

Title 2—DEPARTMENT OF AGRICULTURE
Division 100—Missouri Agricultural and Small Business Development Authority
Chapter 10—New Generation Cooperative Incentive Tax Credit Program

PROPOSED AMENDMENT

2 CSR 100-10.010 Description of Operation, Definitions, and Method of Distribution and Repayment of Tax Credits. The Missouri Agricultural and Small Business Development Authority is amending (2) and (3) (A).

PURPOSE: This amendment changes the priority for tax credit allocation and updates the sunset to reflect current statute.

(2) Definitions[. *As used in this rule, the following shall mean*]:

(A) “Employee Qualified Capital Project”: Sixty (60) full-time employees or equivalent must be employed no later than twenty-four (24) months from the time the eligible new generation cooperative becomes operational. Sixty (60) full-time employees or equivalent must be maintained for a period of at least five (5) years. Full-time employee is defined as a person working at least thirty-five (35) hours per week. Equivalent employee includes part-time employees fifteen to twenty-five (15–25) hours per week as 1/2 employees and part-time employees working twenty-six to thirty-four (26–34) hours per week as 3/4 employees. Full-time employees and/or equivalency must be certified to the Missouri Agricultural and Small Business Development Authority (the authority) on or before the anniversary date of the tax credits issuance for each of the first five (5) years after reaching the required sixty (60) employees and may be verified more frequently at the discretion of the authority;

(B) “Employee”: An employee of the eligible new generation cooperative is someone who works a minimum of thirty-five (35) hours per week for fifty-two (52) weeks in a twelve (12)-month period;

(C) “Maintenance of sixty (60) employees”: Sixty (60) employees, once reached during or at the end of the twenty-four (24)-month period, must be maintained on a continual basis for sixty (60) months.

(3) Operation of the Program.

(A) Application—New generation cooperative applicants may submit applications to the authority on a continuous basis. *[In Fiscal Year 2001 through December 31, 2016 (when the tax credit provision expires), u]*Up to six (6) million dollars in tax credits are available per fiscal year. Of these tax credit allocation amounts, each year the authority will reserve ten percent (10%) of the credits for “small capital projects.” The balance of tax credits will be available to “large capital projects” and “employee qualified capital projects.” After December 31 of each year, the authority will release any unallocated “small capital project” tax credits for “large capital projects” and “employee qualified capital projects” or any unallocated “large capital projects” and “employee qualified capital projects” tax credits to “small capital project.”

AUTHORITY: section 348.432, RSMo Supp. 2004. Original rule filed July 26, 2001, effective Jan. 30, 2002. Amended: Filed Dec. 15, 2004, effective June 30, 2005.*

**Original authority: 348.432, RSMo 1999, amended 2001, 2002, 2004.*

PUBLIC COST: This proposed amendment will not cost the public more than \$500.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Agricultural and Small Business Development Authority, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*