

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Bill No. 696, Page 5, Section 67.785, Line 42, by inserting after all of said section  
2 and line the following:

3  
4 "135.098. 1. For purposes of this section, the following terms shall mean:

5 (1) "Department", the Missouri department of revenue;

6 (2) "Federal firearms excise tax", the federal firearms and ammunition excise tax imposed  
7 pursuant to 26 U.S.C. Section 4181;

8 (3) "State tax liability", any liability incurred by the taxpayer pursuant to the provisions of  
9 chapter 143, exclusive of the provisions relating to the withholding of tax as provided for in sections  
10 143.191 to 143.265 and related provisions;

11 (4) "Tax credit", a credit against the taxpayer's state tax liability;

12 (5) "Taxpayer", any individual subject to the state income tax pursuant to chapter 143.

13 2. For all tax years beginning on or after January 1, 2024, a taxpayer liable to pay federal  
14 firearms excise tax shall be authorized to claim a tax credit in an amount equal to one hundred  
15 percent of such tax paid by the taxpayer on sales of firearms and ammunition made in the United  
16 States and sold by the taxpayer during the tax year.

17 3. The tax credit allowed by this section shall be claimed by such taxpayer at the time such  
18 taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143,  
19 excluding the withholding tax imposed by sections 143.191 to 143.265. The department may  
20 require any documentation it deems necessary to administer the provisions of this section.

21 4. Any amount of tax credit that exceeds the taxpayer's state tax liability shall not be  
22 refunded to the taxpayer. Tax credits authorized pursuant to this section shall not be transferred,  
23 sold, assigned, or otherwise conveyed.

24 5. A taxpayer shall not claim a tax credit pursuant to this section if the taxpayer has retained  
25 sales tax pursuant to section 144.064 for the same federal firearms excise tax paid.

26 6. The department may promulgate rules and adopt statements of policy, procedures, forms,  
27 and guidelines to implement and administer the provisions of this section. Rules promulgated  
28 pursuant to this subsection shall not be construed to create or authorize the creation of any database  
29 that would include the names of any person who purchases, sells, or uses any firearms or  
30 ammunition. Any rule or portion of a rule, as that term is defined in section 536.010, that is created

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 pursuant to the authority delegated in this section shall become effective only if it complies with and  
2 is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
3 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to  
4 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently  
5 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after  
6 August 28, 2023, shall be invalid and void.

7 7. Pursuant to section 23.253 of the Missouri sunset act:

8 (1) The program authorized under this section shall expire on December 31, 2029, unless  
9 reauthorized by the general assembly; and

10 (2) The act shall terminate on September first of the calendar year immediately following  
11 the calendar year in which the program authorized under this section is sunset; and

12 (3) If such program is reauthorized, the program authorized under this section shall  
13 automatically sunset six years after the effective date of the reauthorization of this section; and

14 (4) The provisions of this subsection shall not be construed to limit or in any way impair the  
15 department of revenue's ability to redeem tax credits authorized on or before the date the program  
16 authorized pursuant to this section expires, or a taxpayer's ability to redeem such tax credits.

17 144.064. 1. No sales tax levied under this chapter on any firearms or ammunition shall be  
18 levied at a rate that is higher than the sales tax levied under this chapter or any other excise tax  
19 levied on any sporting goods or equipment or any hunting equipment.

20 2. Beginning August 28, 2023, in addition to all other exemptions granted pursuant to this  
21 chapter, there is hereby specifically exempted from the provisions of and from the computation of  
22 the tax levied, assessed, or payable pursuant to this chapter and the local sales tax law as defined in  
23 section 32.085, all sales of firearms and ammunition made in the United States and sold in this state.

24 3. Beginning August 28, 2023, from every remittance of sales tax to the director of revenue  
25 made on or before the date when the same becomes due by a person selling firearms or ammunition  
26 made in the United States, the person required to remit the same shall be entitled to deduct and  
27 retain an amount equal to the amount of the federal firearms and ammunition excise tax paid by  
28 such person pursuant to 26 U.S.C. Section 4181, as amended. If the amount of sales tax required to  
29 be remitted is less than the amount of the federal firearms and ammunition excise tax paid, the  
30 amount allowed to be deducted and retained pursuant to this subsection shall be carried forward to  
31 subsequent sales tax filing periods until the full deduction is made."; and

32  
33 Further amend said bill by amending the title, enacting clause, and intersectional references  
34 accordingly.