

SECOND REGULAR SESSION

SENATE BILL NO. 590

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR HEGEMAN.

Pre-filed December 1, 2017, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4244S.04I

AN ACT

To repeal sections 253.545, 253.550, and 253.559, RSMo, and to enact in lieu thereof six new sections relating to historic buildings, with an emergency clause.

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

Section A. Sections 253.545, 253.550, and 253.559, RSMo, are repealed
2 and six new sections enacted in lieu thereof, to be known as sections 253.545,
3 253.550, 253.559, 620.3200, 620.3210, and 620.3220, to read as follows:

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

3 (1) "Certified historic structure", a property located in Missouri and listed
4 individually on the National Register of Historic Places;

5 (2) "Deed in lieu of foreclosure or voluntary conveyance", a transfer of title
6 from a borrower to the lender to satisfy the mortgage debt and avoid foreclosure;

7 (3) "Eligible property", property located in Missouri and offered or used
8 for residential or business purposes;

9 (4) "Leasehold interest", a lease in an eligible property for a term of not
10 less than thirty years;

11 (5) "Principal", a managing partner, general partner, or president of a
12 taxpayer;

13 (6) **"Projected net fiscal benefit", the total fiscal benefit to the**
14 **state or municipality, less any state or local benefits offered to the**
15 **taxpayer for a project, as determined by the department of economic**
16 **development;**

17 (7) "Structure in a certified historic district", a structure located in
18 Missouri which is certified by the department of natural resources as contributing

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

19 to the historic significance of a certified historic district listed on the National
20 Register of Historic Places, or a local district that has been certified by the
21 United States Department of the Interior;

22 [(7)] (8) "Taxpayer", any person, firm, partnership, trust, estate, limited
23 liability company, or corporation.

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

18 2. During the period beginning on January 1, 2010, but ending on or after
19 June 30, 2010, the department of economic development shall not approve
20 applications for tax credits under the provisions of subsections [3] 4 and [8] 9 of
21 section 253.559 which, in the aggregate, exceed seventy million dollars, increased
22 by any amount of tax credits for which approval shall be rescinded under the
23 provisions of section 253.559. For each fiscal year beginning on or after July 1,
24 2010, **but ending before June 30, 2018**, the department of economic
25 development shall not approve applications for tax credits under the provisions
26 of subsections [3] 4 and [8] 9 of section 253.559 which, in the aggregate, exceed
27 one hundred forty million dollars, increased by any amount of tax credits for
28 which approval shall be rescinded under the provisions of section 253.559. **For**
29 **each fiscal year beginning on or after July 1, 2018, the department of**
30 **economic development shall not approve applications for tax credits**
31 **under the provisions of subsections 4 and 9 of section 253.559 which, in**

32 **the aggregate, exceed fifty million dollars, increased by any amount of**
33 **tax credits for which approval shall be rescinded under the provisions**
34 **of section 253.559.** The limitations provided under this subsection shall not
35 apply to applications approved under the provisions of subsection [3] 4 of section
36 253.559 for projects to receive less than two hundred seventy-five thousand
37 dollars in tax credits.

38 3. For all applications for tax credits approved on or after January 1,
39 2010, **but on or before June 30, 2018**, no more than two hundred fifty
40 thousand dollars in tax credits may be issued for eligible costs and expenses
41 incurred in the rehabilitation of an eligible property which is a nonincome
42 producing single-family, owner-occupied residential property and is either a
43 certified historic structure or a structure in a certified historic district. **For all**
44 **fiscal years beginning on or after July 1, 2018, no new applications for**
45 **tax credits under sections 253.545 to 253.559 shall be authorized for**
46 **residential property.**

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

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

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

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

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

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] 9 of this
13 section, shall include:

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

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

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

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

30 (5) **The significance of the taxpayer's need for the tax credit to**
31 **complete the project, including whether the taxpayer has applied for**
32 **or received any other federal, state, or local benefits for the project;**
33 **and**

34 (6) Any other information which the department of economic development
35 may reasonably require to review the project for approval.

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

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

47 **3. In evaluating an application for tax credits submitted under**
48 **this section, the department of economic development shall also**
49 **consider:**

50 **(1) The amount of projected net fiscal benefit of the project to**
51 **the state and local municipality, and the period in which the state and**
52 **municipality would realize such net fiscal benefit;**

53 **(2) The overall size and quality of the proposed project,**
54 **including the estimated number of new jobs to be created by the**
55 **project, the potential multiplier effect of the project, and similar**
56 **factors; and**

57 **(3) The level of economic distress in the area.**

58 **4. If the department of economic development deems the application**
59 **sufficient, the taxpayer shall be notified in writing of the approval for an amount**
60 **of tax credits [equal to the amount provided under section 253.550] which is the**
61 **least amount required for the project to occur, less any amount of tax**
62 **credits previously approved. Such approvals shall [be granted to applications in**
63 **the order of priority established under this section and shall] require full**
64 **compliance thereafter with all other requirements of law as a condition to any**
65 **claim for such credits. If the department of economic development**
66 **disapproves an application, the taxpayer shall be notified in writing of**
67 **the reasons for such disapproval. A disapproved application may be**
68 **resubmitted.**

69 **[4.] 5. Following approval of an application, the identity of the taxpayer**
70 **contained in such application shall not be modified except:**

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

77 **(2) Where the ownership of the project is changed due to a foreclosure,**

78 deed in lieu of a foreclosure or voluntary conveyance, or a transfer in bankruptcy.

79 [5.] 6. In the event that the department of economic development grants
80 approval for tax credits equal to the total amount available under subsection 2
81 of section 253.550, or sufficient that when totaled with all other approvals, the
82 amount available under subsection 2 of section 253.550 is exhausted, all
83 taxpayers with applications then awaiting approval or thereafter submitted for
84 approval shall be notified by the department of economic development that no
85 additional approvals shall be granted during the fiscal year [and shall be notified
86 of the priority given to such taxpayer's application then awaiting approval]. Such
87 applications shall be kept on file by the department of economic development and
88 shall be considered for approval for tax credits [in the order established in this
89 section] in the event that additional credits become available due to the rescission
90 of approvals or when a new fiscal year's allocation of credits becomes available
91 for approval.

92 [6.] 7. All taxpayers with applications receiving approval on or after the
93 effective date of this act shall commence rehabilitation within two years of the
94 date of issuance of the letter from the department of economic development
95 granting the approval for tax credits. "Commencement of rehabilitation" shall
96 mean that as of the date in which actual physical work, contemplated by the
97 architectural plans submitted with the application, has begun, the taxpayer has
98 incurred no less than ten percent of the estimated costs of rehabilitation provided
99 in the application. Taxpayers with approval of a project shall submit evidence of
100 compliance with the provisions of this subsection. If the department of economic
101 development determines that a taxpayer has failed to comply with the
102 requirements provided under this section, the approval for the amount of tax
103 credits for such taxpayer shall be rescinded and such amount of tax credits shall
104 then be included in the total amount of tax credits, provided under subsection 2
105 of section 253.550, from which approvals may be granted. Any taxpayer whose
106 approval shall be subject to rescission shall be notified of such from the
107 department of economic development and, upon receipt of such notice, may submit
108 a new application for the project.

109 [7.] 8. To claim the credit authorized under sections 253.550 to 253.559,
110 a taxpayer with approval shall apply for final approval and issuance of tax credits
111 from the department of economic development which, in consultation with the
112 department of natural resources, shall determine the final amount of eligible
113 rehabilitation costs and expenses and whether the completed rehabilitation meets

114 the standards of the Secretary of the United States Department of the Interior
115 for rehabilitation as determined by the state historic preservation officer of the
116 Missouri department of natural resources. For financial institutions credits
117 authorized pursuant to sections 253.550 to 253.561 shall be deemed to be
118 economic development credits for purposes of section 148.064. The approval of all
119 applications and the issuing of certificates of eligible credits to taxpayers shall
120 be performed by the department of economic development. The department of
121 economic development shall inform a taxpayer of final approval by letter and
122 shall issue, to the taxpayer, tax credit certificates. The taxpayer shall attach the
123 certificate to all Missouri income tax returns on which the credit is claimed.

124 [8.] 9. Except as expressly provided in this subsection, tax credit
125 certificates shall be issued in the final year that costs and expenses of
126 rehabilitation of the project are incurred, or within the twelve-month period
127 immediately following the conclusion of such rehabilitation. In the event the
128 amount of eligible rehabilitation costs and expenses incurred by a taxpayer would
129 result in the issuance of an amount of tax credits in excess of the amount
130 provided under such taxpayer's approval granted under subsection [3] 4 of this
131 section, such taxpayer may apply to the department for issuance of tax credits in
132 an amount equal to such excess. Applications for issuance of tax credits in excess
133 of the amount provided under a taxpayer's application shall be made on a form
134 prescribed by the department. [Such applications shall be subject to all
135 provisions regarding priority provided under subsection 1 of this section.]

136 [9.] 10. The department of economic development shall determine, on an
137 annual basis, the overall economic impact to the state from the rehabilitation of
138 eligible property.

**620.3200. The department of economic development may, in
2 addition to the fees provided under section 620.1900, charge a fee to the
3 recipient of any tax credits issued by the department under the
4 provisions of chapter 253 in an amount not to exceed one percent of the
5 amount of tax credits issued. The fee shall be payable to the Missouri
6 development finance board for the benefit of the capitol complex fund
7 established pursuant to section 620.3210 and shall be paid by the
8 recipient upon the issuance of the tax credits. The department of
9 economic development shall issue invoices for fees payable under this
10 section.**

620.3210. 1. This section shall be known and may be cited as the

2 **"Capitol Complex Tax Credit Act".**

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

4 **(1) "Board", the Missouri development finance board, a body**
5 **corporate and politic created under sections 100.250 to 100.297 and**
6 **100.700 to 100.850;**

7 **(2) "Capitol complex", the following buildings located in Jefferson**
8 **City, Missouri:**

9 **(a) State capitol building, 201 West Capitol Avenue;**

10 **(b) Supreme court building, 207 West High Street;**

11 **(c) Old Federal Courthouse, 131 West High Street;**

12 **(d) Highway building, 105 Capitol Avenue;**

13 **(e) Governor's mansion, 100 Madison Street;**

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

15 **(4) "Department", the Missouri department of economic**
16 **development;**

17 **(5) "Eligible artifact", any items of personal property specifically**
18 **for display in a building in the capitol complex or former fixtures**
19 **which were previously owned by the state and used within the capitol**
20 **complex, but which had been removed. The board of public buildings**
21 **shall, in their sole discretion, make all determinations as to which**
22 **items are eligible artifacts and may employ such experts as may be**
23 **useful to them in making such a determination;**

24 **(6) "Eligible artifact donation", a donation of an eligible artifact**
25 **to the board of public buildings. The value of such donation shall be**
26 **set by the board of public buildings who may employ such experts as**
27 **may be useful to them in making such a determination. The board of**
28 **public buildings shall, in their sole discretion, determine if an artifact**
29 **is to be accepted;**

30 **(7) "Eligible monetary donation", donations received from a**
31 **qualified donor to the capitol complex fund, created in this section, or**
32 **to an organization exempt from taxation under 501(c)(3) of the Internal**
33 **Revenue Service Code of 1986, as amended, whose mission and purpose**
34 **is to restore, renovate, improve, and maintain one or more buildings in**
35 **the capitol complex, that are to be used solely for projects to restore,**
36 **renovate, improve, and maintain buildings and their furnishings in the**
37 **capitol complex and the administration thereof. Eligible donations may**
38 **include:**

39 (a) Cash, including checks, money orders, credit card payments,
40 or similar cash equivalents valued at the face value of the
41 currency. Currency of other nations shall be valued based on the
42 exchange rate on the date of the gift. The date of the donation shall be
43 the date that cash or check is received by the applicant or the date
44 posted to the donor's account in the case of credit or debit cards;

45 (b) Stocks from a publicly traded company;

46 (c) Bonds which are publicly traded;

47 (8) "Eligible recipient", the capitol complex fund, created in this
48 section, or an organization exempt from taxation under 501(c)(3) of the
49 Internal Revenue Service Code of 1986, as amended, whose mission and
50 purpose is to restore, renovate, improve, and maintain one or more
51 buildings in the capitol complex;

52 (9) "Qualified donor", any of the following individuals or entities
53 who make an eligible monetary donation or eligible artifact donation
54 to the capitol complex fund or other eligible recipient:

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

58 (b) An insurance company paying an annual tax on its gross
59 premium receipts in this state;

60 (c) Any other financial institution paying taxes to the state of
61 Missouri or any political subdivision of this state under chapter 148;

62 (d) An individual subject to the state income tax imposed in
63 chapter 143;

64 (e) Any charitable organization, including any foundation or not-
65 for-profit corporation, which is exempt from federal income tax and
66 whose Missouri unrelated business taxable income, if any, would be
67 subject to the state income tax imposed under chapter 143.

68 3. There is hereby created a fund to be known as the "Capitol
69 Complex Fund", separate and distinct from all other board funds, which
70 is hereby authorized to receive any eligible monetary donation as
71 provided in this section and revenues derived from fees imposed
72 pursuant to section 620.3200. The capitol complex fund shall be
73 segregated into two accounts: a rehabilitation and renovation account
74 and a maintenance account. Ninety percent of the revenues received
75 from eligible donations pursuant to the provisions of this section and

76 fees collected pursuant to section 620.3000 shall be deposited in the
77 rehabilitation and renovation account and seven and one-half percent
78 of such revenues shall be deposited in the maintenance account. The
79 assets of these accounts, together with any interest which may accrue
80 thereon, shall be used by the board solely for the purposes of
81 restoration and maintenance of the buildings of the capitol complex as
82 defined in this section, and for no other purpose. The remaining two
83 and one-half percent of the revenues deposited into the fund may be
84 used for the purposes of soliciting donations to the fund, advertising
85 and promoting the fund, and administrative costs of administering the
86 fund. Any amounts not used for those purposes shall be deposited back
87 into the rehabilitation and renovation account and the maintenance
88 account divided in the manner set forth in this section. The board may,
89 as an administrative cost, use the funds to hire fund raising
90 professionals and such other experts or advisors as may be necessary
91 to carry out the board's duties under this section. The choice of
92 projects for which the money is to be used, as well as the determination
93 of the methods of carrying out the project and the procurement of
94 goods and services thereon shall be made by the commissioner of
95 administration. No monies shall be released from the fund for any
96 expense without the approval of the commissioner of administration,
97 who may delegate that authority as deemed appropriate. All contracts
98 for rehabilitation, renovation, or maintenance work shall be the
99 responsibility of the commissioner of administration. A memorandum
100 of understanding may be executed between the commissioner of
101 administration and the board determining the processes for obligation,
102 reservation, and payment of eligible costs from the fund. The
103 commissioner of administration shall not obligate costs in excess of the
104 fund balance. The board shall not be responsible for any costs
105 obligated in excess of available funds and shall be held harmless in any
106 contracts related to rehabilitation, renovation, and maintenance of
107 capitol complex buildings. No other board funds shall be used to pay
108 obligations made by the commissioner of administration related to
109 activities under this section.

110 4. For all taxable years beginning on or after January 1, 2018,
111 any qualified donor shall be allowed a credit against the taxes
112 otherwise due under chapters 143 and 148, except for sections 143.191

113 to 143.265, in an amount of fifty percent of the eligible monetary
114 donation. The amount of the tax credit claimed may exceed the amount
115 of the donor's state income tax liability in the tax year for which the
116 credit is claimed. Any amount of credit that exceeds the qualified
117 donor's state income tax liability shall not be refundable but may be
118 carried forward to any of the taxpayer's four subsequent taxable years.

119 5. For all taxable years beginning on or after January 1, 2018,
120 any qualified donor shall be allowed a credit against the taxes
121 otherwise due under chapters 143 and 148, except for sections 143.191
122 to 143.265, in an amount of thirty percent of the eligible artifact
123 donation. The amount of the tax credit claimed may exceed the amount
124 of the qualified donor's state income tax liability in the tax year for
125 which the credit is claimed. Any amount of credit that exceeds the
126 qualified donor's state income tax liability shall not be refundable but
127 may be carried forward to any other taxpayer's four subsequent taxable
128 years.

129 6. To claim a credit for an eligible monetary donation as set forth
130 in subsection 4 of this section, a qualified donor shall make an eligible
131 monetary donation to the board as custodian of the capitol complex
132 fund or other eligible recipient. Upon receipt of such donation, the
133 board or other eligible recipient shall issue to the qualified donor a
134 statement evidencing receipt of such donation, including the value of
135 such donation, with a copy to the department. Upon receipt of the
136 statement from the eligible recipient, the department shall issue a tax
137 credit certificate equal to fifty percent of the amount of the donation,
138 to the qualified donor, as indicated in the statement from the eligible
139 recipient.

140 7. To claim a credit for an eligible artifact donation as set forth
141 in subsection 5 of this section, a qualified donor shall donate an eligible
142 artifact to the board of public buildings. If the board of public
143 buildings determines that artifact is an eligible artifact and has
144 determined to accept the artifact, it shall issue a statement of donation
145 to the eligible donor specifying the value placed on the artifact by the
146 board of public buildings, with a copy to the department. Upon
147 receiving a statement from the board of public buildings, the
148 department shall issue a tax credit certificate equal to thirty percent
149 of the amount of the donation, to the qualified donor as indicated in the

150 statement from the board of public buildings.

151 8. The department shall not authorize more than five million
152 dollars in tax credits provided under this section in any calendar
153 year. Donations shall be processed for tax credits on a first come, first
154 serve basis. Donations received in excess of the tax credit cap shall be
155 placed in line for tax credits issued the following year or shall be given
156 the opportunity to complete their donation without the expectation of
157 a tax credit, or shall request to have their donation returned.

158 9. Tax credits issued under the provisions of this section shall
159 not be subject to the payment of any fee required under the provisions
160 of section 620.1900.

161 10. Tax credits issued under this section may be assigned,
162 transferred, sold, or otherwise conveyed, and the new owner of the tax
163 credit shall have the same rights in the credit as the
164 taxpayer. Whenever a certificate is assigned, transferred, sold, or
165 otherwise conveyed, a notarized endorsement shall be filed with the
166 department specifying the name and address of the new owner of the
167 tax credit and the value of the credit.

168 11. The department may promulgate rules to implement the
169 provisions of this section. Any rule or portion of a rule, as that term is
170 defined in section 536.010 that is created under the authority delegated
171 in this section shall become effective only if it complies with and is
172 subject to all of the provisions of chapter 536, and, if applicable, section
173 536.028. This section and chapter 536 are nonseverable and if any of
174 the powers vested with the general assembly pursuant to chapter 536,
175 to review, to delay the effective date, or to disapprove and annul a rule
176 are subsequently held unconstitutional, then the grant of rulemaking
177 authority and any rule proposed or adopted after August 28, 2018, shall
178 be invalid and void.

179 12. Pursuant to section 23.253 of the Missouri sunset act:

180 (1) The provisions of the new program authorized under this
181 section shall sunset automatically six years after August 28, 2018,
182 unless reauthorized by an act of the general assembly; and

183 (2) If such program is reauthorized, the program authorized
184 under this section shall sunset automatically twelve years after August
185 28, 2018; and

186 (3) This section shall terminate on September first of the

187 calendar year immediately following the calendar year in which the
188 program authorized under this section is sunset.

620.3220. 1. This section shall be known and may be cited as the
2 "Public Buildings Preservation Tax Credit Act".

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

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

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

7 (3) "Eligible monetary donation", donations received from a
8 qualified donor to a public entity for the express purpose of restoring,
9 renovating, improving, or maintaining one or more buildings owned by
10 the public entity. Eligible donations may include:

11 (a) Cash, including checks, money orders, credit card payments,
12 or similar cash equivalents valued at the face value of the
13 currency. Currency of other nations shall be valued based on the
14 exchange rate on the date of the gift. The date of the donation shall be
15 the date that cash or check is received by the applicant or the date
16 posted to the donor's account in the case of credit or debit cards;

17 (b) Stocks from a publicly traded company;

18 (c) Bonds which are publicly traded;

19 (4) "Public entity", the state of Missouri, or any city, county,
20 township, village, town, or municipal corporation in this state;

21 (5) "Qualified donor", any of the following individuals or entities
22 who make an eligible monetary donation to a public entity:

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

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

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

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

32 (e) Any charitable organization, including any foundation or not-
33 for-profit corporation, which is exempt from federal income tax and
34 whose Missouri unrelated business taxable income, if any, would be
35 subject to the state income tax imposed under chapter 143.

36 3. For all taxable years beginning on or after January 1, 2018,
37 any qualified donor shall be allowed a credit against the taxes
38 otherwise due under chapters 143 and 148, except for sections 143.191
39 to 143.265, for an eligible monetary donation for the maintenance or
40 repair of any building owned by a public entity. The tax credit shall be
41 in an amount of fifty percent of the eligible monetary donation. The
42 amount of the tax credit claimed may exceed the amount of the donor's
43 state income tax liability in the tax year for which the credit is
44 claimed. Any amount of credit that exceeds the qualified donor's state
45 income tax liability shall not be refundable but may be carried forward
46 to any of the taxpayer's four subsequent taxable years.

47 4. To claim a credit for an eligible monetary donation as set forth
48 in subsection 3 of this section, a qualified donor shall make an eligible
49 monetary donation to a public entity. Upon receipt of such donation,
50 the public entity shall issue to the qualified donor a statement
51 evidencing receipt of such donation, including the value of such
52 donation, with a copy to the department. Upon receipt of the statement
53 from the public entity, the department shall issue a tax credit
54 certificate equal to fifty percent of the amount of the donation to the
55 qualified donor, as indicated in the statement from the public entity.

56 5. Any public entity which receives an eligible monetary
57 donation under this section shall establish a fund called the "Public
58 Building Preservation Fund", into which such donations shall be
59 deposited. Moneys in such fund shall be used solely for the restoration,
60 renovation, improvement, or maintenance of one or more buildings
61 owned by the public entity.

62 6. The department shall not authorize more than five million
63 dollars in tax credits provided under this section in any calendar
64 year. Donations shall be processed for tax credits on a first come, first
65 serve basis. Donations received in excess of the tax credit cap shall be
66 placed in line for tax credits issued the following year or shall be given
67 the opportunity to complete their donation without the expectation of
68 a tax credit, or shall request to have their donation returned.

69 7. Tax credits issued under the provisions of this section shall
70 not be subject to the payment of any fee required under the provisions
71 of section 620.1900.

72 8. Tax credits issued under this section may be assigned,

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

79 9. The department may promulgate rules to implement the
80 provisions of this section. Any rule or portion of a rule, as that term is
81 defined in section 536.010 that is created under the authority delegated
82 in this section shall become effective only if it complies with and is
83 subject to all of the provisions of chapter 536, and, if applicable, section
84 536.028. This section and chapter 536 are nonseverable and if any of
85 the powers vested with the general assembly pursuant to chapter 536,
86 to review, to delay the effective date, or to disapprove and annul a rule
87 are subsequently held unconstitutional, then the grant of rulemaking
88 authority and any rule proposed or adopted after August 28, 2018, shall
89 be invalid and void.

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

91 (1) The provisions of the new program authorized under this
92 section shall sunset automatically six years after August 28, 2018,
93 unless reauthorized by an act of the general assembly; and

94 (2) If such program is reauthorized, the program authorized
95 under this section shall sunset automatically twelve years after August
96 28, 2018; and

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

Section B. Because of the need to provide for the preservation of historic
2 buildings, section A of this act is deemed necessary for the immediate
3 preservation of the public health, welfare, peace and safety, and is hereby
4 declared to be an emergency act within the meaning of the constitution, and
5 section A of this act shall be in full force and effect upon its passage and
6 approval.

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