128 **8. This section shall not be construed as creating or requiring a state guarantee of**
129 **obligations imposed on an endorsing municipality under a support contract or any other**
130 **agreement relating to hosting one or more sporting events in this state.**

131 **9. The department shall only certify an applicant's support contract for a sporting**
132 **event in which the site selection organization has yet to select a location for the sporting**
133 **event as of August 28, 2014. Support contracts shall not be certified by the department**
134 **after August 28, 2020, provided that the support contracts may be certified prior to August**
135 **28, 2020, for sporting events that will be held after such date.**

136 **10. The department may promulgate rules, statements of policy, procedures, forms,**
137 **and guidelines as necessary to implement the provisions of this section. Any rule or portion**
138 **of a rule, as that term is defined in section 536.010 that is created under the authority**
139 **delegated in this section shall become effective only if it complies with and is subject to all**
140 **of the provisions of chapter 536, and, if applicable, section 536.028. This section and**
141 **chapter 536 are nonseverable and if any of the powers vested with the general assembly**
142 **pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul**
143 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority and**
144 **any rule proposed or adopted after August 28, 2011, shall be invalid and void.**

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

11 transfer to the state legal expense fund from the department funds a sum equal to the amount
12 expended from the state legal expense fund on its behalf.

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

20 3. The provisions of sections 105.711 to 105.726 notwithstanding, the attorney general
21 may investigate, defend, negotiate, or compromise any claim covered by sections 105.711 to
22 105.726 against any public institution which awards baccalaureate degrees whose governing
23 body has declared a state of financial exigency.

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

31 **5. Notwithstanding any other provision of law to the contrary, except for payments**
32 **of less than ten thousand dollars for property damage, no funds shall be expended from**
33 **the state legal expense fund for settlement of any liability claim except upon the production**
34 **of a no tax due statement from the department of revenue by the party making claim or**
35 **having judgment under section 105.711, which shall be satisfied from such fund. If the**
36 **party is found by the director of revenue to owe a delinquent tax debt to the state of**
37 **Missouri under the revenue laws of this state, after the payment of attorneys fees and**
38 **expenses associated with creating the liability of the fund to the party, any remaining funds**
39 **to be paid to the party from the state legal expense fund shall be offset to satisfy such tax**
40 **debt before payment is made to the party making claim or having judgment.**

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

2 (1) "Claimant", a person or persons claiming a credit under sections 135.010 to 135.030.
3 If the persons are eligible to file a joint federal income tax return and reside at the same address
4 at any time during the taxable year, then the credit may only be allowed if claimed on a combined
5 Missouri income tax return or a combined claim return reporting their combined incomes and
6 property taxes. A claimant shall not be allowed a property tax credit unless the claimant or
7 spouse has attained the age of sixty-five on or before the last day of the calendar year and the
8 claimant or spouse was a resident of Missouri for the entire year, or the claimant or spouse is a

9 veteran of any branch of the armed forces of the United States or this state who became one
10 hundred percent disabled as a result of such service, or the claimant or spouse is disabled as
11 defined in subdivision (2) of this section, and such claimant or spouse provides proof of such
12 disability in such form and manner, and at such times, as the director of revenue may require, or
13 if the claimant has reached the age of sixty on or before the last day of the calendar year and such
14 claimant received surviving spouse Social Security benefits during the calendar year and the
15 claimant provides proof, as required by the director of revenue, that the claimant received
16 surviving spouse Social Security benefits during the calendar year for which the credit will be
17 claimed. A claimant shall not be allowed a property tax credit if the claimant filed a valid claim
18 for a credit under section 137.106 in the year following the year for which the property tax credit
19 is claimed. The residency requirement shall be deemed to have been fulfilled for the purpose of
20 determining the eligibility of a surviving spouse for a property tax credit if a person of the age
21 of sixty-five years or older who would have otherwise met the requirements for a property tax
22 credit dies before the last day of the calendar year. The residency requirement shall also be
23 deemed to have been fulfilled for the purpose of determining the eligibility of a claimant who
24 would have otherwise met the requirements for a property tax credit but who dies before the last
25 day of the calendar year;

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

31 (3) ["Gross rent", amount paid by a claimant to a landlord for the rental, at arm's length,
32 of a homestead during the calendar year, exclusive of charges for health and personal care
33 services and food furnished as part of the rental agreement, whether or not expressly set out in
34 the rental agreement. If the director of revenue determines that the landlord and tenant have not
35 dealt at arm's length, and that the gross rent is excessive, then he shall determine the gross rent
36 based upon a reasonable amount of rent. Gross rent shall be deemed to be paid only if actually
37 paid prior to the date a return is filed. The director of revenue may prescribe regulations
38 requiring a return of information by a landlord receiving rent, certifying for a calendar year the
39 amount of gross rent received from a tenant claiming a property tax credit and shall, by
40 regulation, provide a method for certification by the claimant of the amount of gross rent paid
41 for any calendar year for which a claim is made. The regulations authorized by this subdivision
42 may require a landlord or a tenant or both to provide data relating to health and personal care
43 services and to food. Neither a landlord nor a tenant may be required to provide data relating to
44 utilities, furniture, home furnishings or appliances;

45 (4) "Homestead", the dwelling in Missouri owned [or rented] by the claimant and not
46 to exceed five acres of land surrounding it as is reasonably necessary for use of the dwelling as

47 a home. It may consist of part of a multidwelling or multipurpose building and part of the land
48 upon which it is built. "Owned" includes a vendee in possession under a land contract and one
49 or more tenants by the entireties, joint tenants, or tenants in common and includes a claimant
50 actually in possession if he was the immediate former owner of record, if a lineal descendant is
51 presently the owner of record, and if the claimant actually pays all taxes upon the property. It
52 may include a mobile home;

53 [(5)] (4) "Income", Missouri adjusted gross income as defined in section 143.121 less
54 two thousand dollars, or in the case of a homestead owned and occupied, for the entire year, by
55 the claimant, less four thousand dollars as an exemption for the claimant's spouse residing at the
56 same address, and increased, where necessary, to reflect the following:

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

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

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

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

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

67 [(6)] (5) "Property taxes accrued", property taxes paid, exclusive of special assessments,
68 penalties, interest, and charges for service levied on a claimant's homestead in any calendar year.
69 Property taxes shall qualify for the credit only if actually paid prior to the date a return is filed.
70 The director of revenue shall require a tax receipt or other proof of property tax payment. If a
71 homestead is owned only partially by claimant, then "property taxes accrued" is that part of
72 property taxes levied on the homestead which was actually paid by the claimant. For purposes
73 of this subdivision, property taxes are "levied" when the tax roll is delivered to the director of
74 revenue for collection. If a claimant owns a homestead part of the preceding calendar year and
75 rents it or a different homestead for part of the same year, "property taxes accrued" means only
76 taxes levied on the homestead both owned and occupied by the claimant, multiplied by the
77 percentage of twelve months that such property was owned and occupied as the homestead of
78 the claimant during the year. When a claimant owns and occupies two or more different
79 homesteads in the same calendar year, property taxes accrued shall be the sum of taxes allocable
80 to those several properties occupied by the claimant as a homestead for the year. If a homestead
81 is an integral part of a larger unit such as a farm, or multipurpose or multidwelling building,
82 property taxes accrued shall be that percentage of the total property taxes accrued as the value
83 of the homestead is of the total value. For purposes of this subdivision "unit" refers to the parcel
84 of property covered by a single tax statement of which the homestead is a part[;

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

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

135.030. 1. As used in this section:

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

8 (2) The term "minimum base" shall, for each calendar year after December 31, 1997, but
9 before calendar year 2008, be the sum of thirteen thousand dollars. For all calendar years
10 beginning on or after January 1, 2008, the minimum base shall be the sum of fourteen thousand
11 three hundred dollars.

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

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

25
26 The director of revenue shall prescribe a table based upon the preceding sentences. The property
27 tax shall be in increments of twenty-five dollars and the income in increments of three hundred
28 dollars. The credit shall be the amount rounded to the nearest whole dollar computed on the
29 basis of the property tax and income at the midpoints of each increment. As used in this

30 subsection, the term "accumulative" means an increase by continuous or repeated application of
31 the percent to the income increment at each three hundred dollar level.

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

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

5 2. For qualified Missouri projects [placed in service after January 1, 1997, the]
6 **authorized on or after July 1, 2011, one hundred ten million dollars in** Missouri low-income
7 housing tax [credit available to a project shall be such amount as the commission shall determine
8 is necessary to ensure the feasibility of the project, up to an amount equal to the] **credits shall**
9 **be awarded during each fiscal year to projects which are awarded** federal low-income
10 housing tax [credit for a qualified Missouri project, for a federal tax period, and such amount
11 shall be subtracted from the amount of state tax otherwise due for the same tax period] **credits**
12 **by the commission.**

13 3. No more than six million dollars in tax credits shall be authorized each fiscal year for
14 projects financed through tax-exempt bond issuance.

15 4. The Missouri low-income housing tax credit shall be taken against the taxes and in
16 the order specified pursuant to section 32.115. The credit authorized by this section shall not be
17 refundable. Any amount of credit that exceeds the tax due for a taxpayer's taxable year may be
18 carried back to any of the taxpayer's three prior taxable years or carried forward to any of the
19 taxpayer's five subsequent taxable years. **For projects authorized on or after July 1, 2011, any**
20 **amount of credit that exceeds the tax due for a taxpayer's taxable year may be carried back**
21 **to any of the taxpayer's two previous taxable years or carried forward to any of the**
22 **taxpayer's five subsequent taxable years.**

23 5. All or any portion of Missouri tax credits issued in accordance with the provisions of
24 sections 135.350 to 135.362 may be allocated to parties who are eligible pursuant to the
25 provisions of subsection 1 of this section. Beginning January 1, 1995, for qualified projects
26 which began on or after January 1, 1994, an owner of a qualified Missouri project shall certify
27 to the director the amount of credit allocated to each taxpayer. The owner of the project shall
28 provide to the director appropriate information so that the low-income housing tax credit can be
29 properly allocated.

30 6. In the event that recapture of Missouri low-income housing tax credits is required
31 pursuant to subsection 2 of section 135.355, any statement submitted to the director as provided

32 in this section shall include the proportion of the state credit required to be recaptured, the
33 identity of each taxpayer subject to the recapture and the amount of credit previously allocated
34 to such taxpayer.

35 7. The director of the department may promulgate rules and regulations necessary to
36 administer the provisions of this section. No rule or portion of a rule promulgated pursuant to
37 the authority of this section shall become effective unless it has been promulgated pursuant to
38 the provisions of section 536.024.

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

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

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

20 [3.] 4. The tax credits allowed pursuant to sections 135.475 to 135.487 may not be
21 claimed in addition to any other state tax credits, with the exception of the historic structures
22 rehabilitation tax credit authorized pursuant to sections 253.545 to 253.559, which insofar as
23 sections 135.475 to 135.487 are concerned may be claimed only in conjunction with the tax
24 credit allowed pursuant to subsection 4 of section 135.481. In order for a taxpayer eligible for
25 the historic structures rehabilitation tax credit to claim the tax credit allowed pursuant to
26 subsection 4 of section 135.481, the taxpayer must comply with the requirements of sections
27 253.545 to 253.559, and in such cases, the amount of the tax credit pursuant to subsection 4 of
28 section 135.481 shall be limited to the lesser of twenty percent of the taxpayer's eligible costs or
29 forty thousand dollars.

30 5. **Notwithstanding any provision of law to the contrary, no tax credits provided**
31 **under sections 135.475 to 135.487 shall be authorized on or after August 28, 2014. The**

32 **provisions of this subsection shall not be construed to limit or in any way impair the**
33 **department's ability to issue tax credits authorized prior to August 28, 2014, or a**
34 **taxpayer's ability to redeem such tax credits.**

135.1150. 1. This section shall be known and may be cited as the "Residential
2 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 that are used
7 solely to provide direct care services to children who are residents of this state. Eligible
8 donations may include cash, publicly traded stocks and bonds, and real estate that will be valued
9 and documented according to rules promulgated by the department of social services. For
10 purposes of this section, "direct care services" include but are not limited to increasing the
11 quality of care and service for children through improved employee compensation and training;

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

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

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

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

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

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

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

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

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

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

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

48 (2) A statement attesting to the eligible donation received, which shall include the name
49 and taxpayer identification number of the individual making the eligible donation, the amount
50 of the eligible donation, and the date the eligible donation was received by the agency; and

51 (3) Payment from the agency equal to the value of the tax credit for which application
52 is made. If the agency applying for the tax credit meets all criteria required by this subsection,
53 the department shall issue a certificate in the appropriate amount.

54 5. An agency may apply for tax credits in an aggregate amount that does not exceed
55 [forty percent of] the payments made by the department to the agency in the preceding twelve
56 months.

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

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

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

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

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

76 (3) This section shall terminate on September first of the calendar year immediately
77 following the calendar year in which the program authorized under this section is sunset.] **Under**
78 **section 23.253 of the Missouri sunset act, the provisions of the program authorized under**
79 **this section are hereby reauthorized and shall automatically sunset on August 28, 2015.**

135.1169. 1. As used in this section, the following terms mean:

2 (1) **"Qualified high school student", a student hired for summer employment who**
3 **is currently enrolled for junior or senior year in high school, or home school under section**
4 **167.042, who met the minimum attendance requirements of section 167.031 and earned a**
5 **grade point average of at least two-point zero on a four-point scale or equivalent in the**
6 **school year immediately preceding such summer employment, and who is eligible for a free**
7 **or reduced price school lunch under the National School Lunch Act, 42 U.S.C. Section 1751**
8 **et seq.;**

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

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

23 2. **For all tax years beginning on or after January 1, 2012, a taxpayer shall be**
24 **allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal**
25 **to thirty-five percent of the amount such taxpayer paid to a qualified high school student**
26 **in wages for summer employment.**

27 3. **The amount of the tax credit issued shall not exceed the amount of the taxpayer's**
28 **state tax liability for the taxable year for which the credit is claimed, and such taxpayer**
29 **shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable**
30 **year. However, any tax credit that cannot be claimed in the taxable year the contribution**

31 was made may be carried forward to the next four succeeding taxable years until the full
32 credit has been claimed.

33 4. Except for any excess credit which is carried forward under subsection 3 of this
34 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount the
35 taxpayer paid to a qualified high school student was at least one hundred dollars.

36 5. The department of elementary and secondary education shall establish a
37 procedure by which a taxpayer can determine if a student is a qualified high school
38 student, and by which such taxpayer can then claim a tax credit. The cumulative amount
39 of tax credits which may be claimed by all the taxpayers under this program in any one
40 fiscal year shall not exceed three million dollars. The department shall also establish a
41 procedure for tracking students for which employers receive tax credits under this section.

42 6. The department of elementary and secondary education may promulgate rules
43 to implement the provisions of this section. Any rule or portion of a rule, as that term is
44 defined in section 536.010, that is created under the authority delegated in this section shall
45 become effective only if it complies with and is subject to all of the provisions of chapter
46 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and
47 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
48 to delay the effective date, or to disapprove and annul a rule are subsequently held
49 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
50 after August 28, 2011, shall be invalid and void.

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

52 (1) The provisions of the new program authorized under this section shall
53 automatically sunset on December thirty-first six years after the effective date of this
54 section unless reauthorized by an act of the general assembly; and

55 (2) If such program is reauthorized, the program authorized under this section
56 shall automatically sunset on December thirty-first twelve years after the effective date of
57 the reauthorization of this section; and

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

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

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, by a provider, from a taxpayer that are
7 used solely to provide direct care services to persons with developmental disabilities who
8 are residents 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 promulgated

10 by the department of social services. For purposes of this section, "direct care services"
11 include, but are not limited to, increasing the quality of care and service for persons with
12 developmental disabilities through improved employee compensation and training;

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

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

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

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

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

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

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

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

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

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

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

49 (2) A statement attesting to the eligible donation received, which shall include the
50 name and taxpayer identification number of the individual making the eligible donation,
51 the amount of the eligible donation, and the date the eligible donation was received by the
52 provider; and

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

55

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

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

63 6. The department shall promulgate rules to implement the provisions of this
64 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
65 created under the authority delegated in this section shall become effective only if it
66 complies with and is subject to all of the provisions of chapter 536, and, if applicable,
67 section 536.028. This section and chapter 536, are nonseverable and if any of the powers
68 vested with the general assembly pursuant to chapter 536, to review, to delay the effective
69 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
70 grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,
71 shall be invalid and void.

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

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

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

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

135.1500. 1. Sections 135.1500 to 135.1519 shall be known and may be cited as the
2 "Aerotropolis Trade Incentive and Tax Credit Act".

3 2. As used in sections 135.1500 to 135.1519, unless the context clearly requires
4 otherwise, the following terms shall mean:

- 5 (1) "Air export tax credit", the tax credit against the taxes imposed under chapters
6 143, 147, and 148, except for sections 143.191 to 143.265, to be issued by the department
7 to a claiming freight forwarder for the shipment of air cargo on a qualifying outbound
8 flight;
- 9 (2) "Airport", an airport which is owned and operated by a city not within a
10 county;
- 11 (3) "Cargo activity", the activities within an eligible facility relating to the storage
12 and distribution of goods and products through all modes of multimodal commerce,
13 including goods and products manufactured or assembled within an eligible facility;
- 14 (4) "Certificate of compliance", a certificate submitted with any application for a
15 tax credit or tax incentive specified in section 135.1513, that shall certify that all requisite
16 requirements for the issuance of such tax credits and tax incentives have been satisfied for
17 such eligible facility and shall provide evidence of such satisfaction;
- 18 (5) "Certificate of occupancy", the certificate or permit issued by a municipality
19 that permits the commercial use or occupancy of a building or structure;
- 20 (6) "Chargeable kilo", the shipment of a kilo of freight, as measured by the greater
21 of:
- 22 (a) Actual weight; or
- 23 (b) A dimensional weight, as determined by the conversion factors promulgated by
24 the International Air Transport Association, on a qualifying outbound flight or a
25 qualifying inbound flight;
- 26 (7) "Claiming freight forwarder", the freight forwarder designated as the "agent"
27 on the airway bill for the qualifying outbound flight for which such air export tax credit
28 is sought;
- 29 (8) "Department", the Missouri department of economic development;
- 30 (9) "Direct all cargo aircraft flight", a flight that flies directly to its destination
31 without stopping, except to receive fuel and maintenance;
- 32 (10) "Economic incentive laws", any provision of Missouri law under which
33 economic incentives are provided to redevelopers of a parcel or parcels to redevelop the
34 land, such as tax abatement or payments in lieu of taxes, or redevelopment plans or
35 redevelopment projects approved or adopted which include the use of economic incentives
36 to redevelop the land;
- 37 (11) "Eligible costs", the following costs associated with the development and
38 construction of an eligible facility:
- 39 (a) Costs and expenses of construction of the eligible facility, including fixtures and
40 equipment; and
- 41 (b) Demolition costs of vacant structures.
- 42

43 **Eligible costs shall not include costs of site improvements or costs of environmental**
44 **remediation;**

45 **(12) "Eligible facility", a qualifying gateway facility, qualifying cold-chain facility,**
46 **or qualifying assembly and manufacturing facility;**

47 **(13) "Eligibility period", the time period, not to exceed seven fiscal years, during**
48 **which an owner of an eligible facility may receive benefits under section 135.1513. Such**
49 **time period shall begin to run on the date the certificate of occupancy is issued for each**
50 **eligible facility and shall continue for the next subsequent seven fiscal years;**

51 **(14) "Fiscal year", the twelve consecutive month time period beginning on the date**
52 **on which the certificate of occupancy is issued for an eligible facility and ending on the last**
53 **day of the twelfth month thereafter, with each subsequent fiscal year beginning on the**
54 **anniversary of such date of the issuance of the certificate of occupancy and ending on the**
55 **last day of the twelfth month thereafter;**

56 **(15) "Freight forwarder", a person that assumes responsibility in the ordinary**
57 **course of its business for the transportation of cargo from the place of receipt to the place**
58 **of destination, including the utilization of a qualifying outbound flight;**

59 **(16) "Gateway zone", an area within this state designated under the provisions of**
60 **sections 135.1500 to 135.1519, which shall be within:**

61 **(a) A site of at least one hundred contiguous acres located within fifty miles of an**
62 **airport; provided, however, such one hundred acres need not be contiguous if the acreage**
63 **is located within a larger designated urban renewal area or redevelopment area under**
64 **economic incentive laws;**

65 **(b) An area within the boundaries of an airport; or**

66 **(c) Any area owned or managed by the port authority of a county or a city not**
67 **within a county;**

68 **(17) "Level one air cargo activity", where at least twenty percent of the total cargo**
69 **activity of an eligible facility consists of:**

70 **(a) Chargeable kilos shipped from such facility, on a qualifying outbound flight by**
71 **the owner of, or any tenant in, such facility; or**

72 **(b) Chargeable kilos shipped on a qualifying inbound flight to the owner of, or any**
73 **tenant in, an eligible facility, whether or not the inbound shipment is stored at any time**
74 **within such facility;**

75 **(18) "Level two air cargo activity", where at least ten percent of the total cargo**
76 **activity of an eligible facility consists of:**

77 **(a) Chargeable kilos shipped from such facility, on a qualifying outbound flight by**
78 **the owner of, or any tenant in, such facility; or**

79 (b) Chargeable kilos shipped on a qualifying inbound flight to the owner of, or any
80 tenant in, an eligible facility, whether or not the inbound shipment is stored at any time
81 within such facility;

82 (19) "Multimodal commerce", modes of commerce for the shipment of goods or
83 products, including road transportation, railroad transportation, water transportation or
84 aircraft transportation;

85 (20) "Municipality", any city, town, village, or county;

86 (21) "New building", a new structure or building for which a certificate of
87 occupancy was issued on or after July 1, 2011, for commercial activity, including fixtures
88 and equipment;

89 (22) "Perishable freight", agricultural products, including seeds, garden products,
90 live animals, and processed meat products such as pork and beef;

91 (23) "Qualifying applicant", an owner of, or tenant in, an eligible facility;

92 (24) "Qualifying assembly and manufacturing facility", a new building located
93 within a gateway zone that is equipped for manufacturing or assembly and in which the
94 shipment or receipt of production components or finished products involves at least two
95 modes of multimodal commerce;

96 (25) "Qualifying cargo activity", meeting or exceeding the requirements for level
97 one air cargo activity or level two air cargo activity;

98 (26) "Qualifying cold-chain facility", a new building located within a gateway zone
99 which has within it equipment for maintaining necessary temperatures for the processing,
100 packaging, or distribution of temperature-sensitive products, provided that at least eighty
101 percent of the usable square footage of such facility is refrigerated;

102 (27) "Qualifying gateway facility", a new building located within a gateway zone
103 in which qualifying cargo activity occurs, provided that no more than twenty percent of
104 the usable space within the qualifying gateway facility is devoted to office or retail use;

105 (28) "Qualifying inbound flight", an all cargo aircraft flight originating from an
106 international destination to the airport;

107 (29) "Qualifying outbound flight", a direct all cargo aircraft flight from the airport
108 to an international destination; and

109 (30) "Tenant in an eligible facility", a tenant or subtenant who is operating within
110 an eligible facility and is a tenant or subtenant of the owners of an eligible facility, or a
111 licensee who is operating within an eligible facility and is a licensee of such owner, tenant,
112 or subtenant.

135.1503. The executive officer of any county and the mayor of any city not within
2 a county may designate a gateway zone by providing written notification of such
3 designation to the department. Such notification shall include a legal description of the
4 area of the gateway zone.

135.1505. 1. The executive officer of any county, or the mayor of a city not within
2 a county, which contains a gateway zone may appoint a board of supervisors consisting of
3 three members. Each supervisor shall be a resident of the respective county or city, shall
4 be knowledgeable in the principles of business, trade, and development and shall serve
5 staggered terms of three years. Of the first appointees, one shall serve a term of three
6 years, one shall serve for two years, and one shall serve for one year. Appointees may be
7 removed at the discretion of the person who appointed them. Unless removed, appointees
8 shall serve until their successors are appointed.

9 2. The board may annually levy special assessments on eligible facilities within the
10 gateway zone, which receive benefits under sections 135.1500 to 135.1521, and shall oversee
11 the use of revenues derived from the special assessments; provided however, any special
12 assessments levied on such eligible facilities located within the boundaries of the airport
13 shall be remitted to the airport.

14 3. The board of supervisors shall also have the power to contract with entities,
15 including tax exempt regional economic development associations, to market and promote
16 gateway zones.

17 4. The special assessment on an eligible facility, which receives benefits under
18 sections 135.1500 to 135.1519, shall be twenty cents per rentable square foot of such
19 facility.

20 5. After the payment of any fees related to the approval and collection of the special
21 assessments and the remittance of any special assessments identified for remittance in
22 subsection 2 of this section, the remaining revenues collected from the special assessments
23 shall be utilized as follows:

24 (1) Fifty percent of such revenues shall be annually transferred to the airport to be
25 used to market and promote the cargo activities of the airport under an agreement between
26 a city not within a county and the board. Such agreement shall, at a minimum, provide:

27 (a) That the proceeds of the net special assessments shall be placed in a special fund
28 for marketing and promotion of the airport; and

29 (b) That the board shall review and approve the annual budget of the airport for
30 such marketing and promotion;

31 (2) The remaining fifty percent of such revenues shall be annually transferred to
32 a tax exempt regional economic development association or associations, selected by the
33 board for the marketing and promotion of the gateway zone. The board shall enter into
34 an agreement or agreements with such tax exempt economic development business
35 association or associations for the marketing and promotion of the gateway zone and shall
36 review and approve the annual budget of such association or associations for such
37 marketing and promotion.

135.1507. 1. For all taxable years beginning on or after January 1, 2011, a claiming freight forwarder shall be entitled to an air export tax credit for the shipment of cargo on a qualifying outbound flight in an amount equal to thirty cents per chargeable kilo.

2. For all taxable years beginning on or after January 1, 2011, a claiming freight forwarder shall be entitled to an air export tax credit for the shipment of perishable freight on a qualifying outbound flight in an amount equal to thirty-five cents per chargeable kilo.

3. No claiming freight forwarder shall receive air export tax credits under both subsections 1 and 2 of this section for a single shipment of goods.

4. The department shall index the amount of the air export tax credits to adjust each year depending upon fluctuations in the cost of fuel for over-the-road transportation.

135.1509. 1. To receive benefits provided under section 135.1507, a claiming freight forwarder shall file an application with the department within sixty calendar days of the date that the shipment for which air export tax credits are being sought was transported on the qualifying outbound flight. The documentation to be presented by the claiming freight forwarder in such an application shall consist of the master airway bill for the shipment on the qualifying outbound flight for which the claiming freight forwarder is seeking air export tax credits. All master airway bills shall specify an origin located within the United States of America for the shipments to qualify for air export tax credits. The department shall establish procedures to allow claiming freight forwarders that file applications for air export tax credits to receive such tax credits within fifteen business days of the date of the filing of the application for air export tax credits relating to the qualifying outbound flight.

2. If the annual cap on the issuance of air export tax credits provided under section 135.1511, is met in a given year, then the amount of such tax credits which have been authorized, but remain unissued, shall be carried forward and issued in the subsequent year.

3. No tax credits provided under this section shall be authorized after August 28, 2019. Any tax credits authorized on or before August 28, 2019, but not issued prior to such date may be issued until all such authorized tax credits have been issued.

135.1511. The total aggregate amount for air export tax credits authorized under section 135.1507 shall not exceed sixty million dollars. The amount of the air export tax credits issued under section 135.1507 shall not exceed:

(1) Three million six hundred thousand dollars for the taxable year beginning on or after January 1, 2011, but ending on or before December 31, 2011;

(2) Four million eight hundred thousand dollars for the taxable year beginning on or after January 1, 2012, but ending on or before December 31, 2012; and

8 **(3) The greater of one million two hundred thousand dollars per weekly qualifying**
9 **outbound flight or three million six hundred thousand dollars for all taxable years**
10 **beginning on or after January 1, 2013.**

11

12 **The department shall annually determine the number of weekly qualifying outbound**
13 **flights, which shall be the average number of such flights per week during the month of**
14 **September of the previous year.**

135.1513. 1. For all taxable years beginning on or after January 1, 2013, qualifying
2 **applicants shall be entitled to the following benefits:**

3 **(1) The owner of any eligible facility with level one air cargo activity shall be**
4 **entitled, during the eligibility period, to receive tax credits against the taxes imposed under**
5 **chapters 143, 147, and 148, except for sections 143.191 to 143.265, equal to six percent of**
6 **the eligible costs for such facility for each year that such facility meets or exceeds level one**
7 **air cargo activity volumes. The total amount of tax credits issued for any such facility shall**
8 **not exceed thirty percent of such facility's eligible costs. No tax credits provided under this**
9 **subdivision shall be issued prior to January 1, 2013;**

10 **(2) The owner of any qualifying gateway facility with level two air cargo activity,**
11 **a qualifying assembly and manufacturing facility, or a qualifying cold-chain facility shall**
12 **be entitled, during the eligibility period, to receive tax credits against the taxes imposed**
13 **under chapters 143, 147, and 148, except for sections 143.191 to 143.265, equal to four**
14 **percent of the eligible costs for such facility for each year that such facility satisfies the**
15 **requirements of sections 135.1500 to 135.1519. The total amount of tax credits issued for**
16 **such facility shall not exceed twenty percent of such facility's eligible costs. No tax credits**
17 **provided under this subdivision shall be issued prior to January 1, 2013; and**

18 **(3) Any tenant of an eligible facility and any individuals employed by such tenants**
19 **shall be exempt from the earnings tax imposed by a city not within a county pursuant to**
20 **sections 92.110 to 92.200 for each fiscal year during the eligibility period if such facility**
21 **satisfies the requirements of sections 135.1500 to 135.1519.**

22 **2. If an eligible facility receives a certificate of occupancy prior to the sunset of the**
23 **program, the owners of an eligible facility may apply for benefits provided under this**
24 **section for the term of the eligibility period notwithstanding the sunset of the program**
25 **prior to the end of the term of the eligibility period for such facility.**

135.1515. 1. In order for an owner of an eligible facility to receive benefits
2 **provided under section 135.1513 during the eligibility period, the eligible facility shall**
3 **satisfy all applicable requirements provided under sections 135.1500 to 135.1519 for each**
4 **such fiscal year by December thirty-first of the calendar year in which an application is**
5 **filed under subsection 2 of this section.**

6 **2. Owners of an eligible facility seeking benefits provided under section 135.1513**
7 **shall file applications for such benefits, accompanied by a certificate of compliance, on or**
8 **before December thirty-first of each year. If such facility, relating to which such owners**
9 **are applying for such tax credits satisfies the applicable requirements provided under**
10 **sections 135.1500 to 135.1519, the department shall grant such benefits on or before July**
11 **fifteenth of the next calendar year following such time period.**

12 **3. If the annual cap for any of such tax credits provided under section 135.1517 is**
13 **met in a year, then the amount of such tax credits authorized, but unissued, shall be carried**
14 **forward and issued in the subsequent year.**

15 **4. No owner of an eligible facility shall be entitled to receive benefits provided**
16 **under section 135.1513 unless a certificate of occupancy has been issued for the eligible**
17 **facility prior to August 28, 2020. An owner of an eligible facility for which a certificate of**
18 **occupancy has been issued prior to August 28, 2020, may be granted benefits under this**
19 **section.**

135.1517. The total aggregate amount for all of the tax credits authorized under
2 **subdivisions (1) and (2) of subsection 1 of section 135.1513 shall not exceed three hundred**
3 **million dollars. The annual amount of the tax credits issued under subdivisions (1) and (2)**
4 **of subsection 1 of section 135.1513 shall not exceed:**

5 **(1) Two million dollars for the taxable year beginning on or after January 1, 2013,**
6 **and ending on or before December 31, 2013;**

7 **(2) Fifteen million dollars for the taxable year beginning on or after January 1,**
8 **2014, and ending on or before December 31, 2014;**

9 **(3) Sixteen million dollars for the taxable year beginning on or after January 1,**
10 **2015, and ending on or before December 31, 2015;**

11 **(4) Twenty million dollars for all taxable years beginning on or after January 1,**
12 **2016, but ending on or before December 31, 2019;**

13 **(5) Thirty million dollars for all taxable years beginning on or after January 1,**
14 **2020, but ending on or before December 31, 2025; and**

15 **(6) Seven million dollars for the taxable year beginning on or after January 1, 2026,**
16 **and ending on or before December 31, 2026.**

135.1519. If the amount of any tax credit authorized under sections 135.1500 to
2 **135.1519 exceeds the total tax liability for the year in which the applicant is entitled to**
3 **receive a tax credit, the amount that exceeds the state tax liability may be carried forward**
4 **for credit against the taxes imposed under chapters 143, 147, and 148, except sections**
5 **143.191 to 143.265, for the succeeding six years, or until the full credit is used, whichever**
6 **occurs first. Tax credits authorized under the provisions of sections 135.1500 to 135.1519**
7 **may be transferred, sold, or otherwise assigned. Tax credits granted to a partnership, a**
8 **limited liability company taxed as a partnership, or multiple owners of property shall be**

9 passed through to the partners, members, or owners respectively pro rata or under an
10 executed agreement among the partners, members, or owners documenting an alternate
11 distribution method.

135.1521. 1. The department may promulgate rules to implement the provisions
2 of sections 135.1500 to 135.1519. Any rule or portion of a rule, as that term is defined in
3 section 536.010 that is created under the authority delegated in this section shall become
4 effective only if it complies with and is subject to all of the provisions of chapter 536, and,
5 if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of
6 the powers vested with the general assembly pursuant to chapter 536 to review, to delay
7 the effective date, or to disapprove and to annul a rule are subsequently held
8 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
9 after August 28, 2011, shall be invalid and void.

10 2. The provisions of the new programs authorized under sections 135.1500 to
11 135.1519 shall automatically sunset eight years after August 28, 2011, unless reauthorized
12 by an act of the general assembly. If such program is reauthorized, the program
13 authorized under this section shall automatically sunset six years after the effective date
14 of the reauthorization of this section. This section shall terminate on September first of the
15 calendar year immediately following the calendar year in which the programs authorized
16 under sections 135.1500 to 135.1519 sunset.

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

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

17 3. A copy of the order shall be mailed to the taxpayer at the taxpayer's last known
18 address. The notice shall advise the taxpayer that the administrative garnishment has
19 commenced and the procedures to contest such garnishment on the grounds that such

20 garnishment is improper due to a mistake of fact by requesting a hearing within thirty
21 days from mailing or electronic issuance of the notice. At such a hearing the certified
22 records of the department shall constitute prima facie evidence that the director's order
23 is valid and enforceable. If a prima facie case is established, the obligor may only assert
24 as a defense mistake as to the identity of the taxpayer, mistake as to payments made, or
25 existence of an alternative payment agreement for which no default has occurred. The
26 taxpayer shall have the burden of proof on such issues. The taxpayer may obtain relief
27 from the garnishment by paying the amount owed.

28 **4. An employer or other payor shall withhold from the earnings or other income**
29 **of each taxpayer the amount specified in the order. The employer or other payor shall**
30 **transmit the payments as directed in the order within ten business days of the date the**
31 **earnings, money due, or other income was payable to the taxpayer. For purposes of this**
32 **section, "business day" means a day that state offices are open for regular business. The**
33 **employer or other payor shall, along with the amounts transmitted, provide the date the**
34 **amount was withheld from the taxpayer.**

35 **5. An order issued under subsection 1 of this section shall be a continuing order and**
36 **shall remain in effect and be binding upon any employer or other payor upon whom it is**
37 **directed until a further order of the director. The director shall notify an employer or**
38 **other payor upon whom such an order has been directed whenever the deficiency is paid**
39 **in full.**

40 **6. If the order is served on a person other than an employer or other payor, it shall**
41 **be a lien against any money belonging to the taxpayer that is in the possession of the person**
42 **on the date of service. The person other than an employer or other payor shall pay over**
43 **any assets within ten business days of the service date of the order. A financial institution**
44 **ordered to surrender an account shall be entitled to collect its normally scheduled account**
45 **activity surcharges to maintain the account during the period of time the account is**
46 **garnished. For purposes of this section, the interest of the taxpayer in any joint financial**
47 **accounts shall be presumed to be equal to all other joint owners.**

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

52 **8. No person who complies with an order entered under this section shall be liable**
53 **to the taxpayer, or to any other person claiming rights derived from the taxpayer, for**
54 **wrongful withholding. A person who fails or refuses to withhold or pay the amounts as**
55 **ordered under this section shall be liable to the state in a sum equal to the value of the**
56 **wages or property not surrendered, but not to exceed the amount of tax deficiency. The**
57 **director is hereby authorized to bring an action in circuit court to determine the liability**

58 of a person for failure to withhold or pay the amounts as ordered. If a court finds that a
59 violation has occurred, the court may fine the person in an amount not to exceed five
60 hundred dollars. The court may also enter a judgment against the person or other legal
61 entity for the amounts to be withheld or paid, court costs, and reasonable attorney's
62 surcharges.

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

66 **10.** An employer shall not discharge, or refuse to hire or otherwise discipline, an
67 employee as a result of an order to withhold and pay over certain money authorized by this
68 section. If any such employee is discharged within thirty days of the date upon which an
69 order to withhold and pay over certain money is to take effect, there shall arise a
70 rebuttable presumption that such discharge was a result of such order. This presumption
71 shall be overcome only by clear, cogent and convincing evidence produced by the employer
72 that the employee was not terminated because of the order to withhold and pay over
73 certain money. The director or his or her designee is hereby authorized to bring an action
74 in circuit court to determine whether the discharge constitutes a violation of this
75 subsection. If the court finds that a violation has occurred, the court may enter an order
76 against the employer requiring reinstatement of the employee and may fine the employer
77 in an amount not to exceed five hundred dollars. Further, the court may enter judgment
78 against the employer for the back wages, costs, attorney's surcharges, and for the amount
79 of taxes that should have been withheld and paid over during the period of time the
80 employee was wrongfully discharged.

81 **11.** If a taxpayer for whom an order to withhold has been issued under subsection
82 1 of this section terminates the taxpayer's employment, the employer shall, within ten days
83 of the termination, notify the department of the termination, shall provide to the
84 department the last known address of the taxpayer, if known to the employer, and shall
85 provide to the department the name and address of the taxpayer's new employer, if known.
86 The director or his or her designee may issue an order to the new employer as provided in
87 subsection 1 of this section.

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

144.083. 1. The director of revenue shall require all persons who are responsible for the
2 collection of taxes under the provisions of section 144.080 to procure a retail sales license at no
3 cost to the licensee which shall be prominently displayed at the licensee's place of business, and

4 the license is valid until revoked by the director or surrendered by the person to whom issued
5 when sales are discontinued. The director shall issue the retail sales license within ten working
6 days following the receipt of a properly completed application. Any person applying for a retail
7 sales license or reinstatement of a revoked sales tax license who owes any tax under sections
8 144.010 to 144.510 or sections 143.191 to 143.261 must pay the amount due plus interest and
9 penalties before the department may issue the applicant a license or reinstate the revoked license.
10 All persons beginning business subsequent to August 13, 1986, and who are required to collect
11 the sales tax shall secure a retail sales license prior to making sales at retail. Such license may,
12 after ten days' notice, be revoked by the director of revenue only in the event the licensee shall
13 be in default for a period of sixty days in the payment of any taxes levied under section 144.020
14 or sections 143.191 to 143.261. Notwithstanding the provisions of section 32.057 in the event
15 of revocation, the director of revenue may publish the status of the business account including
16 the date of revocation in a manner as determined by the director.

17 2. The possession of a retail sales license and a statement from the department of revenue
18 that the licensee owes no tax due under [sections 144.010 to 144.510 or sections 143.191 to
19 143.261] **section 32.088** shall be a prerequisite to the issuance or renewal of any city or county
20 occupation license or any state license which is required for conducting any business [where
21 goods are sold at retail]. The date of issuance on the statement that the licensee owes no tax due
22 shall be no more than ninety days before the date of submission for application or renewal of the
23 local license. The revocation of a retailer's license by the director shall render the occupational
24 license or the state license null and void.

25 3. No person responsible for the collection of taxes under section 144.080 shall make
26 sales at retail unless such person is the holder of a valid retail sales license. After all appeals
27 have been exhausted, the director of revenue may notify the county or city law enforcement
28 agency representing the area in which the former licensee's business is located that the retail sales
29 license of such person has been revoked, and that any county or city occupation license of such
30 person is also revoked. The county or city may enforce the provisions of this section, and may
31 prohibit further sales at retail by such person.

32 4. In addition to the provisions of subsection 2 of this section, beginning January 1,
33 2009, **and until December 31, 2011**, the possession of a statement from the department of
34 revenue stating no tax is due under sections 143.191 to 143.265 or sections 144.010 to 144.510
35 shall also be a prerequisite to the issuance or renewal of any city or county occupation license
36 or any state license required for conducting any business where goods are sold at retail. The
37 statement of no tax due shall be dated no longer than ninety days before the date of submission
38 for application or renewal of the city or county license.

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

144.810. 1. As used in this section, unless the context clearly indicates otherwise, the following terms mean:

(1) "Commencement of commercial operations", shall be deemed to occur during the first calendar year for which the data storage center or server farm facility is first available for use by the operating taxpayer, or first capable of being used by the operating taxpayer, as a data storage center or server farm facility;

(2) "Constructing taxpayer", where more than one taxpayer is responsible for a project, a taxpayer responsible for the purchase or construction of the facility, as opposed to a taxpayer responsible for the equipping and ongoing operations of the facility;

(3) "Data storage center" or "server farm facility" or "facility", a facility purchased, constructed, extended, improved, or operating under this section, provided that such business facility is engaged in:

(a) Wired telecommunications carriers (NAICS 517110); or

(b) Data processing, hosting, and related services (NAICS 518210); or

(c) Internet publishing and broadcasting and web search portals (NAICS 519130), at the business facility;

(4) "Existing facility", a data storage center or server farm facility in this state as it existed prior to August 28, 2011, as determined by the department;

(5) "Expanding facility" or "expanding data storage center or server farm facility", an existing facility or replacement facility that expands its operations in this state on or after August 28, 2011, and has net new investment related to the expansion of operations in this state of at least one million dollars during a period of up to twelve consecutive months. An expanding facility shall continue to be an expanding facility regardless of a subsequent change in or addition of operating taxpayers or constructing taxpayers;

(6) "Expanding facility project" or "expanding data storage center or server farm facility project", the purchase, construction, extension, improvement, equipping, and operation of an expanding facility;

(7) "NAICS", the 2007 edition of the North American Industry Classification System as prepared by the Executive Office of the President, Office of Management and Budget. Any NAICS sector, subsector, industry group, or industry identified in this section shall include its corresponding classification in previous and subsequent federal industry classification systems;

(8) "New facility" or "new data storage center or server farm facility", a facility in this state meeting the following requirements:

(a) The facility is acquired by, or leased to, an operating taxpayer on or after August 28, 2011. A facility shall be deemed to have been acquired by, or leased to, an operating taxpayer on or after August 28, 2011, if the transfer of title to an operating

39 taxpayer, the transfer of possession under a binding contract to transfer title to an
40 operating taxpayer, or the commencement of the term of the lease to an operating taxpayer
41 occurs on or after August 28, 2011, or, if the facility is constructed, erected, or installed by
42 or on behalf of an operating taxpayer, such construction, erection, or installation is
43 commenced on or after August 28, 2011;

44 (b) If such facility was acquired by an operating taxpayer from another person or
45 persons on or after August 28, 2011, and such facility was employed prior to August 28,
46 2011, by any other person or persons in the operation of a data storage center or server
47 farm facility, the facility shall not be considered a new facility;

48 (c) Such facility is not a replacement facility, as defined in this section;

49 (d) The new facility project investment is at least five million dollars during a
50 period of up to thirty-six consecutive months. Where more than one taxpayer is
51 responsible for a project, the investment requirement may be met by an operating
52 taxpayer, a constructing taxpayer, or a combination of constructing taxpayers and
53 operating taxpayers; and

54 (e) A new facility shall continue to be a new facility regardless of a subsequent
55 change in or addition of operating taxpayers or constructing taxpayers;

56 (9) "New data storage center or server farm facility project", or "new facility
57 project", the purchase, construction, extension, improvement, equipping, and operation
58 of a new facility;

59 (10) "Operating taxpayer", where more than one taxpayer is responsible for a
60 project, a taxpayer responsible for the equipping and ongoing operations of the facility, as
61 opposed to a taxpayer responsible for the purchasing or construction of the facility;

62 (11) "Project taxpayers", each constructing taxpayer and each operating taxpayer
63 for a data storage center or server farm facility project;

64 (12) "Replacement facility" or "replacement data storage center or server farm
65 facility", a facility in this state otherwise described in subdivision (8) of this subsection, but
66 which replaces another facility located within the state, which the taxpayer or a related
67 taxpayer previously operated but discontinued operating within one year prior to the
68 commencement of commercial operations at the new facility;

69 (13) "Taxpayer", the purchaser of tangible personal property or a service that is
70 subject to state or local sales or use tax and from whom state or local sales or use tax is
71 owed. "Taxpayer" shall not mean the seller charged by law with collecting the sales tax
72 from the purchaser.

73 2. Beginning August 28, 2011, in addition to the exemptions granted under chapter
74 144, there shall also be specifically exempted from state and local sales and use taxes
75 defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections
76 144.600 to 144.761, or section 238.235:

77 (1) All electrical energy, gas, water, and other utilities including telecommunication
78 and internet services used in a new data storage center or server farm facility;

79 (2) All machinery, equipment, and computers used in any new data storage center
80 or server farm facility; and

81 (3) All sales at retail of tangible personal property and materials for the purpose
82 of constructing, repairing, or remodeling any new data storage center or server farm
83 facility.

84 3. Any data storage center and server farm facility project seeking a tax exemption
85 under subsection 2 of this section shall submit a project plan to the department of economic
86 development, including identifying each known constructing taxpayer and each known
87 operating taxpayer for the project. The department of economic development shall
88 determine whether the project is eligible for the exemption under subsection 2 of this
89 section conditional upon subsequent verification by the department that the project meets
90 the requirement in paragraph (d) of subdivision (8) of subsection 1 of this section of at least
91 five million dollars of new facility investment over a time period not to exceed thirty-six
92 consecutive months. The department of economic development shall convey such
93 conditional approval to the department of revenue and the identified project taxpayers.
94 After a conditionally approved new facility project has met the investment amount, the
95 project taxpayers shall provide proof of such investment to the department of economic
96 development. Upon verification of such proof, the department of economic development
97 shall certify the project to the department of revenue as being eligible for the exemption
98 dating retroactively to the first day of the thirty-six month period or the first day of the
99 new investment in the event the investment is met in less than thirty-six months. The
100 department of revenue, upon receipt of adequate proof of the amount of sales taxes paid
101 since the first day of the thirty-six month period, or the first day of the new investment in
102 the event the investment is met in less than thirty-six months, shall issue a refund of sales
103 taxes paid as set forth in this section to each operating taxpayer and each constructing
104 taxpayer and issue a certificate of exemption to each new project taxpayer for ongoing
105 exemptions under subsection 2 of this section.

106 4. Beginning August 28, 2011, in addition to the exemptions granted under chapter
107 144, there shall also be specifically exempted from state and local sales and use taxes
108 defined, levied, or calculated under section 32.085, sections 144.010 to 144.525, sections
109 144.600 to 144.761, or section 238.235:

110 (1) All electrical energy, gas, water, and other utilities including telecommunication
111 and internet services used in an expanding data storage center or server farm facility
112 which, on an annual basis, exceeds the amount of electrical energy, gas, water, and other
113 utilities including telecommunication and internet services used in the existing facility or
114 the replaced facility prior to the expansion. "Amount" shall be measured in kilowatt

115 hours, gallons, cubic feet, or other measures applicable to a utility service as opposed to in
116 dollars, to account for increases in rates;

117 (2) All machinery, equipment, and computers used in any expanding data storage
118 center or server farm facility, the cost of which, on an annual basis, exceeds the average of
119 the previous three years' expenditures on machinery, equipment, and computers at the
120 existing facility or the replaced facility prior to the expansion. Existing facilities or
121 replaced facilities in existence for less than three years shall have the average expenditures
122 calculated based upon the applicable time of existence; and

123 (3) All sales at retail of the tangible personal property and materials for the
124 purpose of constructing, repairing, or remodeling any expanding data storage center or
125 server farm facility.

126 5. Any data storage center and server farm facility project seeking a tax exemption
127 under subsection 4 of this section shall submit an expanding project plan to the department
128 of economic development, including identifying each known constructing taxpayer and
129 each known operating taxpayer for the project. The project applicants shall also provide
130 proof satisfactory to the department of economic development that the facility is an
131 expanding facility and has net new investment related to the expansion of operations in this
132 state of at least one million dollars during a time period not to exceed twelve consecutive
133 months. Upon verification of such proof, the department of economic development shall
134 certify the project to the department of revenue as being eligible for the exemption. The
135 department of revenue shall issue a certificate of exemption to each expanding project
136 taxpayer for ongoing exemptions under subsection 4 of this section.

137 6. The sales tax exemptions in subsections 2 and 4 of this section shall be tied to the
138 new or expanding facility project. A certificate of exemption in the hands of a taxpayer
139 that is no longer an operating or constructing taxpayer of the new or expanding facility
140 project shall be invalid as of the date the taxpayer was no longer an operating or
141 constructing taxpayer of the new or expanding facility project. New certificates of
142 exemption shall be issued to successor constructing taxpayers and operating taxpayers at
143 such new or expanding facility projects. The right to the exemption by successor taxpayers
144 shall exist without regard to subsequent levels of investment in the new or expanding
145 facility by successor taxpayers.

146 7. The department of economic development and the department of revenue shall
147 cooperate in conducting random audits to make certain the intent of this section is
148 followed.

149 8. The department of economic development and the department of revenue shall
150 jointly prescribe such rules and regulations necessary to carry out the provisions of this
151 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is
152 created under the authority delegated in this section shall become effective only if it

153 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
154 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
155 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
156 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
157 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2011,**
158 **shall be invalid and void.**

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

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

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

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

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

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

18 (6) **Beginning, January 1, 2012, the government entity issuing a valid certificate of**
19 **license to teach in Missouri under section 168.011, shall at least one time each year provide**
20 **the name and Social Security number of each certificate holder or applicant for certificate**
21 **of a license to teach in Missouri to the director of revenue. The director of revenue shall**
22 **at least one time each year check the status of each certificate holder or applicant for**
23 **certificate of a license to teach in Missouri against a database developed by the director to**
24 **determine if all state income tax returns have been filed and all state income taxes owed**
25 **have been paid. If such certificate holder or applicant for certificate of a license to teach**
26 **in Missouri is delinquent on any state taxes, or has failed to file state income tax returns**
27 **in the last three years, the director shall then send notice to the certificate holder or**
28 **applicant for certificate of a license to teach in Missouri and the department of elementary**
29 **and secondary education. In the case of such delinquency or failure to file, the certificate**
30 **holder's license shall be suspended within ninety days after notice of such delinquency or**
31 **failure to file, and the applicant for certificate's license shall not be issued unless the**
32 **director of revenue verifies that such certificate holder or applicant for certificate has**

33 **remedied such delinquency or failure or has made arrangements to achieve such remedy.**
34 **The director of revenue shall, within ten business days of notification to the government**
35 **entity issuing the certificate of license to teach, that the delinquency has been remedied or**
36 **arrangements have been made to remedy such delinquency, and send written notification**
37 **to the certificate holder or applicant for certificate that the delinquency has been remedied.**
38 **Tax liability paid in protest or reasonably founded disputes with such liability shall be**
39 **considered paid for the purposes of this section.**

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

48 3. The department of elementary and secondary education may file charges seeking the
49 discipline of a holder of a certificate of license to teach based upon any cause or combination of
50 causes outlined in subsection 1 of this section, other than annulment of contract. Charges shall
51 be in writing, specify the basis for the charges, and be signed by legal counsel representing the
52 department of elementary and secondary education.

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

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

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

- 66 (1) Any dangerous felony as defined in section 556.061 or murder in the first degree;
67 (2) Any of the following sexual offenses: rape; statutory rape in the first degree;
68 statutory rape in the second degree; sexual assault; forcible sodomy; statutory sodomy in the first
69 degree; statutory sodomy in the second degree; child molestation in the first degree; child
70 molestation in the second degree; deviate sexual assault; sexual misconduct involving a child;

71 sexual misconduct in the first degree; sexual abuse; enticement of a child; or attempting to entice
72 a child;

73 (3) Any of the following offenses against the family and related offenses: incest;
74 abandonment of child in the first degree; abandonment of child in the second degree;
75 endangering the welfare of a child in the first degree; abuse of a child; child used in a sexual
76 performance; promoting sexual performance by a child; or trafficking in children; and

77 (4) Any of the following offenses involving child pornography and related offenses:
78 promoting obscenity in the first degree; promoting obscenity in the second degree when the
79 penalty is enhanced to a class D felony; promoting child pornography in the first degree;
80 promoting child pornography in the second degree; possession of child pornography in the first
81 degree; possession of child pornography in the second degree; furnishing child pornography to
82 a minor; furnishing pornographic materials to minors; or coercing acceptance of obscene
83 material.

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

89 8. The certificate holder whose certificate was revoked pursuant to subsection 6 of this
90 section may appeal such revocation to the state board of education. Notice of this appeal must
91 be received by the commissioner of education within ninety days of notice of revocation pursuant
92 to this subsection. Failure of the certificate holder to notify the commissioner of the intent to
93 appeal waives all rights to appeal the revocation. Upon notice of the certificate holder's intent
94 to appeal, an appeal hearing shall be held by a hearing officer designated by the commissioner
95 of education, with the final decision made by the state board of education, based upon the record
96 of that hearing. The certificate holder shall be given not less than thirty days' notice of the
97 hearing, and an opportunity to be heard by the hearing officer, together with witnesses.

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

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

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

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

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

215.020. 1. There is hereby created and established as a governmental instrumentality
2 of the state of Missouri the "Missouri Housing Development Commission" which shall constitute
3 a body corporate and politic.

4 2. The commission shall consist of the governor, lieutenant governor, the state treasurer,
5 the state attorney general, and six members to be selected by the governor, with the advice and
6 consent of the senate. The persons to be selected by the governor shall be individuals
7 knowledgeable in the areas of housing, finance or construction. Not more than four of the
8 members appointed by the governor shall be from the same political party. The members of the
9 commission appointed by the governor shall serve the following terms: Two shall serve two
10 years, two shall serve three years, and two shall serve four years, respectively. Thereafter, each
11 appointment shall be for a term of four years. If for any reason a vacancy occurs, the governor,
12 with the advice and consent of the senate, shall appoint a new member to fill the unexpired term.
13 Members are eligible for reappointment.

14 3. Six members of the commission shall constitute a quorum. No vacancy in the
15 membership of the commission shall impair the right of a quorum to exercise all the rights and
16 perform all the duties of the commission. No action shall be taken by the commission except
17 upon the affirmative vote of at least six of the members of the commission.

18 4. Each member of the commission appointed by the governor is entitled to
19 compensation of fifty dollars per diem plus his reasonable and necessary expenses actually
20 incurred in discharging his duties under sections 215.010 to 215.250.

21 **5. The employment of an executive director or chief executive officer by the**
22 **commission shall be for a term of three years and subject to reappointment for additional**
23 **terms; each term shall be subject to the advice and consent of the senate in the same**
24 **manner as an appointment subject to the provisions of article IV, section 51, of the**
25 **Missouri Constitution. Beginning January 1, 2012, the executive director or chief executive**
26 **officer of the Missouri housing development commission shall reside within a forty-mile**
27 **radius of the city of Jefferson City. The term of the executive director or chief executive**
28 **officer serving in such capacity on the effective date of this act shall expire on December**
29 **31, 2011, and such person may be reappointed under the provisions of this section.**

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

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

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

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

11 [(3)] (4) **"Department", the department of economic development;**

12 (5) "Eligible property", property located in Missouri and offered or used for residential
13 or business purposes;

14 [(4)] (6) "Leasehold interest", a lease in an eligible property for a term of not less than
15 thirty years;

16 [(5)] (7) "Principal", a managing partner, general partner, or president of a taxpayer;

17 [(6)] (8) "Structure in a certified historic district", a structure located in Missouri which
18 is certified by the department of natural resources as contributing to the historic significance of
19 a certified historic district listed on the National Register of Historic Places, or a local district
20 that has been certified by the United States Department of the Interior;

21 [(7)] (9) "Taxpayer", any person, firm, partnership, trust, estate, limited liability
22 company, or corporation;

23 (10) **"Total costs and expenses of rehabilitation", includes but is not limited to**
24 **qualified rehabilitation expenditures as defined in Section 47(c)(2) of the Internal Revenue**
25 **Code of 1986, as amended, and any related regulations promulgated under such section,**
26 **and other reasonable costs and expenses related to the rehabilitation of eligible property**
27 **that is a certified historic structure or a structure in a certified historic district. Taxpayers**
28 **may incur qualifying expenses included in the total costs and expenses of rehabilitation at**
29 **their own risk up to one year before the date of submission of a preliminary application**
30 **under section 253.559. Such other reasonable costs shall include, but not be limited to,**
31 **rehabilitation work in progress and accrued developer fees if an agreement or other**
32 **contractual document provides for payment of such accrued developer fees within twelve**
33 **years of project completion. The department shall accept such costs and expenses as**
34 **certified by a licensed certified public accountant that is not an affiliate of the applicant,**
35 **so long as such cost and expense certification is the same as being used to determine**
36 **qualified rehabilitation expenditures as defined in Section 47(c)(2) of the Internal Revenue**
37 **Code of 1986, as amended.**

253.550. 1. Any taxpayer incurring costs and expenses for the rehabilitation of eligible
2 property, which is a certified historic structure or structure in a certified historic district, may,
3 subject to the provisions of this section and section 253.559, receive a credit against the taxes

4 imposed pursuant to chapters 143 and 148, except for sections 143.191 to 143.265, on such
5 taxpayer in an amount equal to twenty-five percent of the total costs and expenses of
6 rehabilitation incurred [after January 1, 1998, which shall include, but not be limited to, qualified
7 rehabilitation expenditures as defined under section 47(c)(2)(A) of the Internal Revenue Code
8 of 1986, as amended, and the related regulations thereunder,] provided the rehabilitation costs
9 associated with rehabilitation and the expenses exceed fifty percent of the total basis in the
10 property and the rehabilitation meets standards consistent with the standards of the Secretary of
11 the United States Department of the Interior for rehabilitation as determined by the state historic
12 preservation officer of the Missouri department of natural resources.

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

25 3. For all applications for tax credits approved on or after January 1, 2010, **but before**
26 **June 30, 2011**, no more than two hundred fifty thousand dollars in tax credits may be issued for
27 eligible costs and expenses incurred in the rehabilitation of an eligible property which is a
28 nonincome producing single-family, owner-occupied residential property and is either a certified
29 historic structure or a structure in a certified historic district.

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

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

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

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

40 (b) Has received certification, by the state historic preservation officer, that the
41 rehabilitation plan meets the standards consistent with the standards of the Secretary of the

42 United States Department of the Interior, and the rehabilitation costs and expenses associated
43 with such rehabilitation shall exceed fifty percent of the total basis in the property.

44 **5. For each fiscal year beginning on or after July 1, 2011, but ending on or before**
45 **June 30, 2026, the department shall not approve applications for tax credits under the**
46 **provisions of subsections 3 and 8 of section 253.559 which, in the aggregate, exceed one**
47 **hundred fifteen million dollars, increased by any amount of tax credits for which approval**
48 **shall be rescinded or carried forward under the provisions of section 253.559. The**
49 **limitations provided under this subsection shall not apply to applications approved under**
50 **the provisions of section 253.559 for projects to receive less than five hundred thousand**
51 **dollars in tax credits.**

52 **6. For all applications for tax credits approved on or after July 1, 2011, no more**
53 **than two hundred fifty thousand dollars in tax credits may be issued for eligible costs and**
54 **expenses incurred in the rehabilitation of an eligible property which is a nonincome**
55 **producing single-family, owner-occupied residential property and is either a certified**
56 **historic structure or a structure in a certified historic district. For purposes of this**
57 **subsection, "eligible property" shall not include any property with a purchase price in**
58 **excess of four hundred thousand dollars.**

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

62 **(1) Any application submitted by an applicant, which has received approval from**
63 **the department prior to July 1, 2011;**

64 **(2) Any application for a project which is authorized to receive federal low-income**
65 **housing tax credits;**

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

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

71 **(b) Has received certification, by the state historic preservation officer, that the**
72 **rehabilitation plan meets the standards consistent with the standards of the Secretary of**
73 **the United States Department of the Interior, and the rehabilitation costs and expenses**
74 **associated with such rehabilitation would, upon completion, be expected to exceed fifty**
75 **percent of the total basis in the property.**

253.557. 1. If the amount of such credit exceeds the total tax liability for the year in
2 which the rehabilitated property is placed in service, the amount that exceeds the state tax
3 liability may be carried back to any of the three preceding years and carried forward for credit
4 against the taxes imposed pursuant to chapter 143 and chapter 148, except for sections 143.191

5 to 143.265 for the succeeding ten years, or until the full credit is used, whichever occurs first.
6 **For all tax credits authorized under the provisions of sections 253.545 to 253.559 on or**
7 **after July 1, 2011, if the total amount of such credit exceeds the total tax liability for the**
8 **year in which the rehabilitated property is placed in service, the amount that exceeds the**
9 **state tax liability may be carried back to the preceding year and carried forward for credit**
10 **against the taxes imposed chapters 143 and 148, except for sections 143.191 to 143.265 for**
11 **the succeeding five years, or until the full credit is used, whichever occurs first.**
12 Not-for-profit entities, including but not limited to corporations organized as not-for-profit
13 corporations pursuant to chapter 355 shall be ineligible for the tax credits authorized under
14 sections 253.545 [through 253.561] to **253.559**. Taxpayers eligible for such tax credits may
15 transfer, sell or assign the credits. Credits granted to a partnership, a limited liability company
16 taxed as a partnership or multiple owners of property shall be passed through to the partners,
17 members or owners respectively pro rata or pursuant to an executed agreement among the
18 partners, members or owners documenting an alternate distribution method.

19 2. The assignee of the tax credits, hereinafter the assignee for purposes of this
20 subsection, may use acquired credits to offset up to one hundred percent of the tax liabilities
21 otherwise imposed pursuant to chapter 143 and chapter 148, except for sections 143.191 to
22 143.265. The assignor shall perfect such transfer by notifying the department of economic
23 development in writing within thirty calendar days following the effective date of the transfer
24 and shall provide any information as may be required by the department of economic
25 development to administer and carry out the provisions of this section.

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

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

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

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

20 (3) The estimated cost of rehabilitation, the anticipated total costs of the project, the
21 actual basis of the property, as shown by proof of actual acquisition costs, the anticipated total
22 labor costs, the estimated **or actual** project start date, and the estimated project completion date;

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

25 (5) Any other information which the department [of economic development] may
26 reasonably require to review the project for approval.

27

28 Only the property for which a property address is provided in the application shall be reviewed
29 for approval. Once selected for review, a taxpayer shall not be permitted to request the review
30 of another property for approval in the place of the property contained in such application. Any
31 disapproved application shall be removed from the review process. If an application is removed
32 from the review process, the department [of economic development] shall notify the taxpayer in
33 writing of the decision to remove such application. Disapproved applications shall lose priority
34 in the review process. A disapproved application, which is removed from the review process,
35 may be resubmitted, but shall be deemed to be a new submission for purposes of the priority
36 procedures described in this section.

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

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

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

50 (2) Where the ownership of the project is changed due to a foreclosure, deed in lieu of
51 a foreclosure or voluntary conveyance, or a transfer in bankruptcy. **Upon any such change in**
52 **ownership, the applicant identified in such application shall notify the department of such**
53 **change within ninety days of such change.**

54 5. In the event that the department [of economic development] grants approval for tax
55 credits equal to the total amount available under subsection 2 of section 253.550, or sufficient

56 that when totaled with all other approvals, the amount available under subsection 2 of section
57 253.550 is exhausted, all taxpayers with applications then awaiting approval or thereafter
58 submitted for approval shall be notified by the department [of economic development] that no
59 additional approvals shall be granted during the fiscal year and shall be notified of the priority
60 given to such taxpayer's application then awaiting approval. Such applications shall be kept on
61 file by the department [of economic development] and shall be considered for approval for tax
62 credits in the order established in this section in the event that additional credits become
63 available due to the rescission of approvals or when a new fiscal year's allocation of credits
64 becomes available for approval.

65 6. All taxpayers with applications receiving approval on or after the effective date of this
66 act shall commence rehabilitation, **if rehabilitation has not previously begun**, within two years
67 of the date of issuance of the letter from the department [of economic development] granting the
68 approval for tax credits. "Commencement of rehabilitation" shall mean that as of the date in
69 which actual physical work, contemplated by the architectural plans submitted with the
70 application, has begun, the taxpayer has incurred no less than ten percent of the estimated costs
71 of rehabilitation provided in the application. Taxpayers with approval of a project shall submit
72 evidence of compliance with the provisions of this subsection. **Taxpayers may commence**
73 **rehabilitation and incur qualifying expenses at their own risk before the property is listed**
74 **on the required historic register. If the rehabilitation receives final approval under this**
75 **section, including the necessary verification of the total costs and expenses of rehabilitation,**
76 **the taxpayer shall receive tax credits for all qualifying expenses.** If the department [of
77 economic development] determines that a taxpayer has failed to comply with the requirements
78 provided under this section, the approval for the amount of tax credits for such taxpayer shall be
79 rescinded and such amount of tax credits shall then be included in the total amount of tax credits,
80 provided under subsection 2 of section 253.550, from which approvals may be granted. Any
81 taxpayer whose approval shall be subject to rescission shall be notified of such from the
82 department [of economic development] and, upon receipt of such notice, may submit a new
83 application for the project.

84 7. To claim the credit authorized under sections 253.550 to 253.559, a taxpayer with
85 approval shall apply for final approval and issuance of tax credits from the department [of
86 economic development] which, in consultation with the department of natural resources, shall
87 determine (i) the final amount of eligible rehabilitation costs and expenses **based solely on a**
88 **certification of such costs and expenses prepared in a manner prescribed by the**
89 **department and submitted with the final application submitted under this section** and (ii)
90 whether the completed rehabilitation meets the standards of the Secretary of the United States
91 Department of the Interior for rehabilitation as determined by the state historic preservation
92 officer of the Missouri department of natural resources. For financial institutions credits
93 authorized pursuant to sections 253.550 to 253.561 shall be deemed to be economic development

94 credits for purposes of section 148.064. The approval of all applications and the issuing of
95 certificates of eligible credits to taxpayers shall be performed by the department [of economic
96 development]. The department [of economic development] shall inform a taxpayer of final
97 approval by letter and shall issue, to the taxpayer, tax credit certificates. The taxpayer shall
98 attach the certificate to all Missouri income tax returns on which the credit is claimed.

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

110 9. The department [of economic development] shall determine, on an annual basis, the
111 overall economic impact to the state from the rehabilitation of eligible property.

112 **10. Taxpayers or duly authorized representatives may appeal any official decision,**
113 **including all preliminary or final approvals and denials of approvals, made by the**
114 **department or the department of natural resources with regard to an application**
115 **submitted under sections 253.550 to 253.559 to an independent third-party appeals officer**
116 **designated by the department. Such appeals under this section shall constitute an**
117 **administrative review of the decision appealed from and shall not be conducted as an**
118 **adjudicative proceeding.**

119 **(1) Appeals shall be submitted to the designated appeals officer in writing within**
120 **thirty days of receipt by the taxpayer or the taxpayer's duly authorized representative of**
121 **the decision that is the subject of the appeal, and shall include all information the appellant**
122 **wishes the appeals officer to consider in deciding the appeal.**

123 **(2) Upon receipt of an appeal, the appeals officer shall notify the department or the**
124 **department of natural resources that an appeal is pending, identify the decision being**
125 **appealed, and forward a copy of the information submitted by the appellant. The**
126 **department or the department of natural resources may submit a written response to the**
127 **appeal.**

128 **(3) The appellant shall be entitled to one meeting with the appeals officer to discuss**
129 **the appeal, but the appeals officer may schedule additional meetings at the officer's**
130 **discretion. The department or the department of natural resources may appear at all**
131 **meetings.**

132 **(4) The appeals officer shall consider the record of the decision in question, any**
133 **further written submissions by the appellant and the department or the department of**
134 **natural resources, and other available information, and shall deliver a written decision to**
135 **all parties as promptly as circumstances permit.**

447.708. 1. For eligible projects, the director of the department of economic
2 development, with notice to the directors of the departments of natural resources and revenue,
3 and subject to the other provisions of sections 447.700 to 447.718, may not create a new
4 enterprise zone but may decide that a prospective operator of a facility being remedied and
5 renovated pursuant to sections 447.700 to 447.718 may receive the tax credits and exemptions
6 pursuant to sections 135.100 to 135.150 and sections 135.200 to 135.257. The tax credits
7 allowed pursuant to this subsection shall be used to offset the tax imposed by chapter 143,
8 excluding withholding tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed
9 by chapter 147, or the tax otherwise imposed by chapter 148. For purposes of this subsection:

10 (1) For receipt of the ad valorem tax abatement pursuant to section 135.215, the eligible
11 project must create at least ten new jobs or retain businesses which supply at least twenty-five
12 existing jobs. The city, or county if the eligible project is not located in a city, must provide ad
13 valorem tax abatement of at least fifty percent for a period not less than ten years and not more
14 than twenty-five years;

15 (2) For receipt of the income tax exemption pursuant to section 135.220 and tax credit
16 for new or expanded business facilities pursuant to sections 135.100 to 135.150, and 135.225,
17 the eligible project must create at least ten new jobs or retain businesses which supply at least
18 twenty-five existing jobs, or combination thereof. For purposes of sections 447.700 to 447.718,
19 the tax credits described in section 135.225 are modified as follows: the tax credit shall be four
20 hundred dollars per employee per year, an additional four hundred dollars per year for each
21 employee exceeding the minimum employment thresholds of ten and twenty-five jobs for new
22 and existing businesses, respectively, an additional four hundred dollars per year for each person
23 who is a person difficult to employ as defined by section 135.240, and investment tax credits at
24 the same amounts and levels as provided in subdivision (4) of subsection 1 of section 135.225;

25 (3) For eligibility to receive the income tax refund pursuant to section 135.245, the
26 eligible project must create at least ten new jobs or retain businesses which supply at least
27 twenty-five existing jobs, or combination thereof, and otherwise comply with the provisions of
28 section 135.245 for application and use of the refund and the eligibility requirements of this
29 section;

30 (4) The eligible project operates in compliance with applicable environmental laws and
31 regulations, including permitting and registration requirements, of this state as well as the federal
32 and local requirements;

33 (5) The eligible project operator shall file such reports as may be required by the director
34 of economic development or the director's designee;

35 (6) The taxpayer may claim the state tax credits authorized by this subsection and the
36 state income exemption for a period not in excess of ten consecutive tax years. For the purpose
37 of this section, "taxpayer" means an individual proprietorship, partnership or corporation
38 described in section 143.441 or 143.471 who operates an eligible project. The director shall
39 determine the number of years the taxpayer may claim the state tax credits and the state income
40 exemption based on the projected net state economic benefits attributed to the eligible project;

41 (7) For the purpose of meeting the new job requirement prescribed in subdivisions (1),
42 (2) and (3) of this subsection, it shall be required that at least ten new jobs be created and
43 maintained during the taxpayer's tax period for which the credits are earned, in the case of an
44 eligible project that does not replace a similar facility in Missouri. "New job" means a person
45 who was not previously employed by the taxpayer or related taxpayer within the twelve-month
46 period immediately preceding the time the person was employed by that taxpayer to work at, or
47 in connection with, the eligible project on a full-time basis. "Full-time basis" means the
48 employee works an average of at least thirty-five hours per week during the taxpayer's tax period
49 for which the tax credits are earned. For the purposes of this section, related taxpayer has the
50 same meaning as defined in subdivision (9) of section 135.100;

51 (8) For the purpose of meeting the existing job retention requirement, if the eligible
52 project replaces a similar facility that closed elsewhere in Missouri prior to the end of the
53 taxpayer's tax period in which the tax credits are earned, it shall be required that at least
54 twenty-five existing jobs be retained at, and in connection with the eligible project, on a full-time
55 basis during the taxpayer's tax period for which the credits are earned. "Retained job" means a
56 person who was previously employed by the taxpayer or related taxpayer, at a facility similar to
57 the eligible project that closed elsewhere in Missouri prior to the end of the taxpayer's tax period
58 in which the tax credits are earned, within the tax period immediately preceding the time the
59 person was employed by the taxpayer to work at, or in connection with, the eligible project on
60 a full-time basis. "Full-time basis" means the employee works an average of at least thirty-five
61 hours per week during the taxpayer's tax period for which the tax credits are earned;

62 (9) In the case where an eligible project replaces a similar facility that closed elsewhere
63 in Missouri prior to the end of the taxpayer's tax period in which the tax credits are earned, the
64 owner and operator of the eligible project shall provide the director with a written statement
65 explaining the reason for discontinuing operations at the closed facility. The statement shall
66 include a comparison of the activities performed at the closed facility prior to the date the facility
67 ceased operating, to the activities performed at the eligible project, and a detailed account
68 describing the need and rationale for relocating to the eligible project. If the director finds the
69 relocation to the eligible project significantly impaired the economic stability of the area in
70 which the closed facility was located, and that such move was detrimental to the overall
71 economic development efforts of the state, the director may deny the taxpayer's request to claim
72 tax benefits;

73 (10) Notwithstanding any provision of law to the contrary, for the purpose of this
74 section, the number of new jobs created and maintained, the number of existing jobs retained,
75 and the value of new qualified investment used at the eligible project during any tax year shall
76 be determined by dividing by twelve, in the case of jobs, the sum of the number of individuals
77 employed at the eligible project, or in the case of new qualified investment, the value of new
78 qualified investment used at the eligible project, on the last business day of each full calendar
79 month of the tax year. If the eligible project is in operation for less than the entire tax year, the
80 number of new jobs created and maintained, the number of existing jobs retained, and the value
81 of new qualified investment created at the eligible project during any tax year shall be
82 determined by dividing the sum of the number of individuals employed at the eligible project,
83 or in the case of new qualified investment, the value of new qualified investment used at the
84 eligible project, on the last business day of each full calendar month during the portion of the tax
85 year during which the eligible project was in operation, by the number of full calendar months
86 during such period;

87 (11) For the purpose of this section, "new qualified investment" means new business
88 facility investment as defined and as determined in subdivision (7) of section 135.100 which is
89 used at and in connection with the eligible project. "New qualified investment" shall not include
90 small tools, supplies and inventory. "Small tools" means tools that are portable and can be hand
91 held.

92 2. The determination of the director of economic development pursuant to subsection
93 1 of this section shall not affect requirements for the prospective purchaser to obtain the approval
94 of the granting of real property tax abatement by the municipal or county government where the
95 eligible project is located.

96 3. (1) The director of the department of economic development, with the approval of
97 the director of the department of natural resources, may, in addition to the tax credits allowed
98 in subsection 1 of this section, grant a remediation tax credit to the applicant for up to one
99 hundred percent of the costs of materials, supplies, equipment, labor, professional engineering,
100 consulting and architectural fees, permitting fees and expenses, demolition, asbestos abatement,
101 **environmental insurance premiums, backfill of areas where contaminated soil excavation**
102 **occurs**, and direct utility charges for performing the voluntary remediation activities for the
103 preexisting hazardous substance contamination and releases, including, but not limited to, the
104 costs of performing operation and maintenance of the remediation equipment at the property
105 beyond the year in which the systems and equipment are built and installed at the eligible project
106 and the costs of performing the voluntary remediation activities over a period not in excess of
107 four tax years following the taxpayer's tax year in which the system and equipment were first put
108 into use at the eligible project, provided the remediation activities are the subject of a plan
109 submitted to, and approved by, the director of natural resources pursuant to sections 260.565 to
110 260.575. The tax credit may also include up to one hundred percent of the costs of demolition

111 that are not directly part of the remediation activities, provided that the demolition is on the
112 property where the voluntary remediation activities are occurring, the demolition is necessary
113 to accomplish the planned use of the facility where the remediation activities are occurring, and
114 the demolition is part of a redevelopment plan approved by the municipal or county government
115 and the department of economic development. The demolition may occur on an adjacent
116 property if the project is located in a municipality which has a population less than twenty
117 thousand and the above conditions are otherwise met. The adjacent property shall independently
118 qualify as abandoned or underutilized. The amount of the credit available for demolition not
119 associated with remediation cannot exceed the total amount of credits approved for remediation
120 including demolition required for remediation.

121 (2) The amount of remediation tax credits issued shall be limited to the least amount
122 necessary to cause the project to occur, as determined by the director of the department of
123 economic development.

124 (3) The director may, with the approval of the director of natural resources, extend the
125 tax credits allowed for performing voluntary remediation maintenance activities, in increments
126 of three-year periods, not to exceed five consecutive three-year periods. The tax credits allowed
127 in this subsection shall be used to offset the tax imposed by chapter 143, excluding withholding
128 tax imposed by sections 143.191 to 143.265, or the tax otherwise imposed by chapter 147, or the
129 tax otherwise imposed by chapter 148.

130 The remediation tax credit may be taken in the same tax year in which the tax credits are
131 received or may be taken over a period not to exceed twenty years.

132 (4) The project facility shall be projected to create at least ten new jobs or at least
133 twenty-five retained jobs, or a combination thereof, as determined by the department of
134 economic development, to be eligible for tax credits pursuant to this section.

135 (5) No more than seventy-five percent of earned remediation tax credits may be issued
136 when the remediation costs were paid, and the remaining percentage may be issued when the
137 department of natural resources issues a letter of completion letter or covenant not to sue
138 following completion of the voluntary remediation activities. It shall not include any costs
139 associated with ongoing operational environmental compliance of the facility or remediation
140 costs arising out of spills, leaks, or other releases arising out of the ongoing business operations
141 of the facility. In the event the department of natural resources issues a letter of completion for
142 a portion of a property, an impacted media such as soil or groundwater, or for a site or a portion
143 of a site improvement, a prorated amount of the remaining percentage may be released based on
144 the percentage of the total site receiving a letter of completion.

145 4. In the exercise of the sound discretion of the director of the department of economic
146 development or the director's designee, the tax credits and exemptions described in this section
147 may be terminated, suspended or revoked, if the eligible project fails to continue to meet the
148 conditions set forth in this section. In making such a determination, the director shall consider

149 the severity of the condition violation, actions taken to correct the violation, the frequency of any
150 condition violations and whether the actions exhibit a pattern of conduct by the eligible facility
151 owner and operator. The director shall also consider changes in general economic conditions and
152 the recommendation of the director of the department of natural resources, or his or her designee,
153 concerning the severity, scope, nature, frequency and extent of any violations of the
154 environmental compliance conditions. The taxpayer or person claiming the tax credits or
155 exemptions may appeal the decision regarding termination, suspension or revocation of any tax
156 credit or exemption in accordance with the procedures outlined in subsections 4 [to 6] and 5 of
157 section 135.250. The director of the department of economic development shall notify the
158 directors of the departments of natural resources and revenue of the termination, suspension or
159 revocation of any tax credits as determined in this section or pursuant to the provisions of section
160 447.716.

161 5. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax
162 credits, exemptions or refund otherwise allowed in subdivisions (2), (3) and (4) of subsection
163 1 of this section and the tax credits otherwise allowed in section 135.110, or the tax credits,
164 exemptions and refund otherwise allowed in sections 135.215, 135.220, 135.225 and 135.245,
165 respectively, for the same facility for the same tax period.

166 6. The total amount of the tax credits allowed in subsection 1 of this section may not
167 exceed the greater of:

168 (1) That portion of the taxpayer's income attributed to the eligible project; or

169 (2) One hundred percent of the total business' income tax if the eligible facility does not
170 replace a similar facility that closed elsewhere in Missouri prior to the end of the taxpayer's tax
171 period in which the tax credits are earned, and further provided the taxpayer does not operate any
172 other facilities besides the eligible project in Missouri; fifty percent of the total business' income
173 tax if the eligible facility replaces a similar facility that closed elsewhere in Missouri prior to the
174 end of the taxpayer's tax period in which the credits are earned, and further provided the taxpayer
175 does not operate any other facilities besides the eligible project in Missouri; or twenty-five
176 percent of the total business income if the taxpayer operates, in addition to the eligible facility,
177 any other facilities in Missouri. In no case shall a taxpayer operating more than one eligible
178 project in Missouri be allowed to offset more than twenty-five percent of the taxpayer's business
179 income in any tax period. That portion of the taxpayer's income attributed to the eligible project
180 as referenced in subdivision (1) of this subsection, for which the credits allowed in sections
181 135.110 and 135.225 and subsection 3 of this section, may apply, shall be determined in the same
182 manner as prescribed in subdivision (6) of section 135.100. That portion of the taxpayer's
183 franchise tax attributed to the eligible project for which the remediation tax credit may offset,
184 shall be determined in the same manner as prescribed in paragraph (a) of subdivision (6) of
185 section 135.100.

186 7. Taxpayers claiming the state tax benefits allowed in subdivisions (2) and (3) of
187 subsection 1 of this section shall be required to file all applicable tax credit applications, forms
188 and schedules prescribed by the director during the taxpayer's tax period immediately after the
189 tax period in which the eligible project was first put into use. Otherwise, the taxpayer's right to
190 claim such state tax benefits shall be forfeited. Unused business facility and enterprise zone tax
191 credits shall not be carried forward but shall be initially claimed for the tax period during which
192 the eligible project was first capable of being used, and during any applicable subsequent tax
193 periods.

194 8. Taxpayers claiming the remediation tax credit allowed in subsection 3 of this section
195 shall be required to file all applicable tax credit applications, forms and schedules prescribed by
196 the director during the taxpayer's tax period immediately after the tax period in which the eligible
197 project was first put into use, or during the taxpayer's tax period immediately after the tax period
198 in which the voluntary remediation activities were performed.

199 9. The recipient of remediation tax credits, for the purpose of this subsection referred to
200 as assignor, may assign, sell or transfer, in whole or in part, the remediation tax credit allowed
201 in subsection 3 of this section to any other person, for the purpose of this subsection referred to
202 as assignee. To perfect the transfer, the assignor shall provide written notice to the director of
203 the assignor's intent to transfer the tax credits to the assignee, the date the transfer is effective,
204 the assignee's name, address and the assignee's tax period and the amount of tax credits to be
205 transferred. The number of tax periods during which the assignee may subsequently claim the
206 tax credits shall not exceed twenty tax periods, less the number of tax periods the assignor
207 previously claimed the credits before the transfer occurred.

208 10. In the case where an operator and assignor of an eligible project has been certified
209 to claim state tax benefits allowed in subdivisions (2) and (3) of subsection 1 of this section, and
210 sells or otherwise transfers title of the eligible project to another taxpayer or assignee who
211 continues the same or substantially similar operations at the eligible project, the director shall
212 allow the assignee to claim the credits for a period of time to be determined by the director;
213 except that, the total number of tax periods the tax credits may be earned by the assignor and the
214 assignee shall not exceed ten. To perfect the transfer, the assignor shall provide written notice
215 to the director of the assignor's intent to transfer the tax credits to the assignee, the date the
216 transfer is effective, the assignee's name, address, and the assignee's tax period, and the amount
217 of tax credits to be transferred.

218 11. For the purpose of the state tax benefits described in this section, in the case of a
219 corporation described in section 143.471 or partnership, in computing Missouri's tax liability,
220 such state benefits shall be allowed to the following:

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

222 (2) The partners of the partnership. The credit provided in this subsection shall be
223 apportioned to the entities described in subdivisions (1) and (2) of this subsection in proportion
224 to their share of ownership on the last day of the taxpayer's tax period.

620.1878. For the purposes of sections 620.1875 to 620.1890, the following terms shall
2 mean:

3 (1) "Approval", a document submitted by the department to the qualified company that
4 states the benefits that may be provided by this program;

5 (2) "Average wage", the new payroll divided by the number of new jobs;

6 (3) "Commencement of operations", the starting date for the qualified company's first
7 new employee, which must be no later than twelve months from the date of the approval;

8 (4) "County average wage", the average wages in each county as determined by the
9 department for the most recently completed full calendar year. However, if the computed county
10 average wage is above the statewide average wage, the statewide average wage shall be deemed
11 the county average wage for such county for the purpose of determining eligibility. The
12 department shall publish the county average wage for each county at least annually.
13 Notwithstanding the provisions of this subdivision to the contrary, for any qualified company
14 that in conjunction with their project is relocating employees from a Missouri county with a
15 higher county average wage, the company shall obtain the endorsement of the governing body
16 of the community from which jobs are being relocated or the county average wage for their
17 project shall be the county average wage for the county from which the employees are being
18 relocated;

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

20 (6) "Director", the director of the department of economic development;

21 (7) "Employee", a person employed by a qualified company;

22 (8) "Full-time employee", an employee of the qualified company that is scheduled to
23 work an average of at least thirty-five hours per week for a twelve-month period, and one for
24 which the qualified company offers health insurance and pays at least fifty percent of such
25 insurance premiums;

26 (9) "High-impact project", a qualified company that, within two years from
27 commencement of operations, creates one hundred or more new jobs;

28 (10) "**High-risk metropolitan statistical area**", a metropolitan statistical area as
29 identified by the United States Bureau of Census:

30 (a) **Which is comprised of two or more states including the state of Missouri which**
31 **include at least one county with an average household income equal to two hundred**
32 **percent of the national average household income as determined by the most recent data**
33 **available from the Bureau of Labor Statistics within the United States Department of**
34 **Labor as of the date the qualified business submits its notice of intent; and**

35 **(b) From which at least five businesses have relocated outside of this state in the ten**
36 **calendar years immediately preceding the date of the notice of intent and resulting in the**
37 **loss of at least three thousand of such companies' employees from this state;**

38 (11) "Local incentives", the present value of the dollar amount of direct benefit received
39 by a qualified company for a project facility from one or more local political subdivisions, but
40 shall not include loans or other funds provided to the qualified company that must be repaid by
41 the qualified company to the political subdivision;

42 [(11)] (12) "NAICS", the 1997 edition of the North American Industry Classification
43 System as prepared by the Executive Office of the President, Office of Management and Budget.
44 Any NAICS sector, subsector, industry group or industry identified in this section shall include
45 its corresponding classification in subsequent federal industry classification systems;

46 [(12)] (13) "New direct local revenue", the present value of the dollar amount of direct
47 net new tax revenues of the local political subdivisions likely to be produced by the project over
48 a ten-year period as calculated by the department, excluding local earnings tax, and net new
49 utility revenues, provided the local incentives include a discount or other direct incentives from
50 utilities owned or operated by the political subdivision;

51 [(13)] (14) "New investment"[.] :

52 **(a) For a qualified company not located within a high-risk metropolitan statistical**
53 **area**, the purchase or leasing of new tangible assets to be placed in operation at the project
54 facility, which will be directly related to the new jobs;

55 **(b) For a qualified company located within a high-risk metropolitan statistical area,**
56 **funds spent at the project facility after the approval of the notice of intent for real or**
57 **personal property and which may include the present value of finance or capital leases for**
58 **real or personal property for the term of such lease at the project facility executed after**
59 **approval of the notice of intent;**

60 [(14)] (15) "New job", the number of full-time employees located at the project facility
61 that exceeds the project facility base employment less any decrease in the number of full-time
62 employees at related facilities below the related facility base employment. No job that was
63 created prior to the date of the notice of intent shall be deemed a new job. An employee that
64 spends less than fifty percent of the employee's work time at the facility is still considered to be
65 located at a facility if the employee receives his or her directions and control from that facility,
66 is on the facility's payroll, one hundred percent of the employee's income from such employment
67 is Missouri income, and the employee is paid at or above the state average wage;

68 [(15)] (16) "New payroll", the amount of taxable wages of full-time employees,
69 excluding owners, located at the project facility that exceeds the project facility base payroll. If
70 full-time employment at related facilities is below the related facility base employment, any
71 decrease in payroll for full-time employees at the related facilities below that related facility base
72 payroll shall also be subtracted to determine new payroll;

73 [(16)] (17) "Notice of intent", a form developed by the department, completed by the
74 qualified company and submitted to the department which states the qualified company's intent
75 to hire new jobs and request benefits under this program;

76 [(17)] (18) "Percent of local incentives", the amount of local incentives divided by the
77 amount of new direct local revenue;

78 [(18)] (19) "Program", the Missouri quality jobs program provided in sections 620.1875
79 to 620.1890;

80 [(19)] (20) "Project facility", the building used by a qualified company at which the new
81 jobs and new investment will be located. A project facility may include separate buildings that
82 are located within fifteen miles of each other or within the same county such that their purpose
83 and operations are interrelated;

84 [(20)] (21) "Project facility base employment", the greater of the number of full-time
85 employees located at the project facility on the date of the notice of intent or for the
86 twelve-month period prior to the date of the notice of intent, the average number of full-time
87 employees located at the project facility. In the event the project facility has not been in
88 operation for a full twelve-month period, the average number of full-time employees for the
89 number of months the project facility has been in operation prior to the date of the notice of
90 intent;

91 [(21)] (22) "Project facility base payroll", the total amount of taxable wages paid by the
92 qualified company to full-time employees of the qualified company located at the project facility
93 in the twelve months prior to the notice of intent, not including the payroll of the owners of the
94 qualified company unless the qualified company is participating in an employee stock ownership
95 plan. For purposes of calculating the benefits under this program, the amount of base payroll
96 shall increase each year based on an appropriate measure, as determined by the department;

97 [(22)] (23) "Project period", the time period that the benefits are provided to a qualified
98 company;

99 [(23)] (24) "Qualified company", a firm, partnership, joint venture, association, private
100 or public corporation whether organized for profit or not, or headquarters of such entity
101 registered to do business in Missouri that is the owner or operator of a project facility, offers
102 health insurance to all full-time employees of all facilities located in this state, and pays at least
103 fifty percent of such insurance premiums. For the purposes of sections 620.1875 to 620.1890,
104 the term "qualified company" shall not include:

- 105 (a) Gambling establishments (NAICS industry group 7132);
- 106 (b) Retail trade establishments (NAICS sectors 44 and 45);
- 107 (c) Food and drinking places (NAICS subsector 722);
- 108 (d) Public utilities (NAICS 221 including water and sewer services);
- 109 (e) Any company that is delinquent in the payment of any nonprotested taxes or any
110 other amounts due the state or federal government or any other political subdivision of this state;

111 (f) Any company that has filed for or has publicly announced its intention to file for
112 bankruptcy protection. However, a company that has filed for or has publicly announced its
113 intention to file for bankruptcy between January 1, 2009, and December 31, 2009, may be a
114 qualified company provided that such company:

115 a. Certifies to the department that it plans to reorganize and not to liquidate; and

116 b. After its bankruptcy petition has been filed, it produces proof, in a form and at times
117 satisfactory to the department, that it is not delinquent in filing any tax returns or making any
118 payment due to the state of Missouri, including but not limited to all tax payments due after the
119 filing of the bankruptcy petition and under the terms of the plan of reorganization. Any taxpayer
120 who is awarded benefits under this subsection and who files for bankruptcy under Chapter 7 of
121 the United States Bankruptcy Code, Title 11 U.S.C., shall immediately notify the department and
122 shall forfeit such benefits and shall repay the state an amount equal to any state tax credits
123 already redeemed and any withholding taxes already retained;

124 (g) Educational services (NAICS sector 61);

125 (h) Religious organizations (NAICS industry group 8131);

126 (i) Public administration (NAICS sector 92);

127 (j) Ethanol distillation or production; or

128 (k) Biodiesel production. Notwithstanding any provision of this section to the contrary,
129 the headquarters or administrative offices of an otherwise excluded business may qualify for
130 benefits if the offices serve a multistate territory. In the event a national, state, or regional
131 headquarters operation is not the predominant activity of a project facility, the new jobs and
132 investment of such headquarters operation is considered eligible for benefits under this section
133 if the other requirements are satisfied;

134 [(24)] **(25)** "Qualified renewable energy sources" shall not be construed to include
135 ethanol distillation or production or biodiesel production; however, it shall include:

136 (a) Open-looped biomass;

137 (b) Close-looped biomass;

138 (c) Solar;

139 (d) Wind;

140 (e) Geothermal; and

141 (f) Hydropower;

142 [(25)] **(26)** "Related company" means:

143 (a) A corporation, partnership, trust, or association controlled by the qualified company;

144 (b) An individual, corporation, partnership, trust, or association in control of the
145 qualified company; or

146 (c) Corporations, partnerships, trusts or associations controlled by an individual,
147 corporation, partnership, trust or association in control of the qualified company. As used in this
148 subdivision, "control of a corporation" shall mean ownership, directly or indirectly, of stock

149 possessing at least fifty percent of the total combined voting power of all classes of stock entitled
150 to vote, "control of a partnership or association" shall mean ownership of at least fifty percent
151 of the capital or profits interest in such partnership or association, "control of a trust" shall mean
152 ownership, directly or indirectly, of at least fifty percent of the beneficial interest in the principal
153 or income of such trust, and ownership shall be determined as provided in Section 318 of the
154 Internal Revenue Code of 1986, as amended;

155 [(26)] **(27)** "Related facility", a facility operated by the qualified company or a related
156 company located in this state that is directly related to the operations of the project facility;

157 [(27)] **(28)** "Related facility base employment", the greater of the number of full-time
158 employees located at all related facilities on the date of the notice of intent or for the
159 twelve-month period prior to the date of the notice of intent, the average number of full-time
160 employees located at all related facilities of the qualified company or a related company located
161 in this state;

162 [(28)] **(29)** "Related facility base payroll", the total amount of taxable wages paid by the
163 qualified company to full-time employees of the qualified company located at a related facility
164 in the twelve months prior to the filing of the notice of intent, not including the payroll of the
165 owners of the qualified company unless the qualified company is participating in an employee
166 stock ownership plan. For purposes of calculating the benefits under this program, the amount
167 of related facility base payroll shall increase each year based on an appropriate measure, as
168 determined by the department;

169 [(29)] **(30)** "Rural area", a county in Missouri with a population less than seventy-five
170 thousand or that does not contain an individual city with a population greater than fifty thousand
171 according to the most recent federal decennial census;

172 [(30)] **(31)** "Small and expanding business project", a qualified company that within two
173 years of the date of the approval creates a minimum of twenty new jobs if the project facility is
174 located in a rural area or a minimum of forty new jobs if the project facility is not located in a
175 rural area and creates fewer than one hundred new jobs regardless of the location of the project
176 facility;

177 [(31)] **(32)** "Tax credits", tax credits issued by the department to offset the state income
178 taxes imposed by chapters 143 and 148, or which may be sold or refunded as provided for in this
179 program;

180 [(32)] **(33)** "Technology business project", a qualified company that within two years of
181 the date of the approval creates a minimum of ten new jobs involved in the operations of a
182 company:

183 (a) Which is a technology company, as determined by a regulation promulgated by the
184 department under the provisions of section 620.1884 or classified by NAICS codes;

185 (b) Which owns or leases a facility which produces electricity derived from qualified
186 renewable energy sources, or produces fuel for the generation of electricity from qualified

187 renewable energy sources, but does not include any company that has received the alcohol
188 mixture credit, alcohol credit, or small ethanol producer credit pursuant to 26 U.S.C. Section 40
189 of the tax code in the previous tax year;

190 (c) Which researches, develops, or manufactures power system technology for:
191 aerospace; space; defense; hybrid vehicles; or implantable or wearable medical devices; or

192 (d) Which is a clinical molecular diagnostic laboratory focused on detecting and
193 monitoring infections in immunocompromised patient populations;

194 [(33)] (34) "Withholding tax", the state tax imposed by sections 143.191 to 143.265. For
195 purposes of this program, the withholding tax shall be computed using a schedule as determined
196 by the department based on average wages.

620.1881. 1. The department of economic development shall respond within thirty days
2 to a company who provides a notice of intent with either an approval or a rejection of the notice
3 of intent. The department shall give preference to qualified companies and projects targeted at
4 an area of the state which has recently been classified as a disaster area by the federal
5 government **or in a high-risk metropolitan statistical area**. Failure to respond on behalf of the
6 department of economic development shall result in the notice of intent being deemed an
7 approval for the purposes of this section. A qualified company who is provided an approval for
8 a project shall be allowed a benefit as provided in this program in the amount and duration
9 provided in this section. A qualified company may receive additional periods for subsequent
10 new jobs at the same facility after the full initial period if the minimum thresholds are met as set
11 forth in sections 620.1875 to 620.1890. There is no limit on the number of periods a qualified
12 company may participate in the program, as long as the minimum thresholds are achieved and
13 the qualified company provides the department with the required reporting and is in proper
14 compliance for this program or other state programs. A qualified company may elect to file a
15 notice of intent to start a new project period concurrent with an existing project period if the
16 minimum thresholds are achieved and the qualified company provides the department with the
17 required reporting and is in proper compliance for this program and other state programs;
18 however, the qualified company may not receive any further benefit under the original approval
19 for jobs created after the date of the new notice of intent, and any jobs created before the new
20 notice of intent may not be included as new jobs for the purpose of benefit calculation in relation
21 to the new approval. When a qualified company has filed and received approval of a notice of
22 intent and subsequently files another notice of intent, the department shall apply the definition
23 of project facility under subdivision [(19)] (20) of section 620.1878 to the new notice of intent
24 as well as all previously approved notices of intent and shall determine the application of the
25 definitions of new job, new payroll, project facility base employment, and project facility base
26 payroll accordingly.

27 2. Notwithstanding any provision of law to the contrary, any qualified company that is
28 awarded benefits under this program may not simultaneously receive tax credits or exemptions

29 under sections 135.100 to 135.150, sections 135.200 to 135.286, section 135.535, or sections
30 135.900 to 135.906 at the same project facility. The benefits available to the company under any
31 other state programs for which the company is eligible and which utilize withholding tax from
32 the new jobs of the company must first be credited to the other state program before the
33 withholding retention level applicable under the Missouri quality jobs act will begin to accrue.
34 These other state programs include, but are not limited to, the new jobs training program under
35 sections 178.892 to 178.896, the job retention program under sections 178.760 to 178.764, the
36 real property tax increment allocation redevelopment act, sections 99.800 to 99.865, or the
37 Missouri downtown and rural economic stimulus act under sections 99.915 to 99.980. If any
38 qualified company also participates in the new jobs training program in sections 178.892 to
39 178.896, the company shall retain no withholding tax, but the department shall issue a refundable
40 tax credit for the full amount of benefit allowed under this [subdivision] **subsection**. The
41 calendar year annual maximum amount of tax credits which may be issued to a qualifying
42 company that also participates in the new job training program shall be increased by an amount
43 equivalent to the withholding tax retained by that company under the new jobs training program.
44 However, if the combined benefits of the quality jobs program and the new jobs training program
45 exceed the projected state benefit of the project, as determined by the department of economic
46 development through a cost-benefit analysis, the increase in the maximum tax credits shall be
47 limited to the amount that would not cause the combined benefits to exceed the projected state
48 benefit. Any taxpayer who is awarded benefits under this program who knowingly hires
49 individuals who are not allowed to work legally in the United States shall immediately forfeit
50 such benefits and shall repay the state an amount equal to any state tax credits already redeemed
51 and any withholding taxes already retained.

52 3. The types of projects and the amount of benefits to be provided are:

53 (1) Small and expanding business projects: in exchange for the consideration provided
54 by the new tax revenues and other economic stimuli that will be generated by the new jobs
55 created by the program, a qualified company may retain an amount equal to the withholding tax
56 as calculated under subdivision [(33)] (34) of section 620.1878 from the new jobs that would
57 otherwise be withheld and remitted by the qualified company under the provisions of sections
58 143.191 to 143.265 for a period of three years from the date the required number of new jobs
59 were created if the average wage of the new payroll equals or exceeds the county average wage
60 or for a period of five years from the date the required number of new jobs were created if the
61 average wage of the new payroll equals or exceeds one hundred twenty percent of the county
62 average wage;

63 (2) Technology business projects: in exchange for the consideration provided by the new
64 tax revenues and other economic stimuli that will be generated by the new jobs created by the
65 program, a qualified company may retain an amount equal to a maximum of five percent of new
66 payroll for a period of five years from the date the required number of jobs were created from

67 the withholding tax of the new jobs that would otherwise be withheld and remitted by the
68 qualified company under the provisions of sections 143.191 to 143.265 if the average wage of
69 the new payroll equals or exceeds the county average wage. An additional one-half percent of
70 new payroll may be added to the five percent maximum if the average wage of the new payroll
71 in any year exceeds one hundred twenty percent of the county average wage in the county in
72 which the project facility is located, plus an additional one-half percent of new payroll may be
73 added if the average wage of the new payroll in any year exceeds one hundred forty percent of
74 the average wage in the county in which the project facility is located. The department shall
75 issue a refundable tax credit for any difference between the amount of benefit allowed under this
76 subdivision and the amount of withholding tax retained by the company, in the event the
77 withholding tax is not sufficient to provide the entire amount of benefit due to the qualified
78 company under this subdivision;

79 (3) High impact projects: in exchange for the consideration provided by the new tax
80 revenues and other economic stimuli that will be generated by the new jobs created by the
81 program, a qualified company may retain an amount from the withholding tax of the new jobs
82 that would otherwise be withheld and remitted by the qualified company under the provisions
83 of sections 143.191 to 143.265, equal to three percent of new payroll for a period of five years
84 from the date the required number of jobs were created if the average wage of the new payroll
85 equals or exceeds the county average wage of the county in which the project facility is located.
86 For high-impact projects in a facility located within two adjacent counties, the new payroll shall
87 equal or exceed the higher county average wage of the adjacent counties. The percentage of
88 payroll allowed under this subdivision shall be three and one-half percent of new payroll if the
89 average wage of the new payroll in any year exceeds one hundred twenty percent of the county
90 average wage in the county in which the project facility is located. The percentage of payroll
91 allowed under this subdivision shall be four percent of new payroll if the average wage of the
92 new payroll in any year exceeds one hundred forty percent of the county average wage in the
93 county in which the project facility is located. An additional one percent of new payroll may be
94 added to these percentages if local incentives equal between ten percent and twenty-four percent
95 of the new direct local revenue; an additional two percent of new payroll is added to these
96 percentages if the local incentives equal between twenty-five percent and forty-nine percent of
97 the new direct local revenue; or an additional three percent of payroll is added to these
98 percentages if the local incentives equal fifty percent or more of the new direct local revenue.
99 The department shall issue a refundable tax credit for any difference between the amount of
100 benefit allowed under this subdivision and the amount of withholding tax retained by the
101 company, in the event the withholding tax is not sufficient to provide the entire amount of benefit
102 due to the qualified company under this subdivision;

103 (4) Job retention projects: a qualified company may receive a tax credit for the retention
104 of jobs in this state, provided the qualified company and the project meets all of the following
105 conditions:

106 (a) For each of the twenty-four months preceding the year in which application for the
107 program is made the qualified company must have maintained at least one thousand full-time
108 employees at the employer's site in the state at which the jobs are based, and the average wage
109 of such employees must meet or exceed the county average wage;

110 (b) The qualified company retained at the project facility the level of full-time employees
111 that existed in the taxable year immediately preceding the year in which application for the
112 program is made;

113 (c) The qualified company is considered to have a significant statewide effect on the
114 economy, and has been determined to represent a substantial risk of relocation from the state by
115 the quality jobs advisory task force established in section 620.1887; provided, however, until
116 such time as the initial at-large members of the quality jobs advisory task force are appointed,
117 this determination shall be made by the director [of the department of economic development];

118 (d) The qualified company in the project facility will cause to be invested a minimum
119 of seventy million dollars in new investment prior to the end of two years or will cause to be
120 invested a minimum of thirty million dollars in new investment prior to the end of two years and
121 maintain an annual payroll of at least seventy million dollars during each of the years for which
122 a credit is claimed; and

123 (e) The local taxing entities shall provide local incentives of at least fifty percent of the
124 new direct local revenues created by the project over a ten-year period. The quality jobs advisory
125 task force may recommend to the department of economic development that appropriate
126 penalties be applied to the company for violating the agreement. The amount of the job retention
127 credit granted may be equal to up to fifty percent of the amount of withholding tax generated by
128 the full-time jobs at the project facility for a period of five years. The calendar year annual
129 maximum amount of tax credit that may be issued to any qualified company for a job retention
130 project or combination of job retention projects shall be seven hundred fifty thousand dollars per
131 year, but the maximum amount may be increased up to one million dollars if such action is
132 proposed by the department and approved by the quality jobs advisory task force established in
133 section 620.1887; provided, however, until such time as the initial at-large members of the
134 quality jobs advisory task force are appointed, this determination shall be made by the director
135 of the department of economic development. In considering such a request, the task force shall
136 rely on economic modeling and other information supplied by the department when requesting
137 the increased limit on behalf of the job retention project. In no event shall the total amount of
138 all tax credits issued for the entire job retention program under this subdivision exceed three
139 million dollars annually. Notwithstanding the above, no tax credits shall be issued for job
140 retention projects approved by the department after August 30, [2013] **2015**;

141 (5) Job retention projects within a high-risk metropolitan statistical area: a
142 qualified company may retain ninety-five percent of the company's withholding tax from
143 full-time jobs located at the high-risk metropolitan statistical area facility for a period of
144 ten years for the retention of jobs in this state, provided the qualified company and the
145 project meet all of the following conditions:

146 (a) For the thirty-day period preceding the qualified company's notice of intent, the
147 qualified company must have maintained at least one hundred fifty full-time employees at
148 the employer's site in the state at which the jobs are based, and the average wage of such
149 employees shall meet or exceed the county or state average wage, whichever is less;

150 (b) The qualified company is considered to have a significant statewide effect on
151 the economy and has been determined to represent a substantial risk of relocation from the
152 state by the quality jobs advisory task force established in section 620.1887;

153 (c) The qualified company in the project facility will cause to be invested a
154 minimum of ten million dollars in new investment prior to the end of three years or will
155 cause to be invested a minimum of five million dollars in new investment prior to the end
156 of three years and maintain an annual payroll of at least six million dollars during each of
157 the years for which the qualified company retains withholding tax under this program;

158 (d) Within six months of approval of the qualified company's notice of intent, the
159 qualified company shall enter into an agreement with the department that memorializes
160 the content of the notice of intent, the requirements of this section, and the consequences
161 for failing to meet such requirements provided in paragraph (e) of this subdivision;

162 (e) No later than six months following the expiration of the three-year investment
163 period described in paragraph (c) of subdivision (5) of subsection 3 of this section, the
164 department shall determine whether the qualified company made the investment as
165 required under this paragraph and shall notify the qualified company in writing of such
166 determination. If the qualified company failed to make the requisite investment, the
167 municipality in which the qualified company is located and the director shall jointly
168 determine whether such investment shortfall occurred for reasons outside the qualified
169 company's control, including without limitation, as a result of economic conditions. If it
170 is determined that the investment shortfall did not occur as a result of reasons beyond the
171 control of the qualified company, the director shall provide a written notice of suspension
172 to the qualified company and the municipality providing that the qualified company shall
173 repay all withholding taxes retained under this program and that within six months of the
174 date of suspension notice the director and municipality shall meet with the qualified
175 company to determine a revised schedule of investment and the terms of suspension of
176 withholding tax retention rights; and

177 **(6)** Small business job retention and flood survivor relief: a qualified company may
178 receive a tax credit under sections 620.1875 to 620.1890 for the retention of jobs and flood
179 survivor relief in this state for each job retained over a three-year period, provided that:

180 (a) The qualified company did not receive any state or federal benefits, incentives, or tax
181 relief or abatement in locating its facility in a flood plain;

182 (b) The qualified company and related companies have fewer than one hundred
183 employees at the time application for the program is made;

184 (c) The average wage of the qualified company's and related companies' employees must
185 meet or exceed the county average wage;

186 (d) All of the qualified company's and related companies' facilities are located in this
187 state;

188 (e) The facilities at the primary business site in this state have been directly damaged by
189 floodwater rising above the level of a five hundred year flood at least two years, but fewer than
190 eight years, prior to the time application is made;

191 (f) The qualified company made significant efforts to protect the facilities prior to any
192 impending danger from rising floodwaters;

193 (g) For each year it receives tax credits under sections 620.1875 to 620.1890, the
194 qualified company and related companies retained, at the company's facilities in this state, at
195 least the level of full-time, year-round employees that existed in the taxable year immediately
196 preceding the year in which application for the program is made; and

197 (h) In the years it receives tax credits under sections 620.1875 to 620.1890, the company
198 cumulatively invests at least two million dollars in capital improvements in facilities and
199 equipment located at such facilities that are not located within a five hundred year flood plain
200 as designated by the Federal Emergency Management Agency, and amended from time to time.
201 The amount of the small business job retention and flood survivor relief credit granted may be
202 equal to up to one hundred percent of the amount of withholding tax generated by the full-time
203 jobs at the project facility for a period of three years. The calendar year annual maximum
204 amount of tax credit that may be issued to any qualified company for a small business job
205 retention and survivor relief project shall be two hundred fifty thousand dollars per year, but the
206 maximum amount may be increased up to five hundred thousand dollars if such action is
207 proposed by the department and approved by the quality jobs advisory task force established in
208 section 620.1887. In considering such a request, the task force shall rely on economic modeling
209 and other information supplied by the department when requesting an increase in the limit on
210 behalf of the small business job retention and flood survivor relief project. In no event shall the
211 total amount of all tax credits issued for the entire small business job retention and flood survivor
212 relief program under this subdivision exceed five hundred thousand dollars annually.
213 Notwithstanding the provisions of this subdivision to the contrary, no tax credits shall be issued

214 for small business job retention and flood survivor relief projects approved by the department
215 after August 30, 2010.

216 4. The qualified company shall provide an annual report of the number of jobs and such
217 other information as may be required by the department to document the basis for the benefits
218 of this program. The department may withhold the approval of any benefits until it is satisfied
219 that proper documentation has been provided, and shall reduce the benefits to reflect any
220 reduction in full-time employees or new payroll. Upon approval by the department, the qualified
221 company may begin the retention of the withholding taxes when it reaches the minimum number
222 of new jobs and the average wage exceeds the county average wage. Tax credits, if any, may be
223 issued upon satisfaction by the department that the qualified company has exceeded the county
224 average wage and the minimum number of new jobs. In such annual report, if the average wage
225 is below the county average wage, the qualified company has not maintained the employee
226 insurance as required, or if the number of new jobs is below the minimum, the qualified
227 company shall not receive tax credits or retain the withholding tax for the balance of the benefit
228 period. In the case of a qualified company that initially filed a notice of intent and received an
229 approval from the department for high-impact benefits and the minimum number of new jobs
230 in an annual report is below the minimum for high-impact projects, the company shall not
231 receive tax credits for the balance of the benefit period but may continue to retain the
232 withholding taxes if it otherwise meets the requirements of a small and expanding business under
233 this program.

234 5. The maximum calendar year annual tax credits issued for the entire program shall not
235 exceed eighty million dollars. Notwithstanding any provision of law to the contrary, the
236 maximum annual tax credits authorized under section 135.535 are hereby reduced from ten
237 million dollars to eight million dollars, with the balance of two million dollars transferred to this
238 program. There shall be no limit on the amount of withholding taxes that may be retained by
239 approved companies under this program.

240 6. The department shall allocate the annual tax credits based on the date of the approval,
241 reserving such tax credits based on the department's best estimate of new jobs and new payroll
242 of the project, and the other factors in the determination of benefits of this program. However,
243 the annual issuance of tax credits is subject to the annual verification of the actual new payroll.
244 The allocation of tax credits for the period assigned to a project shall expire if, within two years
245 from the date of commencement of operations, or approval if applicable, the minimum
246 thresholds have not been achieved. The qualified company may retain authorized amounts from
247 the withholding tax under this section once the minimum new jobs thresholds are met for the
248 duration of the project period. No benefits shall be provided under this program until the
249 qualified company meets the minimum new jobs thresholds. In the event the qualified company
250 does not meet the minimum new job threshold, the qualified company may submit a new notice

251 of intent or the department may provide a new approval for a new project of the qualified
252 company at the project facility or other facilities.

253 7. For a qualified company with flow-through tax treatment to its members, partners, or
254 shareholders, the tax credit shall be allowed to members, partners, or shareholders in proportion
255 to their share of ownership on the last day of the qualified company's tax period.

256 8. Tax credits may be claimed against taxes otherwise imposed by chapters 143 and 148,
257 and may not be carried forward but shall be claimed within one year of the close of the taxable
258 year for which they were issued, except as provided under subdivision (4) of subsection 3 of this
259 section.

260 9. Tax credits authorized by this section may be transferred, sold, or assigned by filing
261 a notarized endorsement thereof with the department that names the transferee, the amount of
262 tax credit transferred, and the value received for the credit, as well as any other information
263 reasonably requested by the department.

264 10. Prior to the issuance of tax credits, the department shall verify through the
265 department of revenue, or any other state department, that the tax credit applicant does not owe
266 any delinquent income, sales, or use tax or interest or penalties on such taxes, or any delinquent
267 fees or assessments levied by any state department and through the department of insurance,
268 financial institutions and professional registration that the applicant does not owe any delinquent
269 insurance taxes. Such delinquency shall not affect the authorization of the application for such
270 tax credits, except that at issuance credits shall be first applied to the delinquency and any
271 amount issued shall be reduced by the applicant's tax delinquency. If the department of revenue
272 or the department of insurance, financial institutions and professional registration, or any other
273 state department, concludes that a taxpayer is delinquent after June fifteenth but before July first
274 of any year and the application of tax credits to such delinquency causes a tax deficiency on
275 behalf of the taxpayer to arise, then the taxpayer shall be granted thirty days to satisfy the
276 deficiency in which interest, penalties, and additions to tax shall be tolled. After applying all
277 available credits toward a tax delinquency, the administering agency shall notify the appropriate
278 department and that department shall update the amount of outstanding delinquent tax owed by
279 the applicant. If any credits remain after satisfying all insurance, income, sales, and use tax
280 delinquencies, the remaining credits shall be issued to the applicant, subject to the restrictions
281 of other provisions of law.

282 11. Except as provided under subdivision (4) of subsection 3 of this section, the director
283 of revenue shall issue a refund to the qualified company to the extent that the amount of credits
284 allowed in this section exceeds the amount of the qualified company's income tax.

285 12. An employee of a qualified company will receive full credit for the amount of tax
286 withheld as provided in section 143.211.

287 13. **Notwithstanding any other provision of law to the contrary, a qualified**
288 **company in a high-risk metropolitan statistical area that is awarded benefits under this**

289 section shall not receive any tax credit or exemption or be entitled to retain withholding
290 taxes under section 620.1910.

291 **14. In addition to any other benefits available under subdivision (5) of subsection**
292 **3 of this section, a qualified company within a high-risk metropolitan statistical area that**
293 **satisfies provisions in subdivision (5) of subsection 3 of this section shall be entitled to tax**
294 **credits issued each year for a period of ten years from the date of the approval of the**
295 **department in an amount equal to three percent of the retained payroll from the retained**
296 **jobs; provided that in no event shall the total amount of the benefits provided to a qualified**
297 **company in a high-risk metropolitan statistical area under this section exceed six percent**
298 **of the retained payroll in any calendar year.**

299 **15. Upon approval of a notice of intent to request withholding tax benefits under**
300 **subdivision (5) of subsection 3 of this section or to request tax credits under subdivision (5)**
301 **of subsection 3 of this section, the department and the qualified company in a high-risk**
302 **metropolitan statistical area shall enter into a written agreement covering the applicable**
303 **project period. The agreement shall specify, at a minimum:**

304 **(1) The committed number of retained jobs, payroll, and new capital investment**
305 **for each year during the project period;**

306 **(2) The date or time period during which withholding taxes will be retained or the**
307 **tax credits shall be issued, which may be immediately or over a period not to exceed ten**
308 **years from the date of the approval;**

309 **(3) Clawback provisions provided in paragraph (e) of subdivision (5) of subsection**
310 **3 of this section.**

311 **16. In lieu of all other benefits under subdivision (5) of subsection 3 of this section**
312 **or subsection 14 of this section, the department may award a qualified company within a**
313 **high-risk metropolitan statistical area meeting the requirements of subdivision (5) of**
314 **subsection 3 of this section tax credits in an amount not to exceed ninety percent of the**
315 **amount the qualified company within a high-risk metropolitan statistical area may**
316 **otherwise be eligible to retain for a period of five years under subdivision (5) of subsection**
317 **3 of this section.**

318 **17. Beginning August 28, 2011, in addition to the exemptions granted under chapter**
319 **144, the department may approve a qualified company in a high-risk metropolitan**
320 **statistical area for an exemption of up to one hundred percent of the state sales and use**
321 **taxes defined, levied, or calculated under sections 144.010 to 144.525, sections 144.600 to**
322 **144.761, or section 238.235 for a period not to exceed three years from the date of approval**
323 **of sales and leases of tangible personal property purchased for use in the project facility**
324 **and of sales and leases of tangible personal property and materials for the purpose of**
325 **constructing, repairing, or remodeling the project facility. To qualify for the exemption**
326 **provided in this subsection, the qualified company shall:**

327 **(1) Retain at least one hundred fifty retained jobs at the project facility in which**
328 **the average wage meets or exceeds the county or state average wage, whichever is less;**

329 **(2) Commit to making at least ten million dollars in new capital investment at a**
330 **project facility within a period of three years from the date of approval, or cause to be**
331 **invested at least five million dollars in new capital investment within a period of three**
332 **years from the date of approval and maintain an annual payroll of at least six million**
333 **dollars during each of the years for which the qualified company receives a benefit under**
334 **this section.**

335 **18.** If any provision of sections 620.1875 to 620.1890 or application thereof to any
336 person or circumstance is held invalid, the invalidity shall not affect other provisions or
337 application of these sections which can be given effect without the invalid provisions or
338 application, and to this end, the provisions of sections 620.1875 to 620.1890 are hereby declared
339 severable.

 620.1900. 1. The department of economic development may charge a fee to the recipient
2 of any tax credits issued by the department, in an amount up to two and one-half percent of the
3 amount of tax credits issued. The fee shall be paid by the recipient upon the issuance of the tax
4 credits. However, no fee shall be charged for the tax credits issued under section 135.460, or
5 section 208.770, or under sections 32.100 to 32.125, if issued for community services, crime
6 prevention, education, job training, or physical revitalization.

7 2. All fees received by the department of economic development under this section shall
8 be deposited solely to the credit of the economic development advancement fund, created under
9 subsection 3 of this section.

10 3. There is hereby created in the state treasury the "Economic Development
11 Advancement Fund", which shall consist of money collected under this section. The state
12 treasurer shall be custodian of the fund and shall approve disbursements from the fund in
13 accordance with sections 30.170 and 30.180. Upon appropriation, money in the fund shall be
14 used solely for the administration of this section. Notwithstanding the provisions of section
15 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall not
16 revert to the credit of the general revenue fund. The state treasurer shall invest moneys in the
17 fund in the same manner as other funds are invested. Any interest and moneys earned on such
18 investments shall be credited to the fund.

19 4. Such fund shall consist of any fees charged under subsection 1 of this section, any
20 gifts, contributions, grants, or bequests received from federal, private, or other sources, fees or
21 administrative charges from private activity bond allocations, moneys transferred or paid to the
22 department in return for goods or services provided by the department, and any appropriations
23 to the fund.

24 5. At least fifty percent of the fees and other moneys deposited in the fund shall be
25 appropriated for marketing, technical assistance, and training, contracts for specialized economic

26 development services, and new initiatives and pilot programming to address economic trends.
27 **At least twenty percent of the fees and other moneys deposited in the fund shall be**
28 **appropriated for administration of the tax credit program authorized under sections**
29 **253.550 to 253.559, to be split evenly between the department of economic development and**
30 **the state historic preservation fund.** The remainder may be appropriated toward the costs of
31 staffing and operating expenses for the program activities of the department of economic
32 development, and for accountability functions.

620.2300. 1. As used in this section, the following terms shall mean:

- 2 (1) "Department", the Missouri department of economic development;
- 3 (2) "Biomass facility", a biomass renewable energy facility or biomass fuel
4 production facility that will not be a major source for air quality permitting purposes;
- 5 (3) "Commission", the Missouri public service commission;
- 6 (4) "County average wage", the average wages in each county as determined by the
7 department for the most recently completed full calendar year. However, if the computed
8 county average wage is above the statewide average wage, the statewide average wage shall
9 be deemed the county average wage for such county for the purpose of determining
10 eligibility. The department shall publish the county average wage for each county at least
11 annually. Notwithstanding the provisions of this subdivision to the contrary, for any
12 project that is relocating employees from a Missouri county with a higher county average
13 wage, the company shall obtain the endorsement of the governing body of the community
14 from which jobs are being relocated or the county average wage for their project shall be
15 the county average wage for the county from which the employees are being relocated;
- 16 (5) "Full-time employee", an employee of the project facility that is scheduled to
17 work an average of at least thirty-five hours per week for a twelve-month period, and one
18 for which the employer offers health insurance and pays at least fifty percent of such
19 insurance premiums;
- 20 (6) "Major source", the same meaning as is provided under 40 CFR 70.2;
- 21 (7) "New job", the number of full-time employees located at the project facility that
22 exceeds the project facility base employment less any decrease in the number of full-time
23 employees at related facilities below the related facility base employment. An employee
24 that spends less than fifty percent of the employee's work time at the project facility is still
25 considered to be located at a facility if the employee receives his or her directions and
26 control from that facility, is on the facility's payroll, one hundred percent of the employee's
27 income from such employment is Missouri income, and the employee is paid at or above
28 the state average wage;
- 29 (8) "Park", an area consisting of a parcel or tract of land, or any combination of
30 parcels or contiguous land that meet all of the following requirements:
 - 31 (a) The area consists of at least fifty contiguous acres;

32 (b) The property within the area is subject to remediation under a clean up
33 program supervised by the Missouri department of natural resources or United States
34 Environmental Protection Agency;

35 (c) The area contains a manufacturing facility that is closed, undergoing closure,
36 idle, underutilized, or curtailed and that at one time employed at least two hundred
37 employees;

38 (d) The development plan for the area includes a biomass facility; and

39 (e) Property located within the area will be used for the development of renewable
40 energy and the demonstration of industrial on-site energy generation;

41 (9) "Project", a cleanfields renewable energy demonstration project located within
42 a park that will result in the creation of at least fifty new jobs and the retention of at least
43 fifty existing jobs;

44 (10) "Project application", an application submitted to the department, by an
45 owner of all or a portion of a park, on a form provided by the department, requesting
46 benefits provided under this section;

47 (11) "Project facility", a biomass facility at which the new jobs will be located. A
48 project facility may include separate buildings that are located within fifty miles of each
49 other or within the same county such that their purpose and operations are interrelated;

50 (12) "Project facility base employment", the greater of the number of full-time
51 employees located at the project facility on the date of the project application or for the
52 twelve-month period prior to the date of the project application, the average number of
53 full-time employees located at the project facility. In the event the project facility has not
54 been in operation for a full twelve-month period, the average number of full-time
55 employees for the number of months the project facility has been in operation prior to the
56 date of the project application.

57 2. The owner of a park seeking to establish a project shall submit a project
58 application to the department for certification of such project. The department shall
59 review all project applications received under this section and, in consultation with the
60 department of natural resources, verify satisfaction of the requirements of this section. If
61 the department approves a project application, the department shall forward such
62 application and approval to the commission.

63 3. Notwithstanding provisions of section 393.1030 to the contrary, upon receipt of
64 an application and approval from the department, the commission shall assign double
65 credit to any electric power, renewable energy, renewable energy credits, or any successor
66 credit generated from:

67 (1) Renewable energy resources purchased from the biomass facility located in the
68 park by an electric power supplier;

69 **(2) Electric power generated off-site by utilizing biomass fuel sold by the biomass**
 70 **facility located at the park; or**

71 **(3) Electric power generated off-site by renewable energy resources utilizing**
 72 **storage equipment manufactured at the park that increases the quantity of electricity**
 73 **delivered to the electric power supplier.**

74 **Section 1. An insurance company claiming a state premium tax credit or deduction**
 75 **shall not be required to pay any additional retaliatory tax levied under section 375.916 as**
 76 **a result of claiming such credit or deduction.**

2 [215.033. 1. The Missouri housing development commission is hereby
 3 granted all powers necessary to create a nonprofit corporation to promote one or
 4 more housing equity funds to serve the state of Missouri. The nonprofit
 5 corporation shall be known as the "Missouri Equity Fund Support Corporation".
 6 The purpose of the housing equity fund is to receive annual capital investments
 7 from investors and to invest those funds in the construction or renovation of
 8 affordable housing units for low-income families throughout the state of
 9 Missouri. The nonprofit corporation shall not be deemed to be a political
 10 subdivision of the state and shall not be subject to the requirements of chapter
 610.

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

12 (1) "Developer", any entity responsible for a tax credit development;

13 (2) "Housing equity fund", the fund or funds established to receive and
 14 invest moneys invested by the investors in tax credit developments;

15 (3) "Investors", individuals, profit-making private corporations,
 16 partnerships or other entities which invest money in the housing equity fund and
 17 who generally pay Missouri income taxes;

18 (4) "Nonprofit corporation", the "Missouri Equity Fund Support
 19 Corporation";

20 (5) "Tax credit development", a development which constructs or
 21 rehabilitates affordable housing in the state of Missouri which is eligible for state
 22 and federal low-income housing tax credits, or federal rehabilitation tax credits.

23 3. The nonprofit corporation shall establish and operate, or assist and
 24 advise in the establishment and operation of the housing equity fund which
 25 receives investments from investors and invest such funds in tax credit
 26 developments.

27 4. The nonprofit corporation shall have the following powers:

28 (1) To contract with corporations and partnerships operating or intending
 29 to operate a housing equity fund, to provide to them in exchange for reasonable
 30 compensation the following services:

31 (a) Legal counsel and representation;

32 (b) Technical assistance;

33 (c) Administrative assistance;

34 (d) Marketing of the housing equity fund to potential investors;

35 (e) Investment underwriting assistance;

36 (2) To sue and be sued;

37 (3) To engage in and contract for any and all types of services, actions or
38 endeavors, not contrary to the law, necessary to the successful and efficient
39 operation and continuation of the business and purposes for which it is created;

40 (4) To purchase, receive, lease or otherwise acquire, own, hold, improve,
41 use, sell, convey, exchange, transfer and otherwise dispose of real and personal
42 property, or any interest therein, or other assets wherever situated; and

43 (5) To incur liabilities and borrow money at rates of interest up to the
44 market rate.

45 5. The governor shall appoint a board of directors to oversee the
46 nonprofit corporation. The board shall consist of a total of sixteen members, who
47 have demonstrated knowledge of housing and related issues. Such board shall
48 include the following:

49 (1) A representative of real estate brokers and agents;

50 (2) A representative of residential appraisers;

51 (3) A representative of affordable housing advocates, which include
52 homeless service providers, not-for-profit social service organizations and
53 not-for-profit housing providers;

54 (4) A representative of the home construction industry;

55 (5) A representative of banking and savings and loan institutions;

56 (6) Five representatives of investors who have made capital investments
57 in housing equity funds which have entered, or can reasonably be expected to
58 enter, into service contracts with the nonprofit corporation, or representatives of
59 the investment partners of such investors. If unable to select suitable members
60 in this category, the governor may instead select additional representatives from
61 subdivisions (1) to (5) of this subsection;

62 (7) By virtue of the office, the treasurer shall be a member of the board;

63 (8) By virtue of the office, the lieutenant governor shall be a member of
64 the board;

65 (9) By virtue of the office, the governor shall be a member of the board;

66 (10) By virtue of the office, the secretary of state shall be a member of
67 the board;

68 (11) By virtue of the office, the director of the department of economic
69 development shall be a member of the board; and

70 (12) By virtue of the office, the director of the Missouri housing
71 development commission shall be a member of the board.

72 6. Except for members serving by virtue of the office, the members' term
73 of office shall be four years and until their successors are appointed, except that
74 of the members first appointed, four shall be appointed for a term of two years,
75 three shall be appointed for a term of three years, and three shall be appointed for
76 a term of four years. Vacancies on the board shall be filled in the same manner
77 as the original appointments, except that, if the vacancy occurs during an
78 unexpired term, the appointment shall be for only the unexpired portion of that
79 term.

80 7. Board members of the nonprofit corporation shall not be compensated
81 for their services while serving on the board; however, board members may

82 receive reimbursement for their actual and necessary expenses incurred in the
83 performance of their duties.

84 8. The board shall elect chair and other such officers as it deems
85 necessary for the conduct of its business. If so required by the board, an officer
86 shall give bond, in such form and amounts and with such sureties as the board
87 may provide, for the faithful discharge of such officer's duties, but the premiums
88 for any such bond shall be borne by the nonprofit corporation.

89 9. The board shall employ all necessary personnel, fix their
90 compensation, and provide suitable quarters and equipment for the operation of
91 the housing equity fund.

92 10. The Missouri housing development commission may provide the
93 necessary start-up costs for the nonprofit corporation by grant or loan and may
94 provide subsequent operating funds as it determines.

95 11. The nonprofit corporation shall publish an annual report which shall
96 include, but not be limited to, a description of its efforts in establishing and
97 maintaining the operation of the housing equity fund, the types of projects
98 invested in and fund expenditures made by the housing equity fund. Copies of
99 such annual reports shall be submitted to the governor, the members of the
100 general assembly and the Missouri housing development commission on or
101 before February fifteenth of each year.]
102

Section B. Because immediate action is necessary to secure adequate state revenue and
2 to ensure the creation of jobs through the utilization of alternative energy sources, the enactment
3 of sections 32.383, 135.1500, 135.1503, 135.1505, 135.1507, 135.1509, 135.1511, 135.1513,
4 135.1515, 135.1517, 135.1519, 135.1521, and 620.2300 of section A of this act are deemed
5 necessary for the immediate preservation of the public health, welfare, peace, and safety, and is
6 hereby declared to be an emergency act within the meaning of the constitution, and the enactment
7 of sections 32.383, 135.1500, 135.1503, 135.1505, 135.1507, 135.1509, 135.1511, 135.1513,
8 135.1515, 135.1517, 135.1519, 135.1521, and 620.2300 of section A of this act shall be in full
9 force and effect upon its passage and approval.

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