

FIRST REGULAR SESSION

# HOUSE BILL NO. 1407

## 101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PLOCHER.

2505H.011

DANA RADEMAN MILLER, Chief Clerk

### AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to tax credits.

*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 135.1402, to read as follows:

**135.1402. 1. As used in this section, the following terms mean:**

2 **(1) "Qualified amount", for a given tax year, a percentage of the total amount of**  
3 **property tax imposed under the laws of this state on the real property on which a qualified**  
4 **taxpayer is located, as calculated according to the table provided in subsection 4 of this**  
5 **section;**

6 **(2) "Qualified taxpayer", any business organization located within this state that**  
7 **was shut down during the tax year by a political subdivision or government entity;**

8 **(3) "Shut down", to order a closure of a business organization in this state for more**  
9 **than fourteen days, by any political subdivision or government entity, during an official**  
10 **state of emergency as declared by the governor of this state, for reasons not relating to any**  
11 **fault on the part of the business organization. For purposes of this subdivision, "reasons**  
12 **not relating to any fault on the part of a business organization" includes, but is not limited**  
13 **to, communicable disease spread by direct human contact such as person-to-person contact**  
14 **or droplet spread, but does not include violations of sanitation or food safety rules,**  
15 **violations of structural safety rules, or the occurrence of natural disasters such as**  
16 **tornadoes, floods, or earthquakes.**

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.

17           **2. (1) For all tax years beginning on or after January 1, 2021, a qualified taxpayer**  
18 **shall be allowed to claim a tax credit against the taxpayer's state income tax liability, in an**  
19 **amount equal to the taxpayer's qualified amount.**

20           **(2) Notwithstanding the provisions of subdivision (1) of this subsection to the**  
21 **contrary, a taxpayer shall receive only up to fifty thousand dollars per tax credit per tax**  
22 **year. Any portion of a tax credit that exceeds fifty thousand dollars may be carried**  
23 **forward to subsequent tax years. In each subsequent tax year, the taxpayer shall be**  
24 **entitled to receive up to fifty thousand dollars of any remaining portion of the tax credit.**

25           **3. Tax credits issued under this section shall be refundable but shall not be**  
26 **assigned, transferred, sold, or otherwise conveyed.**

27           **4. The qualified amount of a qualified taxpayer shall be calculated according to the**  
28 **following table:**

<b>Duration of the taxpayer's shutdown by a political subdivision</b>	<b>Percentage of the property tax liability for the real property on which the taxpayer is located included in the taxpayer's qualified amount</b>
<b>90 days or more</b>	<b>100%</b>
<b>75 to 89 days</b>	<b>83 1/3%</b>
<b>60 to 74 days</b>	<b>66 2/3%</b>
<b>45 to 59 days</b>	<b>50%</b>
<b>30 to 44 days</b>	<b>33 1/3%</b>
<b>15 to 29 days</b>	<b>16 2/3%</b>

37  
38           **5. If a qualified taxpayer is not the owner of the real property on which the**  
39 **qualified taxpayer is located, the qualified taxpayer shall determine the property tax**  
40 **liability for such real property by requesting a document, which shall be provided by the**  
41 **county collector or by any other local government official responsible for maintaining**  
42 **property tax records, that details such information.**

43           **6. Notwithstanding any provision of this section to the contrary, if the real property**  
44 **on which a qualified taxpayer is located is used by more than one qualified taxpayer, all**  
45 **qualified taxpayers located on such real property shall be eligible for the tax credit**  
46 **authorized under this section, but the total amount of the tax credit allowed to each**  
47 **qualified taxpayer shall be divided by the total number of such qualified taxpayers located**  
48 **on the real property.**

49           **7. The department of revenue may promulgate all rules and regulations necessary**  
50 **for the administration of this section including, but not limited to, rules relating to the**  
51 **verification of a taxpayer's shutdown by a political subdivision and the verification of real**  
52 **property tax liability amounts. County officials shall collaborate with the department of**  
53 **revenue and shall provide the department of revenue with such property tax information**  
54 **as may be necessary for the administration of this section. Any rule or portion of a rule,**  
55 **as that term is defined in section 536.010, that is created under the authority delegated in**  
56 **this section shall become effective only if it complies with and is subject to all of the**  
57 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536**  
58 **are nonseverable, and if any of the powers vested with the general assembly pursuant to**  
59 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**  
60 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**  
61 **proposed or adopted after August 28, 2021, shall be invalid and void.**

62           **8. Under section 23.253 of the Missouri sunset act:**

63           **(1) The provisions of this section shall automatically sunset six years after the**  
64 **effective date of this section unless reauthorized by an act of the general assembly;**

65           **(2) If such provisions are reauthorized, the provisions of this section shall**  
66 **automatically sunset twelve years after the effective date of the reauthorization; and**

67           **(3) This section shall terminate on September first of the calendar year immediately**  
68 **following the calendar year in which the provisions of this section are sunset.**

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