

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NOS. 320, 39 & 662
95TH GENERAL ASSEMBLY

0919L.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for storm shelters.

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 known as section 135.650, to read as follows:

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

(1) "Made in America", manufactured or produced within the United States of America or, if premanufactured, having a fair market value at least seventy percent of which results from domestic labor and materials;

(2) "Storm shelter", an above-ground safe room or an in-ground shelter in or near the taxpayer's primary residence that protects from injury or death caused by dangerous and extreme windstorms, that is in compliance with the requirements established in the Federal Emergency Management Agency's Publication 320 or its successor publication in effect at the time the storm shelter was completed, and that is made in America;

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

(4) "Taxpayer", any individual subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

2. For all taxable years beginning on or after January 1, 2009, a taxpayer shall be allowed a tax credit for the costs incurred in building a storm shelter on or after January 1, 2003. The tax credit amount shall be equal to the lesser of one thousand five hundred dollars or fifty percent of the incurred costs. The amount of the tax credit issued shall not

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.

18 exceed the amount of the taxpayer's state tax liability for the tax year for which the credit
19 is claimed. No amount of credit that the taxpayer is prohibited by this section from
20 claiming in a tax year shall be refundable, nor shall any tax credit granted under this
21 section be transferred, sold, or assigned. No taxpayer shall be issued a tax credit more than
22 once under this section.

23 3. The aggregate amount of tax credits which may be issued under this section in
24 any one fiscal year shall not exceed two million dollars. The tax credits issued under this
25 section shall be issued on a first-come, first-served filing basis.

26 4. The department of revenue may promulgate rules to implement the provisions
27 of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
28 RSMo, that is created under the authority delegated in this section shall become effective
29 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
30 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
31 nonseverable and if any of the powers vested with the general assembly pursuant to
32 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
33 are subsequently held unconstitutional, then the grant of rulemaking authority and any
34 rule proposed or adopted after August 28, 2009, shall be invalid and void.

35 5. Under section 23.253, RSMo, of the Missouri Sunset Act:

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

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

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

✓