

FIRST REGULAR SESSION
[PERFECTED]
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1023
102ND GENERAL ASSEMBLY

2117H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 143.022 and 143.121, RSMo, and to enact in lieu thereof two new sections relating to agriculture-related tax deductions.

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

Section A. Sections 143.022 and 143.121, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 143.022 and 143.121, 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.

143.121. 1. The Missouri adjusted gross income of a resident individual shall be the
2 taxpayer's federal adjusted gross income subject to the modifications in this section.

3 2. There shall be added to the taxpayer's federal adjusted gross income:

4 (1) The amount of any federal income tax refund received for a prior year which
5 resulted in a Missouri income tax benefit. The amount added pursuant to this subdivision
6 shall not include any amount of a federal income tax refund attributable to a tax credit
7 reducing a taxpayer's federal tax liability pursuant to Public Law 116-136 or 116-260, enacted
8 by the 116th United States Congress, for the tax year beginning on or after January 1, 2020,
9 and ending on or before December 31, 2020, and deducted from Missouri adjusted gross
10 income pursuant to section 143.171. The amount added under this subdivision shall also not
11 include any amount of a federal income tax refund attributable to a tax credit reducing a
12 taxpayer's federal tax liability under any other federal law that provides direct economic
13 impact payments to taxpayers to mitigate financial challenges related to the COVID-19
14 pandemic, and deducted from Missouri adjusted gross income under section 143.171;

15 (2) Interest on certain governmental obligations excluded from federal gross income
16 by 26 U.S.C. Section 103 of the Internal Revenue Code, as amended. The previous sentence
17 shall not apply to interest on obligations of the state of Missouri or any of its political
18 subdivisions or authorities and shall not apply to the interest described in subdivision (1) of
19 subsection 3 of this section. The amount added pursuant to this subdivision shall be reduced
20 by the amounts applicable to such interest that would have been deductible in computing the
21 taxable income of the taxpayer except only for the application of 26 U.S.C. Section 265 of the
22 Internal Revenue Code, as amended. The reduction shall only be made if it is at least five
23 hundred dollars;

24 (3) The amount of any deduction that is included in the computation of federal
25 taxable income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended
26 by the Job Creation and Worker Assistance Act of 2002 to the extent the amount deducted
27 relates to property purchased on or after July 1, 2002, but before July 1, 2003, and to the
28 extent the amount deducted exceeds the amount that would have been deductible pursuant to
29 26 U.S.C. Section 168 of the Internal Revenue Code of 1986 as in effect on January 1, 2002;

30 (4) The amount of any deduction that is included in the computation of federal
31 taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal
32 Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section
33 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as
34 amended, for a net operating loss the taxpayer claims in the tax year in which the net
35 operating loss occurred or carries forward for a period of more than twenty years and carries
36 backward for more than two years. Any amount of net operating loss taken against federal
37 taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision
38 after June 18, 2002, may be carried forward and taken against any income on the Missouri
39 income tax return for a period of not more than twenty years from the year of the initial loss;
40 and

41 (5) For nonresident individuals in all taxable years ending on or after December 31,
42 2006, the amount of any property taxes paid to another state or a political subdivision of
43 another state for which a deduction was allowed on such nonresident's federal return in the
44 taxable year unless such state, political subdivision of a state, or the District of Columbia
45 allows a subtraction from income for property taxes paid to this state for purposes of
46 calculating income for the income tax for such state, political subdivision of a state, or the
47 District of Columbia;

48 (6) For all tax years beginning on or after January 1, 2018, any interest expense paid
49 or accrued in a previous taxable year, but allowed as a deduction under 26 U.S.C. Section
50 163, as amended, in the current taxable year by reason of the carryforward of disallowed
51 business interest provisions of 26 U.S.C. Section 163(j), as amended. For the purposes of this

52 subdivision, an interest expense is considered paid or accrued only in the first taxable year the
53 deduction would have been allowable under 26 U.S.C. Section 163, as amended, if the
54 limitation under 26 U.S.C. Section 163(j), as amended, did not exist.

55 3. There shall be subtracted from the taxpayer's federal adjusted gross income the
56 following amounts to the extent included in federal adjusted gross income:

57 (1) Interest received on deposits held at a federal reserve bank or interest or dividends
58 on obligations of the United States and its territories and possessions or of any authority,
59 commission or instrumentality of the United States to the extent exempt from Missouri
60 income taxes pursuant to the laws of the United States. The amount subtracted pursuant to
61 this subdivision shall be reduced by any interest on indebtedness incurred to carry the
62 described obligations or securities and by any expenses incurred in the production of interest
63 or dividend income described in this subdivision. The reduction in the previous sentence
64 shall only apply to the extent that such expenses including amortizable bond premiums are
65 deducted in determining the taxpayer's federal adjusted gross income or included in the
66 taxpayer's Missouri itemized deduction. The reduction shall only be made if the expenses
67 total at least five hundred dollars;

68 (2) The portion of any gain, from the sale or other disposition of property having a
69 higher adjusted basis to the taxpayer for Missouri income tax purposes than for federal
70 income tax purposes on December 31, 1972, that does not exceed such difference in basis. If
71 a gain is considered a long-term capital gain for federal income tax purposes, the modification
72 shall be limited to one-half of such portion of the gain;

73 (3) The amount necessary to prevent the taxation pursuant to this chapter of any
74 annuity or other amount of income or gain which was properly included in income or gain and
75 was taxed pursuant to the laws of Missouri for a taxable year prior to January 1, 1973, to the
76 taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive
77 the income or gain, or to a trust or estate from which the taxpayer received the income or
78 gain;

79 (4) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the
80 extent that the same are included in federal adjusted gross income;

81 (5) The amount of any state income tax refund for a prior year which was included in
82 the federal adjusted gross income;

83 (6) The portion of capital gain specified in section 135.357 that would otherwise be
84 included in federal adjusted gross income;

85 (7) The amount that would have been deducted in the computation of federal taxable
86 income pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as in effect on
87 January 1, 2002, to the extent that amount relates to property purchased on or after July 1,
88 2002, but before July 1, 2003, and to the extent that amount exceeds the amount actually

89 deducted pursuant to 26 U.S.C. Section 168 of the Internal Revenue Code as amended by the
90 Job Creation and Worker Assistance Act of 2002;

91 (8) For all tax years beginning on or after January 1, 2005, the amount of any income
92 received for military service while the taxpayer serves in a combat zone which is included in
93 federal adjusted gross income and not otherwise excluded therefrom. As used in this section,
94 "combat zone" means any area which the President of the United States by Executive Order
95 designates as an area in which Armed Forces of the United States are or have engaged in
96 combat. Service is performed in a combat zone only if performed on or after the date
97 designated by the President by Executive Order as the date of the commencing of combat
98 activities in such zone, and on or before the date designated by the President by Executive
99 Order as the date of the termination of combatant activities in such zone;

100 (9) For all tax years ending on or after July 1, 2002, with respect to qualified property
101 that is sold or otherwise disposed of during a taxable year by a taxpayer and for which an
102 additional modification was made under subdivision (3) of subsection 2 of this section, the
103 amount by which additional modification made under subdivision (3) of subsection 2 of this
104 section on qualified property has not been recovered through the additional subtractions
105 provided in subdivision (7) of this subsection;

106 (10) For all tax years beginning on or after January 1, 2014, the amount of any
107 income received as payment from any program which provides compensation to agricultural
108 producers who have suffered a loss as the result of a disaster or emergency, including the:

- 109 (a) Livestock Forage Disaster Program;
- 110 (b) Livestock Indemnity Program;
- 111 (c) Emergency Assistance for Livestock, Honeybees, and Farm-Raised Fish;
- 112 (d) Emergency Conservation Program;
- 113 (e) Noninsured Crop Disaster Assistance Program;
- 114 (f) Pasture, Rangeland, Forage Pilot Insurance Program;
- 115 (g) Annual Forage Pilot Program;
- 116 (h) Livestock Risk Protection Insurance Plan;
- 117 (i) Livestock Gross Margin Insurance Plan;

118 (11) For all tax years beginning on or after January 1, 2018, any interest expense paid
119 or accrued in the current taxable year, but not deducted as a result of the limitation imposed
120 under 26 U.S.C. Section 163(j), as amended. For the purposes of this subdivision, an interest
121 expense is considered paid or accrued only in the first taxable year the deduction would have
122 been allowable under 26 U.S.C. Section 163, as amended, if the limitation under 26 U.S.C.
123 Section 163(j), as amended, did not exist; and

124 (12) One hundred percent of any retirement benefits received by any taxpayer as a
125 result of the taxpayer's service in the Armed Forces of the United States, including reserve

126 components and the National Guard of this state, as defined in 32 U.S.C. Sections 101(3) and
127 109, and any other military force organized under the laws of this state.

128 4. There shall be added to or subtracted from the taxpayer's federal adjusted gross
129 income the taxpayer's share of the Missouri fiduciary adjustment provided in section 143.351.

130 5. There shall be added to or subtracted from the taxpayer's federal adjusted gross
131 income the modifications provided in section 143.411.

132 6. In addition to the modifications to a taxpayer's federal adjusted gross income in this
133 section, to calculate Missouri adjusted gross income there shall be subtracted from the
134 taxpayer's federal adjusted gross income any gain recognized pursuant to 26 U.S.C. Section
135 1033 of the Internal Revenue Code of 1986, as amended, arising from compulsory or
136 involuntary conversion of property as a result of condemnation or the imminence thereof.

137 7. (1) As used in this subsection, "qualified health insurance premium" means the
138 amount paid during the tax year by such taxpayer for any insurance policy primarily
139 providing health care coverage for the taxpayer, the taxpayer's spouse, or the taxpayer's
140 dependents.

141 (2) In addition to the subtractions in subsection 3 of this section, one hundred percent
142 of the amount of qualified health insurance premiums shall be subtracted from the taxpayer's
143 federal adjusted gross income to the extent the amount paid for such premiums is included in
144 federal taxable income. The taxpayer shall provide the department of revenue with proof of
145 the amount of qualified health insurance premiums paid.

146 8. (1) Beginning January 1, 2014, in addition to the subtractions provided in this
147 section, one hundred percent of the cost incurred by a taxpayer for a home energy audit
148 conducted by an entity certified by the department of natural resources under section 640.153
149 or the implementation of any energy efficiency recommendations made in such an audit shall
150 be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid
151 for any such activity is included in federal taxable income. The taxpayer shall provide the
152 department of revenue with a summary of any recommendations made in a qualified home
153 energy audit, the name and certification number of the qualified home energy auditor who
154 conducted the audit, and proof of the amount paid for any activities under this subsection for
155 which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any
156 recommendations made in a qualified home energy audit to the department of natural
157 resources.

158 (2) At no time shall a deduction claimed under this subsection by an individual
159 taxpayer or taxpayers filing combined returns exceed one thousand dollars per year for
160 individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers
161 filing combined returns.

162 (3) Any deduction claimed under this subsection shall be claimed for the tax year in
163 which the qualified home energy audit was conducted or in which the implementation of the
164 energy efficiency recommendations occurred. If implementation of the energy efficiency
165 recommendations occurred during more than one year, the deduction may be claimed in more
166 than one year, subject to the limitations provided under subdivision (2) of this subsection.

167 (4) A deduction shall not be claimed for any otherwise eligible activity under this
168 subsection if such activity qualified for and received any rebate or other incentive through a
169 state-sponsored energy program or through an electric corporation, gas corporation, electric
170 cooperative, or municipally owned utility.

171 9. The provisions of subsection 8 of this section shall expire on December 31, 2020.

172 **10. (1) As used in this subsection, the following terms mean:**

173 **(a) "Beginning farmer", a taxpayer who:**

174 **a. Has filed at least one but not more than ten Internal Revenue Service**
175 **Schedule F (Form 1040) Profit or Loss From Farming forms since turning eighteen**
176 **years of age;**

177 **b. Is approved for a beginning farmer loan through the USDA Farm Service**
178 **Agency Beginning Farmer direct or guaranteed loan program;**

179 **c. Has a farming operation that is determined by the department of agriculture**
180 **to be new production agriculture but is the principal operator of a farm and has**
181 **substantial farming knowledge; or**

182 **d. Has been determined by the department of agriculture to be a qualified family**
183 **member;**

184 **(b) "Farm owner", an individual who owns farmland and disposes of or**
185 **relinquishes use of all or some portion of such farmland as follows:**

186 **a. A sale to a beginning farmer;**

187 **b. A lease or rental agreement not exceeding ten years with a beginning farmer;**

188 **or**

189 **c. A crop-share arrangement not exceeding ten years with a beginning farmer;**

190 **(c) "Qualified family member", an individual who is related to a farm owner**
191 **within the fourth degree by blood or marriage and who is purchasing or leasing or is in**
192 **a crop-share arrangement for land from all or a portion of such farm owner's farming**
193 **operation.**

194 **(2) (a) In addition to all other subtractions authorized in this section, a taxpayer**
195 **who is a farm owner who sells all or a portion of such farmland to a beginning farmer**
196 **may subtract from such taxpayer's Missouri adjusted gross income an amount to the**
197 **extent included in federal adjusted gross income as provided in this subdivision.**

198 **(b) Subject to the limitations in paragraph (c) of this subdivision, the amount**
199 **that may be subtracted shall be equal to the portion of capital gains received from the**
200 **sale of such farmland that such taxpayer receives in the tax year for which such**
201 **taxpayer subtracts such capital gain.**

202 **(c) A taxpayer may subtract the following amounts and percentages per tax year**
203 **in total capital gains received from the sale of such farmland under this subdivision:**

204 **a. For the first two million dollars received, one hundred percent;**

205 **b. For the next one million dollars received, eighty percent;**

206 **c. For the next one million dollars received, sixty percent;**

207 **d. For the next one million dollars received, forty percent; and**

208 **e. For the next one million dollars received, twenty percent.**

209 **(d) The department of revenue shall prepare an annual report reviewing the**
210 **costs and benefits and containing statistical information regarding the subtraction of**
211 **capital gains authorized under this subdivision for the previous tax year including, but**
212 **not limited to, the total amount of all capital gains subtracted and the number of**
213 **taxpayers subtracting such capital gains. Such report shall be submitted before**
214 **February first of each year to the committee on agriculture policy of the Missouri house**
215 **of representatives and the committee on agriculture, food production and outdoor**
216 **resources of the Missouri senate, or the successor committees.**

217 **(3) (a) In addition to all other subtractions authorized in this section, a taxpayer**
218 **who is a farm owner who enters a lease or rental agreement for all or a portion of such**
219 **farmland with a beginning farmer may subtract from such taxpayer's Missouri adjusted**
220 **gross income an amount to the extent included in federal adjusted gross income as**
221 **provided in this subdivision.**

222 **(b) Subject to the limitation in paragraph (c) of this subdivision, the amount that**
223 **may be subtracted shall be equal to the portion of cash rent income received from the**
224 **lease or rental of such farmland that such taxpayer receives in the tax year for which**
225 **such taxpayer subtracts such income.**

226 **(c) No taxpayer shall subtract more than twenty-five thousand dollars per tax**
227 **year in total cash rent income received from the lease or rental of such farmland under**
228 **this subdivision.**

229 **(4) (a) In addition to all other subtractions authorized in this section, a taxpayer**
230 **who is a farm owner who enters a crop-share arrangement on all or a portion of such**
231 **farmland with a beginning farmer may subtract from such taxpayer's Missouri adjusted**
232 **gross income an amount to the extent included in federal adjusted gross income as**
233 **provided in this subdivision.**

234 **(b) Subject to the limitation in paragraph (c) of this subdivision, the amount that**
235 **may be subtracted shall be equal to the portion of income received from the crop-share**
236 **arrangement on such farmland that such taxpayer receives in the tax year for which**
237 **such taxpayer subtracts such income.**

238 **(c) No taxpayer shall subtract more than twenty-five thousand dollars per tax**
239 **year in total income received from the lease or rental of such farmland under this**
240 **subdivision.**

241 **(5) The department of agriculture shall, by rule, establish a process to verify that**
242 **a taxpayer is a beginning farmer for purposes of this section and shall provide**
243 **verification to the beginning farmer and farm seller of such farmer's and seller's**
244 **certification and qualification for the exemption provided in this subsection.**

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