

SECOND REGULAR SESSION

SENATE BILL NO. 1032

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WALLINGFORD.

Read 1st time February 22, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6473S.03I

AN ACT

To repeal sections 8.007, 253.545, 253.550, 253.557, and 253.559, RSMo, and to enact in lieu thereof six new sections relating to facilities of historic significance.

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

Section A. Sections 8.007, 253.545, 253.550, 253.557, and 253.559, RSMo, are repealed and six new sections enacted in lieu thereof, to be known as sections 8.007, 253.544, 253.545, 253.550, 253.557, and 253.559, to read as follows:

8.007. 1. The commission shall:

(1) Exercise general supervision of the administration of sections 8.001 to 8.007;

(2) Evaluate and approve capitol studies and improvement, expansion, renovation, and restoration projects to be paid for with funds appropriated from the state capitol commission fund;

(3) Evaluate and recommend courses of action on the restoration and preservation of the capitol, the preservation of historical significance of the capitol and the history of the capitol;

(4) Evaluate and recommend courses of action to ensure accessibility to the capitol for physically disabled persons;

(5) Advise, consult, and cooperate with the office of administration, the archives division of the office of the secretary of state, the historic preservation program within the department of natural resources, the division of tourism within the department of economic development and the historical society of Missouri in furtherance of the purposes of sections 8.001 to 8.007;

(6) Be authorized to cooperate or collaborate with other state agencies and not-for-profit organizations to publish books and manuals concerning the history

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

19 of the capitol, its improvement or restoration;

20 (7) Before each September first, recommend options to the governor on
21 budget allocation for improvements or restoration of the capitol premises;

22 (8) Encourage, participate in, or conduct studies, investigations, and
23 research and demonstrations relating to improvement and restoration of the state
24 capitol it may deem advisable and necessary for the discharge of its duties
25 pursuant to sections 8.001 to 8.007;

26 (9) Hold hearings, issue notices of hearings and take testimony as the
27 commission deems necessary; and

28 (10) Initiate planning efforts, subject to the appropriation of funds, for a
29 centennial celebration of the laying of the capstone of the Missouri state capitol.

30 2. The "State Capitol Commission Fund" is hereby created in the state
31 treasury. **For the following fiscal years, the general assembly may**
32 **appropriate moneys to the fund not to exceed the following amounts:**

33 (1) **For the fiscal year beginning on or after July 1, 2018, and**
34 **ending on or before June 30, 2019, five million dollars;**

35 (2) **For the fiscal year beginning on or after July 1, 2019, and**
36 **ending on or before June 30, 2020, ten million dollars;**

37 (3) **For the fiscal years beginning on or after July 1, 2020, and**
38 **ending on or before June 30, 2022, twenty million dollars;**

39 (4) **For the fiscal year beginning on or after July 1, 2022, and**
40 **ending on or before June 30, 2023, ten million dollars;**

41 (5) **For the fiscal year beginning on or after July 1, 2023, and**
42 **ending on or before June 30, 2024, five million dollars.**

43 Any moneys received from sources other than appropriation by the general
44 assembly, including from private sources, gifts, donations and grants, shall be
45 credited to the state capitol commission fund and shall be appropriated by the
46 general assembly. **The amount by which any funds appropriated for the**
47 **state capitol commission fund under subdivisions (1) to (5) of this**
48 **subsection exceed the amount of moneys received from other sources**
49 **as of March first of a given fiscal year shall be included in the total**
50 **amount of tax credits which may be authorized under sections 253.545**
51 **to 253.559 for such fiscal year.**

52 3. The provisions of section 33.080 to the contrary notwithstanding,
53 moneys in the [second] **state** capitol commission fund shall not be transferred
54 and placed to the credit of the general revenue fund. Moneys in the state capitol

55 commission fund shall not be appropriated for any purpose other than those
56 designated by the commission.

57 4. The commission is authorized to accept all gifts, bequests and donations
58 from any source whatsoever. The commission may also apply for and receive
59 grants consistent with the purposes of sections 8.001 to 8.007. All such gifts,
60 bequests, donations and grants shall be used or expended upon appropriation in
61 accordance with their terms or stipulations, and the gifts, bequests, donations or
62 grants may be used or expended for the preservation, improvement, expansion,
63 renovation, restoration and improved accessibility and for promoting the
64 historical significance of the capitol.

65 5. The commission may copyright or obtain a trademark for any
66 photograph, written work, art object, or any product created of the capitol or
67 capitol grounds. The commission may grant access or use of any such works to
68 other organizations or individuals for a fee, at its sole discretion, or waive all
69 fees. All funds obtained through licensing fees shall be credited to the capitol
70 commission fund in a manner similar to funds the commission receives as gifts,
71 donations, and grants. The funds shall be used for repairs, refurbishing, or to
72 create art, exhibits, decorations, or other beautifications or adornments to the
73 capitol or its grounds.

**253.544. Sections 253.544 to 253.559 shall be known and may be
2 cited as the "Missouri Historic, Heritage, Tourism, and Rural
3 Revitalization Act".**

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

3 (1) **"Applicable percentage":**

4 (a) **For essential community or heritage facility projects, fifty
5 percent or five hundred thousand dollars, whichever is less;**

6 (b) **For residential projects approved for tax credits under
7 subsection 3 of section 253.550, twenty-five percent or fifty thousand
8 dollars, whichever is less;**

9 (c) **For projects located in a qualifying county that are not
10 essential community or heritage facility projects or residential projects
11 approved under subsection 3 of section 253.550, thirty-five percent;**

12 (d) **For projects located in a qualifying county that are not
13 essential community or heritage facility projects or residential projects
14 approved under subsection 3 of section 253.550, and that also receive**

15 **tax credits under sections 135.350 to 135.363, twenty-five percent;**

16 **(e) For projects not located in a qualifying county that are not**
17 **essential community or heritage facility projects or residential projects**
18 **approved under subsection 3 of section 253.550, twenty-five percent;**

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

21 **[(2)] (3) "Deed in lieu of foreclosure or voluntary conveyance", a transfer**
22 **of title from a borrower to the lender to satisfy the mortgage debt and avoid**
23 **foreclosure;**

24 **(4) "Department", the department of economic development;**

25 **[(3)] (5) "Eligible property", property located in Missouri and offered or**
26 **used for residential or business purposes;**

27 **(6) "Eligible recipient":**

28 **(a) For essential community or heritage facility projects, any**
29 **taxpayer, including not-for-profit, governmental, or quasi-governmental**
30 **entities incurring expenses in connection with an eligible property;**

31 **(b) For all other projects, any individual taxpayer or for-profit**
32 **entity incurring expenses in connection with an eligible property.**

33 **(7) "Essential community or heritage facility", any structure**
34 **located in a qualifying county that:**

35 **(a) Is significant in the history, architecture, archeology, or**
36 **culture of this state or its communities, as designated by the governing**
37 **body of the qualifying county;**

38 **(b) Was originally constructed at least fifty years prior to the**
39 **date of the eligible recipient's application, and which remains or will**
40 **be open for the benefit of the public at large without discrimination as**
41 **to race, color, religion, sex, national origin, disability, or marital or**
42 **familial status; and**

43 **(c) Has at least one hundred thousand dollars in estimated**
44 **eligible costs and expenses to be incurred in the rehabilitation of such**
45 **structure, or, in the case of a leased property used to promote or**
46 **educate patrons on the history, architecture, archeology, or culture of**
47 **this state or its communities, as designated by the governing body of**
48 **the qualifying county, fifty thousand dollars in estimated eligible costs**
49 **and expenses to be incurred in the rehabilitation of such structure;**

50 **[(4)] (8) "Leasehold interest", a lease in an eligible property for a term**
51 **of not less than thirty years;**

52 [(5)] (9) "Principal", a managing partner, general partner, or president
53 of a taxpayer;

54 (10) "Qualified rehabilitation standards", the Secretary of the
55 Interior's Standards for Rehabilitation, codified as 36 CFR 67, as
56 determined by the state historic preservation office of the Missouri
57 department of natural resources; provided that, with respect to
58 essential community facility or heritage facility projects, such
59 standards shall only apply to the structure exterior, including windows,
60 and the structure site;

61 (11) "Qualifying county", any county of this state except counties
62 of the first class with a charter form of government;

63 [(6)] (12) "Structure in a certified historic district", a structure located
64 in Missouri which is certified by the department of natural resources as
65 contributing to the historic significance of a certified historic district listed on the
66 National Register of Historic Places, or a local district that has been certified by
67 the United States Department of the Interior;

68 [(7)] (13) "Taxpayer", any person, firm, partnership, trust, estate, limited
69 liability company, or corporation.

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

17 2. (1) During the period beginning on January 1, 2010, but ending on or
18 after June 30, 2010, the department of economic development shall not approve

19 applications for tax credits under the provisions of subsections 3 and 8 of section
20 253.559 which, in the aggregate, exceed seventy million dollars, increased by any
21 amount of tax credits for which approval shall be rescinded under the provisions
22 of section 253.559. For each fiscal year beginning on or after July 1, 2010, the
23 department of economic development shall not approve applications for tax credits
24 under the provisions of subsections 3 and 8 of section 253.559 which, in the
25 aggregate, exceed one hundred forty million dollars, increased by any amount of
26 tax credits for which approval shall be rescinded under the provisions of section
27 253.559. **For each fiscal year beginning on or after July 1, 2018, the**
28 **maximum amount of tax credits allowed in any fiscal year as provided**
29 **under this subsection shall be adjusted annually by the percentage**
30 **increase in the Consumer Price Index for All Urban Consumers, or its**
31 **successor index, as such index is defined and officially reported by the**
32 **United States Department of Labor, or its successor agency. The**
33 **director of the department of economic development shall annually**
34 **publish such adjusted amount.** The limitations provided under this
35 subsection shall not apply to applications approved under the provisions of
36 subsection 3 of section 253.559 for projects to receive less than two hundred
37 seventy-five thousand dollars in tax credits.

38 **(2) For all fiscal years beginning on or after July 1, 2018, and**
39 **ending on or before June 30, 2024, the maximum amount of tax credits**
40 **that may be authorized under subdivision (1) of this subsection shall be**
41 **reduced by the amounts provided under subdivisions (1) to (5) of**
42 **subsection 2 of section 8.007.**

43 **(3) Of the total amount of tax credits that may be authorized**
44 **under subdivision (1) of this subsection, ten million dollars shall be**
45 **reserved for essential community or heritage facility projects, provided**
46 **that no qualifying county shall have more than two such projects**
47 **authorized in a fiscal year, and further provided that no such project**
48 **shall receive an authorization for tax credits other than from the**
49 **amount reserved under this subdivision. Any amount of tax credits**
50 **reserved under this subdivision which are not authorized by March**
51 **thirty-first of a fiscal year shall no longer stand reserved and may be**
52 **authorized for any project under sections 253.544 to 253.559. In the**
53 **event the department receives and approves applications for essential**
54 **community or heritage facility projects in an amount in excess of the**

55 **available amount reserved under this subdivision, such excess**
56 **approvals shall be subject to the procedures set forth in subsection 5**
57 **of section 253.559.**

58 3. **(1)** For all applications for tax credits approved on or after January 1,
59 2010, **and on or before June 30, 2018**, no more than two hundred fifty
60 thousand dollars in tax credits may be issued for eligible costs and expenses
61 incurred in the rehabilitation of an eligible property which is a nonincome
62 producing single-family, [owner-occupied] residential property **occupied by the**
63 **taxpayer applicant or any relative within the third degree of**
64 **consanguinity or affinity of such applicant** and is either a certified historic
65 structure or a structure in a certified historic district.

66 **(2)** For all applications for tax credits approved on or after July
67 1, 2018, tax credits in amount equal to the applicable percentage may
68 be issued for eligible costs and expenses incurred in the rehabilitation
69 of an eligible property which is a nonincome producing single-family,
70 residential property occupied by the taxpayer applicant or any relative
71 within the third degree of consanguinity or affinity of such applicant
72 and is either a certified historic structure or a structure in a certified
73 historic district. For projects not located in a qualifying county, tax
74 credits shall not be issued under this subsection unless such project is
75 located in a distressed community, as defined under section 135.530.

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

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

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

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

87 (b) Has received certification, by the state historic preservation officer,
88 that the rehabilitation plan meets the **qualified rehabilitation** standards
89 [consistent with the standards of the Secretary of the United States Department
90 of the Interior,] and the rehabilitation costs and expenses associated with such

91 rehabilitation shall exceed fifty percent of the total basis in the property.

253.557. 1. **For all applications for tax credits approved on or**
2 **after January 1, 2010, and on or before June 30, 2018**, if the amount of
3 such credit exceeds the total tax liability for the year in which the rehabilitated
4 property is placed in service, the amount that exceeds the state tax liability may
5 be carried back to any of the three preceding years and carried forward for credit
6 against the taxes imposed pursuant to chapter 143 and chapter 148, except for
7 sections 143.191 to 143.265 for the succeeding ten years, or until the full credit
8 is used, whichever occurs first. **For all applications for tax credits**
9 **approved on or after July 1, 2018, if the amount of such credit exceeds**
10 **the total tax liability for the year in which the rehabilitated property**
11 **is placed in service, the amount that exceeds the state tax liability may**
12 **be carried back to the immediately preceding tax year and carried**
13 **forward for credit against the taxes imposed under chapters 143 and**
14 **148, except for sections 143.191 to 143.265, for the succeeding five years,**
15 **or until the full credit is used, whichever occurs first.** Not-for-profit
16 entities, including but not limited to corporations organized as not-for-profit
17 corporations pursuant to chapter 355 shall be [ineligible] **eligible** for the tax
18 credits authorized under sections 253.545 [through 253.561] **to 253.559 only if**
19 **such tax credits are approved for essential community or heritage**
20 **facility projects.** Taxpayers eligible for such tax credits may transfer, sell or
21 assign the credits. Credits granted to a partnership, a limited liability company
22 taxed as a partnership or multiple owners of property shall be passed through to
23 the partners, members or owners respectively pro rata or pursuant to an executed
24 agreement among the partners, members or owners documenting an alternate
25 distribution method.

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

253.559. 1. To obtain approval for tax credits allowed under sections
2 253.545 to 253.559, a taxpayer shall submit an application for tax credits to the

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

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

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

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

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

28 (4) Proof that the property is an eligible property and a **designated**
29 **essential community or heritage facility**, a certified historic structure, or a
30 structure in a certified historic district; and

31 (5) Any other information which the department of economic development
32 may reasonably require to review the project for approval.

33 Only the property for which a property address is provided in the application
34 shall be reviewed for approval. Once selected for review, a taxpayer shall not be
35 permitted to request the review of another property for approval in the place of
36 the property contained in such application. Any disapproved application shall be
37 removed from the review process. If an application is removed from the review
38 process, the department of economic development shall notify the taxpayer in

39 writing of the decision to remove such application. Disapproved applications
40 shall lose priority in the review process. A disapproved application, which is
41 removed from the review process, may be resubmitted, but shall be deemed to be
42 a new submission for purposes of the priority procedures described in this section.

43 3. If the department of economic development deems the application
44 sufficient, the taxpayer shall be notified in writing of the approval for an amount
45 of tax credits equal to the amount provided under section 253.550 less any
46 amount of tax credits previously approved. Such approvals shall be granted to
47 applications in the order of priority established under this section and shall
48 require full compliance thereafter with all other requirements of law as a
49 condition to any claim for such credits. **If the scope of a project for which**
50 **an application has been approved under this section materially**
51 **changes, then the taxpayer shall be eligible to receive additional tax**
52 **credits in the year in which the department is notified of and approves**
53 **of such change in scope, subject to the provisions of subsection 2 of**
54 **section 253.550 and subsection 5 of this section, if applicable. A change**
55 **in project scope shall be considered material under this subsection if:**

56 (1) **The project has not previously been subject to a material**
57 **change in scope for which additional tax credits were approved; and**

58 (2) **The requested amount of tax credits for the project after such**
59 **change in scope are higher than the originally approved amount of tax**
60 **credits for such project by at least five hundred thousand dollars.**

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

63 (1) The taxpayer may add partners, members, or shareholders as part of
64 the ownership structure, so long as the principal remains [the same] **a principal**
65 **of the taxpayer**, provided however, that subsequent to the commencement of
66 renovation and the expenditure of at least ten percent of the proposed
67 rehabilitation budget, removal of the principal for failure to perform duties and
68 the appointment of a new principal thereafter shall not constitute a change of the
69 principal; or

70 (2) Where the ownership of the project is changed due to a foreclosure,
71 deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

72 5. In the event that the department of economic development grants
73 approval for tax credits equal to the total amount available **or reserved, as**
74 **applicable**, under subsection 2 of section 253.550, or sufficient that when totaled

75 with all other approvals, the amount available **or reserved, as applicable,**
76 under subsection 2 of section 253.550 is exhausted, all taxpayers with
77 applications then awaiting approval or thereafter submitted for approval shall be
78 notified by the department of economic development that no additional approvals
79 shall be granted during the fiscal year and shall be notified of the priority given
80 to such taxpayer's application then awaiting approval. Such applications shall
81 be kept on file by the department of economic development and shall be
82 considered for approval for tax credits in the order established in this section in
83 the event that additional credits become available due to the rescission of
84 approvals or when a new fiscal year's allocation of credits becomes available for
85 approval **or reservation, as applicable.**

86 6. All taxpayers with applications receiving approval on or after the
87 effective date of this act shall commence rehabilitation within [two years]
88 **eighteen months** of the date of issuance of the letter from the department of
89 economic development granting the approval for tax credits. "Commencement of
90 rehabilitation" shall mean that as of the date in which actual physical work,
91 contemplated by the architectural plans submitted with the application, has
92 begun, the taxpayer has incurred no less than [ten] **twenty** percent of the
93 estimated costs of rehabilitation provided in the application. Taxpayers with
94 approval of a project shall submit evidence of compliance with the provisions of
95 this subsection. **Taxpayers shall notify the department of any loss of site**
96 **control, or failure to exercise any option to obtain site control within**
97 **the prescribed time period, within ten days of such failure.** If the
98 department of economic development determines that a taxpayer has **lost or**
99 **failed to obtain site control of the eligible property or otherwise failed**
100 to comply with the requirements provided under this section, the approval for the
101 amount of tax credits for such taxpayer shall be rescinded [and such amount of
102 tax credits]. **A taxpayer may voluntarily forfeit such approval at any**
103 **time by written notice to the department. Any approval rescinded or**
104 **forfeited under this subsection** shall then be included in the total amount of
105 tax credits **available in the year of such rescission or forfeiture,** provided
106 under subsection 2 of section 253.550, from which approvals may be granted. Any
107 taxpayer whose approval [shall be subject to rescission] **is rescinded or**
108 **forfeited under this section** shall be notified of such from the department of
109 economic development and, upon receipt of such notice, may submit a new
110 application for the project. **If a taxpayer's approval is rescinded or**

111 **forfeited under this subsection and such taxpayer later submits a new**
112 **application for the same project, any expenditures eligible for tax**
113 **credits under section 253.550 which are incurred by such taxpayer from**
114 **and after the date of the rescinded or forfeited approval shall remain**
115 **eligible expenditures for the purposes of determining the amount of tax**
116 **credits which may be approved under section 253.550.**

117 **7. (1) To claim the credit authorized under sections 253.550 to 253.559,**
118 **a taxpayer with approval shall apply for final approval and issuance of tax credits**
119 **from the department of economic development which, in consultation with the**
120 **department of natural resources, shall determine the final amount of eligible**
121 **rehabilitation costs and expenses and whether the completed rehabilitation meets**
122 **the **qualified rehabilitation** standards [of the Secretary of the United States**
123 **Department of the Interior for rehabilitation] as determined by the state historic**
124 **preservation officer of the Missouri department of natural resources.**

125 **(2) Within sixty days of the department's receipt of all materials**
126 **required by the department for an application for final approval and**
127 **issuance of tax credits, the department shall issue to the taxpayer tax**
128 **credit certificates in the amount of seventy-five percent of the lesser of:**

129 **(a) The total amount of the tax credits for which the taxpayer is**
130 **eligible as provided in the taxpayer's certification of qualified expenses**
131 **submitted with an application for final approval; or**

132 **(b) The total amount of tax credits approved for such project**
133 **under subsection 3 of this section, including any amounts approved in**
134 **connection with a material change in scope of the project.**

135 **(3) Within one year of the department's receipt of all materials**
136 **required by the department for an application of final approval and**
137 **issuance of tax credits for a project, the department shall, unless such**
138 **project is under appeal under subsection 11 of this section:**

139 **(a) Make a final determination of the total costs and expenses of**
140 **rehabilitation and the amount of tax credits to be issued for such costs**
141 **and expenses;**

142 **(b) Notify the taxpayer in writing of its final determination; and**

143 **(c) Issue to the taxpayer tax credit certificates in an amount**
144 **equal to the remaining amount of tax credits for which such taxpayer**
145 **is eligible to receive, as determined by the department, but was not**
146 **issued in the initial tax credit issuance under subdivision (2) of this**
147 **subsection.**

148 **(4) If the department determines that the amount of tax credits**
149 **issued to a taxpayer in the initial tax credit issuance under subdivision**
150 **(2) of this subsection is in excess of the total amount of tax credits such**
151 **taxpayer is eligible to receive, as determined by the department, the**
152 **department shall notify such taxpayer and such taxpayer shall repay**
153 **the department an amount equal to such excess.**

154 **(5) For financial institutions credits authorized pursuant to sections**
155 **253.550 to [253.561] 253.559 shall be deemed to be economic development credits**
156 **for purposes of section 148.064. The approval of all applications and the issuing**
157 **of certificates of eligible credits to taxpayers shall be performed by the**
158 **department of economic development. The department of economic development**
159 **shall inform a taxpayer of final approval by letter and shall issue, to the**
160 **taxpayer, tax credit certificates. The taxpayer shall attach the certificate to all**
161 **Missouri income tax returns on which the credit is claimed.**

162 **8. (1) Except as expressly provided in this subsection, tax credit**
163 **certificates shall be issued in the final year that costs and expenses of**
164 **rehabilitation of the project are incurred, or within the twelve-month period**
165 **immediately following the conclusion of such rehabilitation. In the event the**
166 **amount of eligible rehabilitation costs and expenses incurred by a taxpayer would**
167 **result in the issuance of an amount of tax credits in excess of the amount**
168 **provided under such taxpayer's approval granted under subsection 3 of this**
169 **section, such taxpayer may apply to the department for issuance of tax credits in**
170 **an amount equal to such excess. Applications for issuance of tax credits in excess**
171 **of the amount provided under a taxpayer's application shall be made on a form**
172 **prescribed by the department. Such applications shall be subject to all provisions**
173 **regarding priority provided under subsection 1 of this section.**

174 **(2) The provisions of section 620.1900 to the contrary**
175 **notwithstanding, upon issuance of tax credits under sections 253.544 to**
176 **253.559, a taxpayer shall remit a fee:**

177 **(a) In the amount of two percent of the value of the tax credits**
178 **to the department to be deposited in the economic development**
179 **advancement fund;**

180 **(b) In the amount of one-quarter of one percent of the value of**
181 **the tax credits to the department for the administration of sections**
182 **253.545 to 253.559; and**

183 **(c) In the amount of one-quarter of one percent of the value of**

184 **the tax credits to the department of natural resources.**

185 9. The department of economic development shall determine, on an annual
186 basis, the overall economic impact to the state from the rehabilitation of eligible
187 property.

188 **10. Projects not located in a qualifying county shall not receive**
189 **tax credits under sections 253.545 to 253.559 and sections 135.350 to**
190 **135.363 for the same project.**

191 **11. (1) An applicant or an applicant's duly authorized**
192 **representative may appeal any official decision, including all**
193 **preliminary or final approvals and denials of approvals, made by the**
194 **department or the department of natural resources with regard to an**
195 **application submitted under sections 253.544 to 253.559, to an**
196 **independent third-party appeals officer designated by the**
197 **department. Such appeals shall constitute an administrative review of**
198 **the decision from which appealed and shall not be conducted as an**
199 **adjudicative proceeding.**

200 **(2) Appeals shall be submitted to the designated appeals officer**
201 **in writing within thirty days of receipt by the applicant or the**
202 **applicant's duly authorized representative of the decision that is the**
203 **subject of the appeal, and shall include all information the appellant**
204 **wishes the appeals officer to consider in deciding the appeal.**

205 **(3) Within fourteen days of receipt of an appeal, the appeals**
206 **officer shall notify the department or the department of natural**
207 **resources that an appeal is pending, identify the decision being**
208 **appealed, and forward a copy of the information submitted by the**
209 **appellant. The department or the department of natural resources may**
210 **submit a written response to the appeal within thirty days.**

211 **(4) The appellant shall be entitled to one meeting with the**
212 **appeals officer to discuss the appeal, but the appeals officer may**
213 **schedule additional meetings at the officer's discretion. The**
214 **department or the department of natural resources may appear at all**
215 **meetings.**

216 **(5) The appeals officer shall consider the record of the decision**
217 **in question, any further written submissions by the appellant, the**
218 **department or the department of natural resources, and other available**
219 **information, and shall deliver a written decision to all parties as**
220 **promptly as circumstances permit, but not later than ninety days after**

221 **the initial receipt of an appeal by the appeals officer.**

✓

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