

SECOND REGULAR SESSION

# HOUSE BILL NO. 1767

## 100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

4377H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To repeal section 135.750, RSMo, and to enact in lieu thereof one new section relating to tax credits for qualified film projects.

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

Section A. Section 135.750, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.750, to read as follows:

135.750. 1. **This act shall be referred to as the "Show Missouri Film and Digital Media Act".**

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

(1) "Highly compensated individual", any individual who receives compensation in excess of ~~[one million]~~ **two hundred fifty thousand** dollars in connection with a single qualified film production project;

(2) "Qualified film production project", any film, video, commercial, or television production, as approved by the department of economic development and the office of the Missouri film commission, **that features a statement and logo designated by the department of economic development in the credits of the film indicating that the project was filmed in Missouri and** that is under thirty minutes in length with an expected in-state expenditure budget in excess of fifty thousand dollars~~[-]~~ or ~~[that]~~ is over thirty minutes in length with an expected in-state expenditure budget in excess of one hundred thousand dollars. Regardless of the production costs, "qualified film production project" shall not include any:

(a) News or current events programming;

(b) Talk show;

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.

17 (c) Production produced primarily for industrial, corporate, or institutional purposes, and  
18 for internal use;

19 (d) Sports event or sports program;

20 (e) Gala presentation or awards show;

21 (f) Infomercial or any production that directly solicits funds;

22 (g) Political ad;

23 (h) Production that is considered obscene, as defined in section 573.010;

24 (3) "Qualifying **in-state** expenses", the sum of the total amount spent in this state for the  
25 following by a production company in connection with a qualified film production project:

26 (a) Goods and services leased or purchased by the production company. For goods with  
27 a purchase price of twenty-five thousand dollars or more, the amount included in qualifying **in-**  
28 **state** expenses shall be the purchase price less the fair market value of the goods at the time the  
29 production is completed;

30 (b) Compensation and wages paid by the production company to **Missouri residents** on  
31 which the production company remitted withholding payments to the department of revenue  
32 under chapter 143. For purposes of this section, compensation and wages shall not include any  
33 amounts paid to a highly compensated individual;

34 (4) "**Qualifying out-of-state expenses**", the sum of all compensation and wages paid  
35 by the production company to non-Missouri residents on which the production company  
36 remitted withholding payments to the department of revenue under chapter 143. For  
37 purposes of this section, "compensation and wages" shall not include any amounts paid to  
38 a highly compensated individual;

39 (5) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding  
40 withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 148;

41 [~~5~~] (6) "Taxpayer", any individual, partnership, or corporation as described in section  
42 143.441, 143.471, or section 148.370 that is subject to the tax imposed in chapter 143, excluding  
43 withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 148 or  
44 any charitable organization which is exempt from federal income tax and whose Missouri  
45 unrelated business taxable income, if any, would be subject to the state income tax imposed  
46 under chapter 143.

47 [~~2-~~] 3. (1) For all [~~taxable~~] tax years beginning on or after January 1, 1999, but ending  
48 on or before December 31, 2007, a taxpayer shall be granted a tax credit for up to fifty percent  
49 of the amount of investment in production or production-related activities in any film production  
50 project with an expected in-state expenditure budget in excess of three hundred thousand  
51 dollars[-] ;

52           (2) For all ~~[taxable]~~ tax years beginning on or after January 1, 2008, **but ending on or**  
53 **before November 28, 2013**, a taxpayer shall be allowed a tax credit for up to thirty-five percent  
54 of the amount of qualifying expenses in a qualified film production project; **and**

55           (3) **For all tax years beginning on or after January 1, 2021, a taxpayer shall be**  
56 **allowed a tax credit equal to twenty percent of qualifying in-state expenses and ten percent**  
57 **of qualifying out-of-state expenses. An additional five percent shall be allowed for both**  
58 **qualifying in-state expenses and qualifying out-of-state expenses if at least fifty percent of**  
59 **the qualified film production project is filmed in Missouri.** Each film production company  
60 shall be limited to one qualified film production project per year. Activities qualifying a  
61 taxpayer for the tax credit pursuant to this subsection shall be approved by the office of the  
62 Missouri film commission and the department of economic development.

63           ~~[3-]~~ 4. Taxpayers shall apply for the film production tax credit by submitting an  
64 application to the department of economic development, on a form provided by the department.  
65 As part of the application, the expected in-state expenditures of the qualified film production  
66 project shall be documented. In addition, the application shall include an economic impact  
67 statement, showing the economic impact from the activities of the film production project. Such  
68 economic impact statement shall indicate the impact on the region of the state in which the film  
69 production or production-related activities are located and on the state as a whole.

70           ~~[4-]~~ 5. For all ~~[taxable]~~ tax years ending on or before December 31, 2007, tax credits  
71 certified pursuant to subsection ~~[2-]~~ 3 of this section shall not exceed one million dollars per  
72 taxpayer per year, and shall not exceed a total for all tax credits certified of one million five  
73 hundred thousand dollars per year. For all ~~[taxable]~~ tax years beginning on or after January 1,  
74 2008, tax credits certified under subsection ~~[4-]~~ 3 of this section shall not exceed a total for all  
75 tax credits certified of four million five hundred thousand dollars per year. Taxpayers may carry  
76 forward unused credits for up to five tax periods, provided all such credits shall be claimed  
77 within ten tax periods following the tax period in which the film production or  
78 production-related activities for which the credits are certified by the department occurred.

79           ~~[5-]~~ 6. Notwithstanding any provision of law to the contrary, any taxpayer may sell,  
80 assign, exchange, convey or otherwise transfer tax credits allowed in subsection ~~[2-]~~ 3 of this  
81 section. The taxpayer acquiring the tax credits may use the acquired credits to offset the tax  
82 liabilities otherwise imposed by chapter 143, excluding withholding tax imposed by sections  
83 143.191 to 143.265, or chapter 148. Unused acquired credits may be carried forward for up to  
84 five tax periods, provided all such credits shall be claimed within ten tax periods following the  
85 tax period in which the film production or production-related activities for which the credits are  
86 certified by the department occurred.

87           ~~[6-]~~ 7. Under section 23.253 of the Missouri sunset act:

88 (1) The provisions of the new program authorized under this section shall automatically  
89 sunset **on December thirty-first** six years after [~~November 28, 2007,~~] **the effective date of this**  
90 **section** unless reauthorized by an act of the general assembly; and

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

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

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