

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 590, Page 1,
2 Section A, Line 3, by inserting immediately after all of said section and line the following:

3
4 "67.3000. 1. As used in this section and section 67.3005, the following words shall mean:

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

8 (2) "Applicant" or "applicants", one or more certified sponsors, endorsing counties,
9 endorsing municipalities, or a local organizing committee, acting individually or collectively;

10 (3) "Certified sponsor" or "certified sponsors", a nonprofit organization which is an active
11 member of the National Association of Sports Commissions;

12 (4) "Department", the Missouri department of economic development;

13 (5) "Director", the director of revenue;

14 (6) "Eligible costs" shall include:

15 (a) Costs necessary for conducting the sporting event;

16 (b) Costs relating to the preparations necessary for the conduct of the sporting event; and

17 (c) An applicant's pledged obligations to the site selection organization as evidenced by the
18 support contract for the sporting event including, but not limited to, bid fees and financial
19 guarantees.

20
21 "Eligible costs" shall not include any cost associated with the rehabilitation or construction of any
22 facilities used to host the sporting event or direct payments to a for-profit site selection organization,
23 but may include costs associated with the retrofitting of a facility necessary to accommodate the
24 sporting event;

25 (7) "Eligible donation", donations received, by a certified sponsor or local organizing
26 committee, from a taxpayer that may include cash, publicly traded stocks and bonds, and real estate
27 that will be valued and documented according to rules promulgated by the department. Such
28 donations shall be used solely to provide funding to attract sporting events to this state;

29 (8) "Endorsing municipality" or "endorsing municipalities", any city, town, incorporated
30 village, or county that contains a site selected by a site selection organization for one or more
31 sporting events;

32 (9) "Joinder agreement", an agreement entered into by one or more applicants, acting
33 individually or collectively, and a site selection organization setting out representations and
34 assurances by each applicant in connection with the selection of a site in this state for the location of
35 a sporting event;

36 (10) "Joinder undertaking", an agreement entered into by one or more applicants, acting

Action Taken _____ Date _____

1 individually or collectively, and a site selection organization that each applicant will execute a
 2 joinder agreement in the event that the site selection organization selects a site in this state for a
 3 sporting event;

4 (11) "Local organizing committee", a nonprofit corporation or its successor in interest that:

5 (a) Has been authorized by one or more certified sponsors, endorsing municipalities, or
 6 endorsing counties, acting individually or collectively, to pursue an application and bid on its or the
 7 applicant's behalf to a site selection organization for selection as the host of one or more sporting
 8 events; or

9 (b) With the authorization of one or more certified sponsors, endorsing municipalities, or
 10 endorsing counties, acting individually or collectively, executes an agreement with a site selection
 11 organization regarding a bid to host one or more sporting events;

12 (12) "Site selection organization", the National Collegiate Athletic Association (NCAA); an
 13 NCAA member conference, university, or institution; the National Association of Intercollegiate
 14 Athletics (NAIA); the United States Olympic Committee (USOC); a national governing body
 15 (NGB) or international federation of a sport recognized by the USOC; the United States Golf
 16 Association (USGA); the United States Tennis Association (USTA); the Amateur ~~Softball~~
 17 ~~Association of America (ASA)] Athletic Union (AAU); the National Christian College Athletic~~
 18 ~~Association (NCCAA); the National Junior College Athletic Association (NJCAA); the United~~
 19 ~~States Sports Specialty Association (USSSA); any rights holder member of the National Association~~
 20 ~~of Sports Commissions (NASC); other major regional, national, and international sports~~
 21 associations, and amateur organizations that promote, organize, or administer sporting games or
 22 competitions; or other major regional, national, and international organizations that promote or
 23 organize sporting events;

24 (13) "Sporting event" or "sporting events", an amateur, collegiate, or Olympic sporting
 25 event that is competitively bid or is awarded by a site selection organization;

26 (14) "Support contract" or "support contracts", an event award notification, joinder
 27 undertaking, joinder agreement, or contract executed by an applicant and a site selection
 28 organization;

29 (15) "Tax credit" or "tax credits", a credit or credits issued by the department against the tax
 30 otherwise due under chapter 143 or 148, excluding withholding tax imposed under sections 143.191
 31 to 143.265;

32 (16) "Taxpayer", any of the following individuals or entities who make an eligible donation:

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

35 (b) A corporation subject to the annual corporation franchise tax imposed under chapter
 36 147;

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

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

40 (e) An individual subject to the state income tax imposed under chapter 143;

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

44 2. An applicant may submit a copy of a support contract for a sporting event to the
 45 department. Within sixty days of receipt of the sporting event support contract, the department may
 46 review the applicant's support contract and certify such support contract if it complies with the
 47 requirements of this section. Upon certification of the support contract by the department, the
 48 applicant may be authorized to receive the tax credit under subsection 4 of this section.

1 3. No more than ~~[thirty]~~ ninety days following the conclusion of the sporting event, the
 2 applicant shall submit eligible costs and documentation of the costs evidenced by receipts, paid
 3 invoices, event settlements, or other documentation in a manner prescribed by the department.
 4 Eligible costs may be paid by the applicant or an entity cohosting the event with the applicant.

5 4. (1) No later than seven days following the conclusion of the sporting event, the
 6 department, in consultation with the director, ~~[may]~~ shall determine the total number of tickets sold
 7 at face value for such event or, if such event was participant-based and did not sell admission
 8 tickets, the total number of paid participant registrations.

9 (2) No later than sixty days following the receipt of eligible costs and documentation of
 10 such costs from the applicant as required in subsection 3 of this section, the department ~~[may]~~ shall,
 11 except for the limitations under subsection 5 of this section, issue a refundable tax credit to the
 12 applicant for the ~~[lesser]~~ least of:

- 13 (a) One hundred percent of eligible costs incurred by the applicant ~~[or]~~ ;
- 14 (b) An amount equal to five dollars for every admission ticket sold to such event; or
- 15 (c) An amount equal to ten dollars for every paid participant registration if such event was
- 16 participant-based and did not sell admission tickets.

17
 18 The calculations under paragraphs (b) and (c) of this subdivision shall use the actual number of
 19 tickets sold or registrations paid, not an estimated amount.

20 (3) Tax credits authorized by this section may be claimed against taxes imposed by chapters
 21 143 and 148 and shall be claimed within one year of the close of the ~~[taxable]~~ tax year for which the
 22 credits were issued. Tax credits authorized by this section may be transferred, sold, or assigned by
 23 filing a notarized endorsement thereof with the department that names the transferee, the amount of
 24 tax credit transferred, and the value received for the credit, as well as any other information
 25 reasonably requested by the department.

26 5. In no event shall the amount of tax credits issued by the department under subsection 4 of
 27 this section exceed three million dollars in any fiscal year. For all events located within the
 28 following counties, the total amount of tax credits issued shall not exceed two million seven
 29 hundred thousand dollars in any fiscal year:

30 (1) A county with a charter form of government and with more than six hundred thousand
 31 inhabitants; or

32 (2) A city not within a county.

33 6. An applicant shall provide any information necessary as determined by the department
 34 for the department and the director to fulfill the duties required by this section. At any time upon
 35 the request of the state of Missouri, a certified sponsor shall subject itself to an audit conducted by
 36 the state.

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

40 8. The department shall only certify an applicant's support contract for a sporting event in
 41 which the site selection organization has yet to select a location for the sporting event as of
 42 December 1, 2012. No support contract shall be certified unless the site selection organization has
 43 chosen to use a location in this state from competitive bids, at least one of which was a bid for a
 44 location outside of this state, except that competitive bids shall not be required for any previously-
 45 awarded event whose site selection organization extends its contractual agreement with the event's
 46 certified sponsor or for any post-season collegiate football game or other neutral-site game with at
 47 least one out-of-state team. Support contracts shall not be certified by the department after August
 48 28, ~~[2019]~~ 2030, provided that the support contracts may be certified on or prior to August 28,

1 [2019] 2030, for sporting events that will be held after such date.

2 9. The department may promulgate rules as necessary to implement the provisions of this
3 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created
4 under the authority delegated in this section shall become effective only if it complies with and is
5 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
6 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
7 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
8 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
9 August 28, 2013, shall be invalid and void.

10 67.3005. 1. For all ~~[taxable]~~ tax years beginning on or after January 1, 2013, any taxpayer
11 shall be allowed a credit against the taxes otherwise due under chapter 143, 147, or 148, excluding
12 withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the
13 amount of an eligible donation, subject to the restrictions in this section. The amount of the tax
14 credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the tax year
15 for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by this section
16 from claiming in a tax year shall not be refundable, but may be carried forward to any of the
17 taxpayer's two subsequent ~~[taxable]~~ tax years.

18 2. To claim the credit authorized in this section, a certified sponsor or local organizing
19 committee shall submit to the department an application for the tax credit authorized by this section
20 on behalf of taxpayers. The department shall verify that the applicant has submitted the following
21 items accurately and completely:

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

23 (2) A statement attesting to the eligible donation received, which shall include the name and
24 taxpayer identification number of the individual making the eligible donation, the amount of the
25 eligible donation, and the date the eligible donation was received; and

26 (3) Payment from the certified sponsor or local organizing committee equal to the value of
27 the tax credit for which application is made.

28
29 If the certified sponsor or local organizing committee applying for the tax credit meets all criteria
30 required by this subsection, the department shall issue a certificate in the appropriate amount.

31 3. Tax credits issued under this section may be assigned, transferred, sold, or otherwise
32 conveyed, and the new owner of the tax credit shall have the same rights in the credit as the
33 taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a notarized
34 endorsement shall be filed with the department specifying the name and address of the new owner
35 of the tax credit or the value of the credit. In no event shall the amount of tax credits issued by the
36 department under this section exceed ten million dollars in any fiscal year.

37 4. The department shall promulgate rules to implement the provisions of this section. Any
38 rule or portion of a rule, as that term is defined in section 536.010, that is created under the
39 authority delegated in this section shall become effective only if it complies with and is subject to
40 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter
41 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter
42 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held
43 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
44 August 28, 2013, shall be invalid and void.

45 5. Under section 23.253 of the Missouri sunset act:

46 (1) The provisions of the new program authorized under section 67.3000 and under this
47 section shall automatically sunset ~~[six]~~ twelve years after August 28, ~~[2013]~~ 2018, unless
48 reauthorized by an act of the general assembly; and

1 (2) If such program is reauthorized, the program authorized under section 67.3000 and
2 under this section shall automatically sunset twelve years after the effective date of the
3 reauthorization of these sections; and

4 (3) Section 67.3000 and this section shall terminate on September first of the calendar year
5 immediately following the calendar year in which the program authorized under these sections is
6 sunset."; and

7
8 Further amend said bill by amending the title, enacting clause, and intersectional references
9 accordingly.