

HB 1867 -- REGULATING THE TREATMENT AND USE OF GOLD AND SILVER

SPONSOR: Richey

This bill modifies and creates new provisions relating to the use of gold and silver. This bill also establishes the "Constitutional Money Act".

CUSTODY OF GOLD AND SILVER SPECIE BY STATE TREASURER (Section 30.266)

The bill permits the State Treasurer to keep in the custody of the state treasury an amount of gold and silver specie greater than or equal to 1% of all state funds, provided that all such specie that is not needed for current expenses shall be placed on time deposit, bearing interest, in one or more banking institutions in this state, as required by the Missouri Constitution.

INCOME TAXATION ON GOLD AND SILVER SPECIE (Section 143.121)

Currently, all purchases of bullion and investment coins are exempt from all state and local sales taxes. This bill additionally exempts from state income tax the portion of capital gain on the sale or exchange of gold and silver specie that are otherwise included in the taxpayer's federal adjusted gross income.

LEGAL TENDER (Section 408.010)

The bill provides that specie legal tender and electronic currency, as those terms are defined in the bill, shall be accepted as payment for all public debts and may be received as payment for all private debts contracted for in the State, in the discretion of the receiving entity.

The State is required to accept specie legal tender and electronic currency as payment for any debt, tax, fee, or obligation owed. Costs incurred in the course of verification of the weight and purity of any specie during any such transaction shall be borne by the receiving entity.

Except as expressly provided by contract, no person or entity shall be required to use specie legal tender or electronic currency in the payment of any debt and nothing in this bill shall prohibit the use of federal reserve notes in the payment of any debt.

Under no circumstance shall the State or any department, agency, court, political subdivision, or instrumentality thereof:

(1) Seize from any person any specie legal tender or electronic currency that is owned by such person, except as otherwise provided by law. Any person whose specie legal tender or electronic currency is seized in violation of this provision shall have a cause of action in a court of competent jurisdiction, with any successful action resulting in the award of attorney's fees;

(2) Enforce or attempt to enforce any federal acts, laws, executive orders, administrative orders, rules, regulations,

statutes, or ordinances infringing on the right of a person to keep and use specie legal tender and electronic currency as specified in this bill;

(3) Restrict in any way the ability of a person or financial institution to acquire specie legal tender and electronic currency or use specie legal tender and electronic currency in transactions; or

(4) Enact any law discriminating or favoring one means of legal tender in the course of a transaction over another means of legal tender.

This bill is similar to SB 735 (2024) and SS SCS SB 100 (2023).