

SECOND REGULAR SESSION

# HOUSE BILL NO. 1714

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES NORR (Sponsor), BROWN (50), SCAVUZZO, SCHIEFFER, CASEY, TODD, HODGES, QUINN (9), ZIMMERMAN, ROORDA AND SCHOELLER (Co-sponsors).

Read 1st time January 17, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3960L.011

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### AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for natural disaster costs.

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be  
2 known as section 135.651, to read as follows:

**135.651. 1. As used in this section, the following terms mean:**

2 **(1) "Costs incurred", any amounts expended for repairs or losses as a result of a**  
3 **natural disaster;**

4 **(2) "Natural disaster area", any area in which a natural disaster has occurred and**  
5 **which has been declared a disaster area by both the state and federal governments;**

6 **(3) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo,**  
7 **excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;**

8 **(4) "Taxpayer", any individual who lives within a natural disaster area and who**  
9 **is subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by**  
10 **sections 143.191 to 143.265, RSMo.**

11 **2. For all taxable years beginning on or after January 1, 2008, a taxpayer shall be**  
12 **allowed a tax credit for costs incurred in a natural disaster area. The tax credit amount**  
13 **shall be equal to five hundred dollars for any taxpayer whose filing status is single, head**  
14 **of household, qualifying widow(er) or married filing separately, or seven hundred fifty**

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

15 dollars for any taxpayer whose filing status is married filing combined. If the amount of  
16 the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year  
17 for which the credit is claimed, the difference shall be refundable. No tax credit granted  
18 under this section shall be transferred, sold, or assigned.

19       **3. The cumulative amount of tax credits which may be issued under this section in**  
20 **any one fiscal year shall not exceed five million dollars. If the amount of tax credits**  
21 **claimed under this section exceeds five million dollars, the director of the department of**  
22 **revenue shall establish a procedure by which, from the beginning of the fiscal year until**  
23 **some point in time later in the fiscal year to be determined by the director, the cumulative**  
24 **amount of tax credits are equally apportioned among all taxpayers allowed a tax credit**  
25 **under this section. The director may establish more than one period of time and**  
26 **reapportion more than once during each fiscal year. To the maximum extent possible, the**  
27 **director shall establish the procedure described in this subsection in such a manner as to**  
28 **ensure that taxpayers can claim all the tax credits possible up to the cumulative amount**  
29 **of tax credits available for the fiscal year.**

30       **4. No taxpayer shall be issued a tax credit more than once under this section.**

31       **5. Each taxpayer claiming a tax credit under this section shall file an affidavit with**  
32 **the income tax return verifying the amounts of the costs incurred and that such taxpayer**  
33 **is a resident of a natural disaster area.**

34       **6. The department of revenue may promulgate rules to implement the provisions**  
35 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010,**  
36 **RSMo, that is created under the authority delegated in this section shall become effective**  
37 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**  
38 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**  
39 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
40 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**  
41 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
42 **rule proposed or adopted after August 28, 2008, shall be invalid and void.**

43       **7. Under section 23.253, RSMo, of the Missouri Sunset Act:**

44       **(1) The provisions of the new program authorized under this section shall**  
45 **automatically sunset on December thirty-first six years after the effective date of this**  
46 **section unless reauthorized by an act of the general assembly; and**

47       **(2) If such program is reauthorized, the program authorized under this section**  
48 **shall automatically sunset on December thirty-first twelve years after the effective date of**  
49 **the reauthorization of this section; and**

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

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