

FIRST REGULAR SESSION
HOUSE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 356
102ND GENERAL ASSEMBLY

0903H.03F

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 143.022 and 143.124, RSMo, and to enact in lieu thereof two new sections relating to taxation.

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

Section A. Sections 143.022 and 143.124, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 143.022 and 143.124, to read as follows:

143.022. 1. As used in this section, "business income" means the income greater than
2 zero arising from transactions in the regular course of all of a taxpayer's trade or business and
3 shall be limited to the Missouri source net profit from the combination of the following:

4 (1) The total combined profit as properly reported to the Internal Revenue Service on
5 each Schedule C, or its successor form, filed; ~~and~~

6 (2) The total partnership and S corporation income or loss properly reported to the
7 Internal Revenue Service on Part II of Schedule E, or its successor form;

8 **(3) The total combined profit as properly reported to the Internal Revenue**
9 **Service on each Schedule F, or its successor form, filed; and**

10 **(4) The total combined profit as properly reported to the Internal Revenue**
11 **Service on each Form 4835, or its successor form, filed.**

12 2. In addition to all other modifications allowed by law, there shall be subtracted from
13 the federal adjusted gross income of an individual taxpayer a percentage of such individual's
14 business income, to the extent that such amounts are included in federal adjusted gross
15 income when determining such individual's Missouri adjusted gross income **and are not**
16 **otherwise subtracted or deducted in determining such individual's Missouri taxable**
17 **income.**

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 3. In the case of an S corporation described in section 143.471 or a partnership
19 computing the deduction allowed under subsection 2 of this section, taxpayers described in
20 subdivision (1) or (2) of this subsection shall be allowed such deduction apportioned in
21 proportion to their share of ownership of the business as reported on the taxpayer's Schedule
22 K-1, or its successor form, for the tax period for which such deduction is being claimed when
23 determining the Missouri adjusted gross income of:

24 (1) The shareholders of an S corporation as described in section 143.471;

25 (2) The partners in a partnership.

26 4. The percentage to be subtracted under subsection 2 of this section shall be
27 increased over a period of years. Each increase in the percentage shall be by five percent and
28 no more than one increase shall occur in a calendar year. The maximum percentage that may
29 be subtracted is twenty percent of business income. Any increase in the percentage that may
30 be subtracted shall take effect on January first of a calendar year and such percentage shall
31 continue in effect until the next percentage increase occurs. An increase shall only apply to
32 tax years that begin on or after the increase takes effect.

33 5. An increase in the percentage that may be subtracted under subsection 2 of this
34 section shall only occur if the amount of net general revenue collected in the previous fiscal
35 year exceeds the highest amount of net general revenue collected in any of the three fiscal
36 years prior to such fiscal year by at least one hundred fifty million dollars.

37 6. The first year that a taxpayer may make the subtraction under subsection 2 of this
38 section is 2017, provided that the provisions of subsection 5 of this section are met. If the
39 provisions of subsection 5 of this section are met, the percentage that may be subtracted in
40 2017 is five percent.

143.124. 1. Other provisions of law to the contrary notwithstanding, for tax years
2 ending on or before December 31, 2006, the total amount of all annuities, pensions, or
3 retirement allowances above the amount of six thousand dollars annually provided by any law
4 of this state, the United States, or any other state to any person except as provided in
5 subsection 4 of this section, shall be subject to tax pursuant to the provisions of this chapter,
6 in the same manner, to the same extent and under the same conditions as any other taxable
7 income received by the person receiving it. For purposes of this section, "annuity, pension,
8 retirement benefit, or retirement allowance" shall be defined as an annuity, pension or
9 retirement allowance provided by the United States, this state, any other state or any political
10 subdivision or agency or institution of this or any other state. For all tax years beginning on
11 or after January 1, 1998, for purposes of this section, annuity, pension or retirement allowance
12 shall be defined to include 401(k) plans, deferred compensation plans, self-employed
13 retirement plans, also known as Keogh plans, annuities from a defined pension plan and
14 individual retirement arrangements, also known as IRAs, as described in the Internal Revenue

15 Code, but not including Roth IRAs, as well as an annuity, pension or retirement allowance
16 provided by the United States, this state, any other state or any political subdivision or agency
17 or institution of this or any other state. An individual taxpayer shall only be allowed a
18 maximum deduction equal to the amounts provided under this section for each taxpayer on
19 the combined return.

20 2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall
21 be subtracted from Missouri adjusted gross income for that period, determined pursuant to
22 section 143.121, the first three thousand dollars of retirement benefits received by each
23 taxpayer:

24 (1) If the taxpayer's filing status is single, head of household or qualifying widow(er)
25 and the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred
26 dollars; or

27 (2) If the taxpayer's filing status is married filing combined and their combined
28 Missouri adjusted gross income is less than sixteen thousand dollars; or

29 (3) If the taxpayer's filing status is married filing separately and the taxpayer's
30 Missouri adjusted gross income is less than eight thousand dollars.

31 3. For the tax years beginning on or after January 1, 1990, but ending on or before
32 December 31, 2006, there shall be subtracted from Missouri adjusted gross income,
33 determined pursuant to section 143.121, a maximum of the first six thousand dollars of
34 retirement benefits received by each taxpayer from sources other than privately funded
35 sources, and for tax years beginning on or after January 1, 1998, there shall be subtracted
36 from Missouri adjusted gross income, determined pursuant to section 143.121, a maximum of
37 the first one thousand dollars of any retirement allowance received from any privately funded
38 source for tax years beginning on or after January 1, 1998, but before January 1, 1999, and a
39 maximum of the first three thousand dollars of any retirement allowance received from any
40 privately funded source for tax years beginning on or after January 1, 1999, but before
41 January 1, 2000, and a maximum of the first four thousand dollars of any retirement
42 allowance received from any privately funded source for tax years beginning on or after
43 January 1, 2000, but before January 1, 2001, and a maximum of the first five thousand dollars
44 of any retirement allowance received from any privately funded source for tax years
45 beginning on or after January 1, 2001, but before January 1, 2002, and a maximum of the first
46 six thousand dollars of any retirement allowance received from any privately funded sources
47 for tax years beginning on or after January 1, 2002, **but before January 1, 2024, and a**
48 **maximum of the first twelve thousand dollars of any retirement allowance received from**
49 **any privately funded sources for tax years beginning on or after January 1, 2024.** A
50 taxpayer shall be entitled to the maximum exemption provided by this subsection:

51 (1) If the taxpayer's filing status is single, head of household or qualifying widow(er)
52 and the taxpayer's Missouri adjusted gross income is less than [~~twenty-five~~] **fifty** thousand
53 dollars; or

54 (2) If the taxpayer's filing status is married filing combined and their combined
55 Missouri adjusted gross income is less than [~~thirty-two~~] **sixty-four** thousand dollars; or

56 (3) If the taxpayer's filing status is married filing separately and the taxpayer's
57 Missouri adjusted gross income is less than [~~sixteen~~] **thirty-two** thousand dollars.

58 4. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for
59 such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 of this
60 section, such taxpayer shall be entitled to an exemption equal to the greater of zero or the
61 maximum exemption provided in subsection 3 of this section reduced by one dollar for every
62 dollar such taxpayer's income exceeds the ceiling for his or her filing status.

63 5. For purposes of this subsection, the term "maximum Social Security benefit
64 available" shall mean thirty-two thousand five hundred dollars for the tax year beginning on
65 or after January 1, 2007, and for each subsequent tax year such amount shall be increased by
66 the percentage increase in the Consumer Price Index for All Urban Consumers, or its
67 successor index, as such index is defined and officially reported by the United States
68 Department of Labor, or its successor agency. For the tax year beginning on or after January
69 1, 2007, but ending on or before December 31, 2007, there shall be subtracted from Missouri
70 adjusted gross income, determined pursuant to section 143.121, a maximum of an amount
71 equal to the greater of: six thousand dollars in retirement benefits received from sources other
72 than privately funded sources, to the extent such benefits are included in the taxpayer's federal
73 adjusted gross income; or twenty percent of the retirement benefits received from sources
74 other than privately funded sources in the tax year, but not to exceed the maximum Social
75 Security benefit available for such tax year. For the tax year beginning on or after January 1,
76 2008, but ending on or before December 31, 2008, there shall be subtracted from Missouri
77 adjusted gross income, determined pursuant to section 143.121, a maximum of an amount
78 equal to the greater of: six thousand dollars in retirement benefits received from sources other
79 than privately funded sources, to the extent such benefits are included in the taxpayer's federal
80 adjusted gross income; or thirty-five percent of the retirement benefits received from sources
81 other than privately funded sources in the tax year, but not to exceed the maximum Social
82 Security benefit available for such tax year. For the tax year beginning on or after January 1,
83 2009, but ending on or before December 31, 2009, there shall be subtracted from Missouri
84 adjusted gross income, determined pursuant to section 143.121, a maximum of an amount
85 equal to the greater of: six thousand dollars in retirement benefits received from sources other
86 than privately funded sources, to the extent such benefits are included in the taxpayer's federal
87 adjusted gross income; or fifty percent of the retirement benefits received from sources other

88 than privately funded sources in the tax year, but not to exceed the maximum Social Security
89 benefit available for such tax year. For the tax year beginning on or after January 1, 2010, but
90 ending on or before December 31, 2010, there shall be subtracted from Missouri adjusted
91 gross income, determined pursuant to section 143.121, a maximum of an amount equal to the
92 greater of: six thousand dollars in retirement benefits received from sources other than
93 privately funded sources, to the extent such benefits are included in the taxpayer's federal
94 adjusted gross income; or sixty-five percent of the retirement benefits received from sources
95 other than privately funded sources in the tax year, but not to exceed the maximum Social
96 Security benefit available for such tax year. For the tax year beginning on or after January 1,
97 2011, but ending on or before December 31, 2011, there shall be subtracted from Missouri
98 adjusted gross income, determined pursuant to section 143.121, a maximum of an amount
99 equal to the greater of: six thousand dollars in retirement benefits received from sources other
100 than privately funded sources, to the extent such benefits are included in the taxpayer's federal
101 adjusted gross income; or eighty percent of the retirement benefits received from sources
102 other than privately funded sources in the tax year, but not to exceed the maximum Social
103 Security benefit available for such tax year. For all tax years beginning on or after January 1,
104 2012, there shall be subtracted from Missouri adjusted gross income, determined pursuant to
105 section 143.121, a maximum of an amount equal to one hundred percent of the retirement
106 benefits received from sources other than privately funded sources in the tax year, but not to
107 exceed the maximum Social Security benefit available for such tax year. A taxpayer shall be
108 entitled to the maximum exemption provided by this subsection:

109 (1) If the taxpayer's filing status is married filing combined, and their combined
110 Missouri adjusted gross income is equal to or less than one hundred thousand dollars; or

111 (2) If the taxpayer's filing status is single, head of household, qualifying widow(er),
112 or married filing separately, and the taxpayer's Missouri adjusted gross income is equal to or
113 less than eighty-five thousand dollars.

114 6. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling for
115 such taxpayer's filing status, as provided in subdivisions (1) and (2) of subsection 5 of this
116 section, such taxpayer shall be entitled to an exemption, less any applicable reduction
117 provided under subsection 7 of this section, equal to the greater of zero or the maximum
118 exemption provided in subsection 5 of this section reduced by one dollar for every dollar such
119 taxpayer's income exceeds the ceiling for his or her filing status.

120 7. For purposes of calculating the subtraction provided in subsection 5 of this section,
121 such subtraction shall be decreased by an amount equal to any Social Security benefit
122 exemption provided under section 143.125.

123 8. For purposes of this section, any Social Security benefits otherwise included in
124 Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be

125 subtracted for purposes of other computations pursuant to this chapter, and are not to be
126 considered as retirement benefits for purposes of this section.

127 9. The provisions of subdivisions (1) and (2) of subsection 3 of this section shall
128 apply during all tax years in which the federal Internal Revenue Code provides exemption
129 levels for calculation of the taxability of Social Security benefits that are the same as the
130 levels in subdivisions (1) and (2) of subsection 3 of this section. If the exemption levels for
131 the calculation of the taxability of Social Security benefits are adjusted by applicable federal
132 law or regulation, the exemption levels in subdivisions (1) and (2) of subsection 3 of this
133 section shall be accordingly adjusted to the same exemption levels.

134 10. The portion of a taxpayer's lump sum distribution from an annuity or other
135 retirement plan not otherwise included in Missouri adjusted gross income as calculated
136 pursuant to this chapter but subject to taxation under Internal Revenue Code Section 402 shall
137 be taxed in an amount equal to ten percent of the taxpayer's federal liability on such
138 distribution for the same tax year.

139 11. For purposes of this section, retirement benefits received shall not include any
140 withdrawals from qualified retirement plans which are subsequently rolled over into another
141 retirement plan.

142 12. The exemptions provided for in this section shall not affect the calculation of the
143 income to be used to determine the property tax credit provided in sections 135.010 to
144 135.035.

145 13. The exemptions provided for in this section shall apply to any annuity, pension, or
146 retirement allowance as defined in subsection 1 of this section to the extent that such amounts
147 are included in the taxpayer's federal adjusted gross income and not otherwise deducted from
148 the taxpayer's federal adjusted gross income in the calculation of Missouri taxable income.
149 This subsection shall not apply to any individual who qualifies under federal guidelines to be
150 one hundred percent disabled.

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