

FIRST REGULAR SESSION

HOUSE BILL NO. 751

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES BRUNS, JETTON, JOHNSON (90), DEEKEN, SHOEMAKER (8), RANSALL, HANAWAY, JACKSON, AVERY, WILDBERGER, DUSENBERG, LEMBKE, STEVENSON (Co-sponsors), HOBBS, WRIGHT, QUINN, WILSON (130), MYERS, MAYER, BEAN, REINHART, SEIGFREID, DAUS, HAMPTON, DOUGHERTY, KUESSNER, KRATKY, YAEGER, BURNETT, HARRIS (23), ZWEIFEL, HARRIS (110), MUCKLER, BISHOP, WALTON, WITTE, VILLA, DONNELLY, BLACK, COOPER (155), LUETKEMEYER, NIEVES, SKAGGS, LeVOTA, ERVIN, MARSH, ENGLER, KELLY (144), LAGER, BEHNEN, ANGST, CRAWFORD AND BEARDEN.

Read 1st time April 17, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

2212L.02I

AN ACT

To repeal section 143.121, RSMo, and to enact in lieu thereof one new section relating to an income tax exemption for military service personnel.

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

Section A. Section 143.121, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 143.121, to read as follows:

143.121. 1. The Missouri adjusted gross income of a resident individual shall be [his] **the taxpayer's** federal adjusted gross income subject to the modifications in this section.

2. There shall be added to [his] **the taxpayer's** federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by Section 103 of the Internal Revenue Code. The previous sentence shall not apply to interest on obligations of the state of Missouri or any of its political subdivisions or authorities and shall not apply to the interest described in subdivision (a) of subsection 3 of this section. The amount added [under] **pursuant to** this paragraph shall be reduced by the amounts applicable to such interest that would have been deductible in computing the taxable income of the taxpayer except only for the application of Section 265 of the Internal Revenue Code. The reduction shall only

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

13 be made if it is at least five hundred dollars;

14 (c) The amount of any deduction that is included in the computation of federal taxable
15 income [under] **pursuant to** Section 168 of the Internal Revenue Code as amended by the Job
16 Creation and Worker Assistance Act of 2002 to the extent the amount deducted relates to
17 property purchased on or after July 1, 2002, but before July 1, 2003, and to the extent the amount
18 deducted exceeds the amount that would have been deductible [under] **pursuant to** Section 168
19 of the Internal Revenue Code of 1986 as in effect on January 1, 2002; and

20 (d) The amount of any deduction that is included in the computation of federal taxable
21 income for net operating loss allowed by Section 172 of the Internal Revenue Code of 1986, as
22 amended, except for any deduction for net operating loss the taxpayer claims in the tax year in
23 which the net operating loss occurred or carries forward for a period not to exceed twenty years
24 and carries backward for not more than two years.

25 3. There shall be subtracted from [his] **the taxpayer's** federal adjusted gross income the
26 following amounts to the extent included in federal adjusted gross income:

27 (a) Interest or dividends on obligations of the United States and its territories and
28 possessions or of any authority, commission or instrumentality of the United States to the extent
29 exempt from Missouri income taxes [under] **pursuant to** the laws of the United States. The
30 amount subtracted [under] **pursuant to** this paragraph shall be reduced by any interest on
31 indebtedness incurred to carry the described obligations or securities and by any expenses
32 incurred in the production of interest or dividend income described in this paragraph. The
33 reduction in the previous sentence shall only apply to the extent that such expenses including
34 amortizable bond premiums are deducted in determining [his] **the taxpayer's** federal adjusted
35 gross income or included in [his] **the taxpayer's** Missouri itemized deduction. The reduction
36 shall only be made if the expenses total at least five hundred dollars;

37 (b) The portion of any gain, from the sale or other disposition of property having a higher
38 adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax
39 purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is
40 considered a long-term capital gain for federal income tax purposes, the modification shall be
41 limited to one-half of such portion of the gain;

42 (c) The amount necessary to prevent the taxation [under sections 143.011 to 143.996]
43 **pursuant to this chapter** of any annuity or other amount of income or gain which was properly
44 included in income or gain and was taxed [under] **pursuant to** the laws of Missouri for a taxable
45 year prior to January 1, 1973, to the taxpayer, or to a decedent by reason of whose death the
46 taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the
47 taxpayer received the income or gain;

48 (d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the

49 extent that the same are included in federal adjusted gross income;

50 (e) The amount of any state income tax refund for a prior year which was included in the
51 federal adjusted gross income;

52 (f) The portion of capital gain specified in [subsection 3 of section 144.747] **section**
53 **135.357**, RSMo, that would otherwise be included in federal adjusted gross income; [and]

54 (g) The amount that would have been deducted in the computation of federal taxable
55 income [under] **pursuant to** Section 168 of the Internal Revenue Code as in effect on January
56 1, 2002, to the extent that amount relates to property purchased on or after July 1, 2002, but
57 before July 1, 2003, and to the extent that amount exceeds the amount actually deducted [under]
58 **pursuant to** Section 168 of the Internal Revenue Code as amended by the Job Creation and
59 Worker Assistance Act of 2002; **and**

60 (h) **For all tax years beginning on or after January 1, 2003, the amount of any**
61 **income received for military service while the taxpayer serves in a combat zone which is**
62 **included in federal adjusted gross income and not otherwise excluded therefrom. As used**
63 **in this section, "combat zone" means any area which the President of the United States by**
64 **Executive Order designates as an area in which armed forces of the United States are or**
65 **have engaged in combat. Service is performed in a combat zone only if performed on or**
66 **after the date designated by the President by Executive Order as the date of the**
67 **commencing of combat activities in such zone, and on or before the date designated by the**
68 **President by Executive Order as the date of the termination of combatant activities in such**
69 **zone.**

70 4. There shall be added to or subtracted from [his] **the taxpayer's** federal adjusted gross
71 income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

72 5. There shall be added to or subtracted from [his] **the taxpayer's** federal adjusted gross
73 income the modifications provided in section 143.411.