

Oehlerking

(2)

Mr. Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed

SS SCS HB 754 _____ entitled:

AN ACT

To repeal sections 361.909, 362.020, 362.247, 362.275, 362.295, 362.490, 381.410, 427.300, and 447.200, RSMo, and to enact in lieu thereof ten new sections relating to certain financial organizations, with penalty provisions.

With SA 1, SA 3, SA 4, SA 5

In which the concurrence of the House is respectfully requested.

Respectfully,

Kristina Martin

Kristina Martin
Secretary of the Senate

RECEIVED
MAY 01 2025
CHIEF CLERK

SENATE AMENDMENT NO. 1

Offered by

Burger

of

27Amend SS/SCS/House Bill No. 754, Page 1, Section A, Line 6,

2 by inserting after all of said line the following:

3 "143.081. 1. A resident individual, resident estate,
4 and resident trust shall be allowed a credit against the tax
5 otherwise due pursuant to sections 143.005 to 143.998 for
6 the amount of any income tax imposed for the taxable year by
7 another state of the United States (or a political
8 subdivision thereof) or the District of Columbia on income
9 derived from sources therein and which is also subject to
10 tax pursuant to sections 143.005 to 143.998. For purposes
11 of this subsection, the phrase "income tax imposed" shall be
12 that amount of tax before any income tax credit allowed by
13 such other state or the District of Columbia if the other
14 state or the District of Columbia authorizes a reciprocal
15 benefit for residents of this state.

16 2. The credit provided pursuant to this section shall
17 not exceed an amount which bears the same ratio to the tax
18 otherwise due pursuant to sections 143.005 to 143.998 as the
19 amount of the taxpayer's Missouri adjusted gross income
20 derived from sources in the other jurisdiction bears to the
21 taxpayer's Missouri adjusted gross income derived from all
22 sources. In applying the limitation of the previous
23 sentence to an estate or trust, Missouri taxable income
24 shall be substituted for Missouri adjusted gross income. If
25 the tax of more than one other jurisdiction is imposed on
26 the same item of income, the credit shall not exceed the

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27 limitation that would result if the taxes of all the other
28 jurisdictions applicable to the item were deemed to be of a
29 single jurisdiction. The provisions of this subsection
30 shall apply to any credit allowed under this section,
31 provided that such credit shall be allowed under this
32 section with respect to any estate or trust to the extent
33 its Missouri adjusted gross income is excluded from Missouri
34 taxable income pursuant to the subtraction set forth in
35 subsection 3 of section 143.341.

36 3. (1) For the purposes of this section, in the case
37 of an S corporation, each resident S shareholder shall be
38 considered to have paid a tax imposed on the shareholder in
39 an amount equal to the shareholder's pro rata share of any
40 net income tax paid by the S corporation to a state which
41 does not measure the income of shareholders on an S
42 corporation by reference to the income of the S corporation
43 or where a composite return and composite payments are made
44 in such state on behalf of the S shareholders by the S
45 corporation.

46 (2) A resident S shareholder shall be eligible for a
47 credit issued pursuant to this section in an amount equal to
48 the individual income tax imposed pursuant to this chapter
49 on such shareholder's share of the S corporation's income
50 derived from sources in another state of the United States
51 or the District of Columbia, and which is subject to income
52 tax pursuant to this chapter but is not subject to income
53 tax in such other jurisdiction or a political subdivision
54 thereof.

55 4. For purposes of subsection 3 of this section, in
56 the case of an S corporation that is a bank chartered by a
57 state, the Office of Thrift Supervision, or the comptroller
58 of currency, each Missouri resident S shareholder of such
59 out-of-state bank shall qualify for the shareholder's pro

60 rata share of any net tax paid, including a bank franchise
 61 tax based on the income of the bank, by such S corporation
 62 where bank payment of taxes are made in such state on behalf
 63 of the S shareholders by the S bank to the extent of the tax
 64 paid.

65 143.341. 1. The Missouri taxable income of a resident
 66 estate or trust means its federal taxable income subject to
 67 the modifications in this section.

68 2. There shall be subtracted the amount if any that
 69 the federal personal exemption deduction allowable to the
 70 estate or trust exceeds its federal taxable income without
 71 its personal exemption deduction.

72 3. For all tax years beginning on or after January 1,
 73 2026, there shall be subtracted that amount included in
 74 Missouri taxable income of the estate or trust that would
 75 not be included as Missouri taxable income if said estate or
 76 trust were considered a nonresident estate or trust as
 77 defined in section 143.371. This subtraction shall only
 78 apply to the extent it is not a determinant of the federal
 79 distributable net income of the estate or trust.

80 [3.] 4. There shall be added or subtracted, as the
 81 case may be, the modifications described in sections 143.121
 82 and 143.141, and there shall be subtracted the federal
 83 income tax deduction provided in section 143.171. These
 84 additions and subtractions shall only apply to the extent
 85 that they are not determinants of the federal distributable
 86 net income of the estate or trust.

87 [4.] 5. There shall be added or subtracted, as the
 88 case may be, the share of the estate or trust in the
 89 fiduciary adjustment determined under section 143.351."; and

90 Further amend said bill, page 30, section 427.300, line
 91 317, by inserting after all of said line the following:

92 "456.1-108. 1. Without precluding other means for
93 establishing a sufficient connection with the designated
94 jurisdiction, terms of a trust designating the principal
95 place of administration are valid and controlling if:

96 (1) a trustee's principal place of business is located
97 in or a trustee is a resident of the designated
98 jurisdiction; or

99 (2) all or part of the administration occurs in the
100 designated jurisdiction.

101 2. Without precluding the right of the court to order,
102 approve, or disapprove a transfer, the trustee may transfer
103 the trust's principal place of administration to another
104 state or to a jurisdiction outside of the United States that
105 is appropriate to the trust's purposes, its administration,
106 and the interests of the beneficiaries.

107 3. The trustee shall notify the qualified
108 beneficiaries of a proposed transfer of a trust's principal
109 place of administration not less than sixty days before
110 initiating the transfer. The notice of proposed transfer
111 must include:

112 (1) the name of the jurisdiction to which the
113 principal place of administration is to be transferred;

114 (2) the address and telephone number at the new
115 location at which the trustee can be contacted;

116 (3) an explanation of the reasons for the proposed
117 transfer;

118 (4) a notice that states a change in the place of
119 administration may result in a change of the governing law,
120 which may affect the rights of any beneficiaries in ways
121 that are different from the current governing law;

122 (5) the date on which the proposed transfer is
123 anticipated to occur; and

124 ~~[(5)]~~ (6) the date, not less than sixty days after the
125 giving of the notice, by which the qualified beneficiary
126 must notify the trustee of an objection to the proposed
127 transfer.

128 4. The authority of a trustee under this section to
129 transfer a trust's principal place of administration without
130 an order of a court terminates if a qualified beneficiary
131 notifies the trustee of an objection to the proposed
132 transfer on or before the date specified in the notice.

133 5. In connection with a transfer of the trust's
134 principal place of administration, the trustee may transfer
135 some or all of the trust property to a successor trustee
136 designated in the terms of the trust or appointed pursuant
137 to section 456.7-704.

138 456.10-1005. 1. A beneficiary ~~[may]~~ shall not
139 commence a proceeding against a trustee for breach of trust
140 more than one year after the last to occur of the date the
141 beneficiary or a representative of the beneficiary was sent
142 a report that adequately disclosed the existence of a
143 potential claim for breach of trust and the date the trustee
144 informed the beneficiary of the time allowed for commencing
145 a proceeding with respect to any potential claim adequately
146 disclosed on the report.

147 2. A report adequately discloses the existence of a
148 potential claim for breach of trust if it provides
149 sufficient information so that the beneficiary or
150 representative knows of the potential claim or should have
151 inquired into its existence.

152 3. If subsection 1 of this section does not apply, a
153 judicial proceeding by a beneficiary against a trustee for
154 breach of trust ~~[must]~~ shall be commenced within five years
155 after the first to occur of:

156 (1) the removal, resignation, or death of the trustee;

(2) the occurrence of the event causing a termination of the beneficiary's interest in the trust; or

(3) the occurrence of the event causing a termination of the trust.

474.540. The provisions of sections 474.540 to 474.564 shall be known and may be cited as the "Missouri Electronic Wills and Electronic Estate Planning Documents Act".

474.542. As used in sections 474.540 to 474.564, the following terms mean:

(1) "Electronic", technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities;

(2) "Electronic presence", the relationship of two or more individuals in different locations in real time using technology enabling live, interactive audio-visual communication that allows for observation, direct interaction, and communication between or among the individuals;

(3) "Electronic will", a will executed electronically in compliance with subsection 1 of section 474.548;

(4) "Record", information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;

(5) "Security procedure", a procedure to verify that an electronic signature, record, or performance is that of a specific person or to detect a change or error in an electronic record, including a procedure that uses an algorithm, code, identifying word or number, encryption, or callback or other acknowledgment procedure;

(6) "Sign", with present intent to authenticate or adopt a record to:

(a) Execute or adopt a tangible symbol; or

189 (b) Affix to or logically associate with the record an
190 electronic symbol or process;

191 (7) "State", a state of the United States, the
192 District of Columbia, Puerto Rico, the United States Virgin
193 Islands, a federally recognized Indian tribe, or any
194 territory or insular possession subject to the jurisdiction
195 of the United States;

196 (8) "Will", a codicil and any testamentary instrument
197 that appoints an executor, revokes or revises another will,
198 nominates a guardian, or expressly excludes or limits the
199 right of an individual or class to succeed to property of
200 the decedent passing by intestate succession.

201 474.544. An electronic will shall be a will for all
202 purposes of the laws of this state. The provisions of law
203 applicable to wills and principles of equity shall apply to
204 an electronic will, except as modified by sections 474.540
205 to 474.564.

206 474.546. A will executed electronically, but not in
207 compliance with subsection 1 of section 474.548, shall be an
208 electronic will under the provisions of sections 474.540 to
209 474.564 if executed in compliance with the law of the
210 jurisdiction where the testator is:

211 (1) Physically located when the will is signed; or

212 (2) Domiciled, or where the testator resides, when the
213 will is signed or when the testator dies.

214 474.548. 1. An electronic will shall be:

215 (1) A record that is readable as text at the time of
216 signing as provided in subdivision (2) of this subsection
217 and remains accessible as text for later reference;

218 (2) Signed by:

219 (a) The testator; or

220 (b) Another individual in the testator's name, in the
221 testator's physical presence, and by the testator's
222 direction; and

223 (3) Signed in the physical or electronic presence of
224 the testator by at least two individuals after witnessing:

225 (a) The signing of the will pursuant to subdivision
226 (2) of this subsection; or

227 (b) The testator's acknowledgment of the signing of
228 the will pursuant to subdivision (2) of this subsection or
229 acknowledgment of the will.

230 2. The intent of a testator that the record in
231 subdivision (1) of subsection 1 of this section be the
232 testator's electronic will may be established by extrinsic
233 evidence.

234 3. In accordance with the provisions of sections
235 474.337 or 474.550, a witness to a will shall be a resident
236 of a state and physically located in a state at the time of
237 signing if no self-proving affidavit is signed
238 contemporaneously with the execution of the electronic will.

239 474.550. At the time of its execution or at any
240 subsequent date, an electronic will may be made self-proved
241 in the same manner as specified in section 474.337 or, if
242 fewer than two witnesses are physically present in the same
243 location as the testator at the time of such
244 acknowledgments, before a remote online notary authorized to
245 perform a remote online notarization in this state under the
246 law of any state or the United States, and evidenced by a
247 remote online notarial certificate, in form and content
248 substantially as follows, subject to the additional
249 requirements under section 486.1165:

250 State of _____

251 County (and/or City) of _____

I, the undersigned notary, certify that _____, the testator, and the witnesses, whose names are signed to the attached or foregoing instrument, having personally appeared before me by remote online means, and having been first duly sworn, each then declared to me that the testator signed and executed the instrument as the testator's last will, and that the testator had willingly signed or willingly directed another to sign for the testator, and that the testator executed it as the testator's free and voluntary act for the purposes therein expressed; and that each of the witnesses, in the presence and hearing of the testator, signed the will as witness and that to the best of the witnesses' knowledge the testator was at that time eighteen or more years of age, of sound mind, and under no constraint or undue influence.

In witness thereof I have hereunto subscribed my name and affixed my official seal this _____ (date)..

(official signature and seal of notary)

474.552. 1. An electronic will may revoke all or part of a previous will.

2. All or part of an electronic will shall be revoked by:

(1) A subsequent will that revokes all or part of the electronic will expressly or by inconsistency;

(2) A written instrument signed by the testator declaring the revocation; or

(3) A physical act, if it is established by a preponderance of the evidence that the testator, with the intent of revoking all or part of the will, performed the act or directed another individual who performed the act in the testator's physical presence.

3. If there is evidence that a testator signed an electronic will and neither the electronic will nor a certified paper copy of the electronic will can be located

289 after a testator's death, there shall be a presumption that
290 the testator revoked the electronic will, even if no
291 instrument or later will revoking the electronic will can be
292 located.

293 474.554. Without further notice, at any time during
294 the administration of the estate or, if there is no grant of
295 administration, upon such notice and in such manner as the
296 court directs, the court may issue an order pursuant to
297 sections 472.400 to 472.490 for a custodian of an account
298 held under a terms-of-service agreement to disclose digital
299 assets for the purposes of obtaining an electronic will from
300 the account of a deceased user. If there is no grant of
301 administration at the time the court issues the order, the
302 court's order shall grant disclosure to the petitioner who
303 is deemed a personal representative for sections 472.400 to
304 472.490.

305 474.556. 1. An individual may create a certified
306 paper copy of an electronic will by affirming under penalty
307 of perjury that a paper copy of the electronic will is a
308 complete, true, and accurate copy of the electronic will.
309 If the electronic will is made self-proving, the certified
310 paper copy of the will shall include a self-proving
311 affidavit as provided in sections 474.337 or 474.550.

312 2. If a provision of law or rule of procedure requires
313 a will to be presented or retained in its original form or
314 provides legal consequences for the information not being
315 presented or retained in its original form, that provision
316 or rule shall be satisfied by a certified paper copy of an
317 electronic will.

318 474.558. In applying and construing the provisions of
319 sections 474.540 to 474.564, consideration shall be given to
320 the need to promote uniformity of the law with respect to

321 its subject matter among states that enact similar
322 provisions.

323 474.560. 1. Any written estate planning document may
324 be executed electronically, and no such estate planning
325 document shall be invalid or void solely because it is in
326 electronic form or because it is signed electronically by a
327 settlor, trustee, principal, grantor, declarant, or owner,
328 or by a witness to any such person's signature. For
329 purposes of this section, "estate planning document" shall
330 include, but not be limited to:

- 331 (1) A power of attorney or durable power of attorney;
- 332 (2) A health care declaration;
- 333 (3) An advance directive;
- 334 (4) A power of attorney for health care or durable
335 power of attorney for health care;
- 336 (5) A revocable trust or amendment thereto, or
337 modification or revocation thereof;
- 338 (6) An irrevocable trust;
- 339 (7) A beneficiary deed;
- 340 (8) A nonprobate transfer; or
- 341 (9) A document modifying, amending, correcting, or
342 revoking any written estate planning document.

343 2. (1) An electronic estate planning document or an
344 electronic signature on such document shall be attributable
345 to a person if it was the act of the person. The act of the
346 person may be shown in any manner, including a showing of
347 the efficacy of a security procedure applied to determine
348 the person to which the electronic record or signature was
349 attributable.

350 (2) The effect of attribution of a document or
351 signature to a person pursuant to subdivision (1) of this
352 subsection shall be determined from the context and
353 surrounding circumstances at the time of its creation,

354 execution, or adoption and as provided by other provisions
355 of law.

356 3. (1) Unless otherwise provided under its terms, any
357 electronic estate planning document may be signed in one or
358 more counterparts, and each separate counterpart may be an
359 electronic document or a paper document, provided that all
360 signed counterpart pages of each document are incorporated
361 into, or attached to, the document.

362 (2) An individual may create a certified paper copy of
363 any such electronic estate planning document by affirming
364 under penalty of perjury that a paper copy of the electronic
365 estate planning document is a complete, true, and accurate
366 copy of such document. If a provision of law or rule of
367 procedure requires an estate planning document to be
368 presented or retained in its original form or provides legal
369 consequences for the information not being presented or
370 retained in its original form, such provision or rule shall
371 be satisfied by a certified paper copy of an electronic
372 document.

373 4. Any written estate planning document, other than a
374 will, that requires one or more witnesses to the signature
375 of a principal may be witnessed by any individual or
376 individuals in the electronic presence of the principal.

377 5. A person who acts in reliance upon an
378 electronically executed written estate planning document
379 shall not be liable to any person for so relying and may
380 assume without inquiry the valid execution of the
381 electronically executed written estate planning document.

382 6. This section does not require a written estate
383 planning document to be electronically signed.

384 7. The laws of this state and principles of equity
385 applicable to any estate planning document shall apply to

any electronic estate planning document except as modified
by this section.

474.562. The provisions of sections 474.540 to 474.564
modify, limit, and supersede the federal Electronic
Signatures in Global and National Commerce Act, 15 U.S.C.
Section 7001, et seq., but do not modify, limit, or
supersede Section 101(c) of that act, 15 U.S.C. Section
7001(c), or authorize electronic delivery of any of the
notices described in Section 103(b) of that act, 15 U.S.C.
Section 7003(b).

474.564. The provisions of sections 474.540 to 474.564
shall apply to any will of a decedent who dies on or after
August 28, 2025, and to each written estate planning
document, as that term is defined in section 474.560, signed
or remotely witnessed on or after August 28, 2025.

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

(1) "Applicable state of emergency", the period
between April 6, 2020, and December 31, 2021, during which a
state of emergency existed due to a COVID-19 public health
threat, as proclaimed by the governor, and during which
executive orders 20-08, 20-10, 20-12, 20-14, 20-19, 21-07,
and 21-09 temporarily suspended the physical appearance
requirements in this chapter and authorized the use of audio-
visual technology to the extent that any Missouri statute
required the physical presence of any testator, settlor,
principal, witness, notary, or other person necessary for
the effective execution of any estate planning document such
as a will, trust, or power of attorney, or a self-proving
affidavit of the execution of such document, if the
conditions set forth in the executive orders were met;

(2) "Estate planning document", includes, but is not
limited to:

419 (a) A will;
420 (b) A codicil;
421 (c) A power of attorney or durable power of attorney;
422 (d) A health care declaration;
423 (e) An advance directive;
424 (f) A power of attorney for health care or a durable
425 power of attorney for health care;
426 (g) A revocable trust or amendment thereto, or
427 modification or revocation thereof;
428 (h) An irrevocable trust;
429 (i) A beneficiary deed;
430 (j) A nonprobate transfer; or
431 (k) A document modifying, amending, correcting, or
432 revoking any written estate planning document;
433 (3) "Necessary person", any testator, settlor,
434 grantor, principal, declarant, witness, notary, or other
435 person required for the effective execution of any estate
436 planning document in this state;
437 (4) "Physical presence requirement", includes, but is
438 not limited to, any requirement of physical presence under
439 section 404.705, 459.015, 474.320, or 474.337, or chapter
440 486.
441 2. With respect to the execution of an estate planning
442 document, a necessary person shall be deemed to have
443 satisfied any physical presence requirement under Missouri
444 law during the applicable state of emergency if the
445 following requirements were met:
446 (1) The signer affirmatively represented that the
447 signer was physically situated in the state of Missouri;
448 (2) The notary was physically located in the state of
449 Missouri and stated in which county the notary was
450 physically located for the jurisdiction on the
451 acknowledgment;

452 (3) The notary identified the signers to the
 453 satisfaction of the notary and Missouri law;

454 (4) Any person whose signature was required appeared
 455 using video conference software where live, interactive
 456 audio-visual communication between the principal, notary,
 457 and other necessary person allowed for observation, direct
 458 interaction, and communication at the time of signing; and

459 (5) The notary recorded in the notary's journal the
 460 exact time and means used to perform the notarial act, along
 461 with all other required information, absent the wet
 462 signatures.

463 3. The requirements of subdivisions (1) to (5) of
 464 subsection 2 of this section shall be deemed satisfied if an
 465 attorney who is licensed or authorized to practice law in
 466 Missouri and who was present at the remote execution signs a
 467 written acknowledgment made before an officer authorized to
 468 administer oaths under the laws of this state, and evidenced
 469 by the officer's certificate, under official seal, affixed
 470 to or logically associated with the acknowledgment. The
 471 form and content of the acknowledgment shall be
 472 substantially as follows:

473 State of _____

474 County of _____

475 AFFIDAVIT OF REMOTE EXECUTION OF DOCUMENTS

476 I, _____, am an attorney licensed or authorized to
 477 practice law in the state of Missouri.

478 On _____ (date), I convened with the following
 479 individuals via video conference software that allowed
 480 for live, interactive audio-visual communication between
 481 the parties to the conference and that also allowed for
 482 observation, direction, interaction, and communication
 483 between:

484 _____, the (testator, settlor, grantor, principal,
 485 or declarant);

486 , a witness;
 487 , a second witness; and
 488 , a notary public.

489 During the conference, , the (testator,
 490 settlor, grantor, principal, or declarant) signed the
 491 following estate planning document or documents: (a
 492 will, codicil, power of attorney, durable power of
 493 attorney, health care declaration, advance directive,
 494 health care power of attorney, revocable trust,
 495 irrevocable trust, beneficiary deed, nonprobate
 496 transfer, self-proving affidavit of the execution of a
 497 will, or a document modifying, amending, correcting, or
 498 revoking one of these estate planning documents).

499 All the parties to the conference represented that they
 500 were physically located in the state of Missouri at the
 501 time of the signing.

502 I have reviewed and am familiar with the requirements of
 503 the applicable executive order or orders in effect at
 504 the time and affirm that the remote execution of the
 505 estate planning document or documents met all the
 506 requirements of the applicable executive order or
 507 orders.

508 In witness whereof I, an officer authorized to
 509 administer oaths, have hereunto subscribed my name and
 510 affixed my official seal this (date).

511 (Signed) _____

512 (SEAL) _____

513 (Official capacity of officer)

"

; and

514 Further amend the title and enacting clause accordingly.

Your COPY

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SENATE AMENDMENT NO. 3

Offered by Moran of 29th

Amend SS/SCS/House Bill No. 754, Page 1, Section A, Line 6,

2 by inserting after all of said line the following:

3 "143.121. 1. The Missouri adjusted gross income of a
4 resident individual shall be the taxpayer's federal adjusted
5 gross income subject to the modifications in this section.

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

8 (1) The amount of any federal income tax refund
9 received for a prior year which resulted in a Missouri
10 income tax benefit. The amount added pursuant to this
11 subdivision shall not include any amount of a federal income
12 tax refund attributable to a tax credit reducing a
13 taxpayer's federal tax liability pursuant to Public Law 116-
14 136 or 116-260, enacted by the 116th United States Congress,
15 for the tax year beginning on or after January 1, 2020, and
16 ending on or before December 31, 2020, and deducted from
17 Missouri adjusted gross income pursuant to section 143.171.
18 The amount added under this subdivision shall also not
19 include any amount of a federal income tax refund
20 attributable to a tax credit reducing a taxpayer's federal
21 tax liability under any other federal law that provides
22 direct economic impact payments to taxpayers to mitigate
23 financial challenges related to the COVID-19 pandemic, and
24 deducted from Missouri adjusted gross income under section
25 143.171;

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

39 (3) The amount of any deduction that is included in
40 the computation of federal taxable income pursuant to 26
41 U.S.C. Section 168 of the Internal Revenue Code as amended
42 by the Job Creation and Worker Assistance Act of 2002 to the
43 extent the amount deducted relates to property purchased on
44 or after July 1, 2002, but before July 1, 2003, and to the
45 extent the amount deducted exceeds the amount that would
46 have been deductible pursuant to 26 U.S.C. Section 168 of
47 the Internal Revenue Code of 1986 as in effect on January 1,
48 2002;

49 (4) The amount of any deduction that is included in
50 the computation of federal taxable income for net operating
51 loss allowed by 26 U.S.C. Section 172 of the Internal
52 Revenue Code of 1986, as amended, other than the deduction
53 allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C.
54 Section 172(i) of the Internal Revenue Code of 1986, as
55 amended, for a net operating loss the taxpayer claims in the
56 tax year in which the net operating loss occurred or carries
57 forward for a period of more than twenty years and carries
58 backward for more than two years. Any amount of net

59 operating loss taken against federal taxable income but
60 disallowed for Missouri income tax purposes pursuant to this
61 subdivision after June 18, 2002, may be carried forward and
62 taken against any income on the Missouri income tax return
63 for a period of not more than twenty years from the year of
64 the initial loss; and

65 (5) For nonresident individuals in all taxable years
66 ending on or after December 31, 2006, the amount of any
67 property taxes paid to another state or a political
68 subdivision of another state for which a deduction was
69 allowed on such nonresident's federal return in the taxable
70 year unless such state, political subdivision of a state, or
71 the District of Columbia allows a subtraction from income
72 for property taxes paid to this state for purposes of
73 calculating income for the income tax for such state,
74 political subdivision of a state, or the District of
75 Columbia;

76 (6) For all tax years beginning on or after January 1,
77 2018, any interest expense paid or accrued in a previous
78 taxable year, but allowed as a deduction under 26 U.S.C.
79 Section 163, as amended, in the current taxable year by
80 reason of the carryforward of disallowed business interest
81 provisions of 26 U.S.C. Section 163(j), as amended. For the
82 purposes of this subdivision, an interest expense is
83 considered paid or accrued only in the first taxable year
84 the deduction would have been allowable under 26 U.S.C.
85 Section 163, as amended, if the limitation under 26 U.S.C.
86 Section 163(j), as amended, did not exist.

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

90 (1) Interest received on deposits held at a federal
91 reserve bank or interest or dividends on obligations of the

92 United States and its territories and possessions or of any
93 authority, commission or instrumentality of the United
94 States to the extent exempt from Missouri income taxes
95 pursuant to the laws of the United States. The amount
96 subtracted pursuant to this subdivision shall be reduced by
97 any interest on indebtedness incurred to carry the described
98 obligations or securities and by any expenses incurred in
99 the production of interest or dividend income described in
100 this subdivision. The reduction in the previous sentence
101 shall only apply to the extent that such expenses including
102 amortizable bond premiums are deducted in determining the
103 taxpayer's federal adjusted gross income or included in the
104 taxpayer's Missouri itemized deduction. The reduction shall
105 only be made if the expenses total at least five hundred
106 dollars;

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

115 (3) The amount necessary to prevent the taxation
116 pursuant to this chapter of any annuity or other amount of
117 income or gain which was properly included in income or gain
118 and was taxed pursuant to the laws of Missouri for a taxable
119 year prior to January 1, 1973, to the taxpayer, or to a
120 decedent by reason of whose death the taxpayer acquired the
121 right to receive the income or gain, or to a trust or estate
122 from which the taxpayer received the income or gain;

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

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

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

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

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

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

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

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

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

(12) One hundred percent of any retirement benefits received by any taxpayer as a result of the taxpayer's service in the Armed Forces of the United States, including reserve components and the National Guard of this state, as defined in 32 U.S.C. Sections 101(3) and 109, and any other military force organized under the laws of this state; ~~[and]~~

(13) For all tax years beginning on or after January 1, 2022, one hundred percent of any federal, state, or local grant moneys received by the taxpayer if the grant money was disbursed for the express purpose of providing or expanding access to broadband internet to areas of the state deemed to be lacking such access; and

(14) For all tax years beginning on or after January 1, 2026, the portion of capital gain on the sale or exchange of specie, as that term is defined in section 408.010, that are otherwise included in the taxpayer's federal adjusted gross income.

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

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

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

220 7. (1) As used in this subsection, "qualified health
221 insurance premium" means the amount paid during the tax year
222 by such taxpayer for any insurance policy primarily
223 providing health care coverage for the taxpayer, the
224 taxpayer's spouse, or the taxpayer's dependents.

225 (2) In addition to the subtractions in subsection 3 of
226 this section, one hundred percent of the amount of qualified
227 health insurance premiums shall be subtracted from the
228 taxpayer's federal adjusted gross income to the extent the
229 amount paid for such premiums is included in federal taxable
230 income. The taxpayer shall provide the department of
231 revenue with proof of the amount of qualified health
232 insurance premiums paid.

233 8. (1) Beginning January 1, 2014, in addition to the
234 subtractions provided in this section, one hundred percent
235 of the cost incurred by a taxpayer for a home energy audit
236 conducted by an entity certified by the department of
237 natural resources under section 640.153 or the
238 implementation of any energy efficiency recommendations made
239 in such an audit shall be subtracted from the taxpayer's
240 federal adjusted gross income to the extent the amount paid
241 for any such activity is included in federal taxable
242 income. The taxpayer shall provide the department of
243 revenue with a summary of any recommendations made in a
244 qualified home energy audit, the name and certification
245 number of the qualified home energy auditor who conducted
246 the audit, and proof of the amount paid for any activities
247 under this subsection for which a deduction is claimed. The
248 taxpayer shall also provide a copy of the summary of any
249 recommendations made in a qualified home energy audit to the
250 department of natural resources.

251 (2) At no time shall a deduction claimed under this
252 subsection by an individual taxpayer or taxpayers filing

combined returns exceed one thousand dollars per year for individual taxpayers or cumulatively exceed two thousand dollars per year for taxpayers filing combined returns.

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

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

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

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

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

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

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

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

285 d. Has been determined by the department of
286 agriculture to be a qualified family member;

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

290 a. A sale to a beginning farmer;

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

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

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

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

306 (b) Subject to the limitations in paragraph (c) of
307 this subdivision, the amount that may be subtracted shall be
308 equal to the portion of capital gains received from the sale
309 of such farmland that such taxpayer receives in the tax year
310 for which such taxpayer subtracts such capital gain.

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

314 a. For the first two million dollars received, one
315 hundred percent;

316 b. For the next one million dollars received, eighty
317 percent;

318 c. For the next one million dollars received, sixty
319 percent;

320 d. For the next one million dollars received, forty
321 percent; and

322 e. For the next one million dollars received, twenty
323 percent.

324 (d) The department of revenue shall prepare an annual
325 report reviewing the costs and benefits and containing
326 statistical information regarding the subtraction of capital
327 gains authorized under this subdivision for the previous tax
328 year including, but not limited to, the total amount of all
329 capital gains subtracted and the number of taxpayers
330 subtracting such capital gains. Such report shall be
331 submitted before February first of each year to the
332 committee on agriculture policy of the Missouri house of
333 representatives and the committee on agriculture, food
334 production and outdoor resources of the Missouri senate, or
335 the successor committees.

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

343 (b) Subject to the limitation in paragraph (c) of this
344 subdivision, the amount that may be subtracted shall be
345 equal to the portion of cash rent income received from the
346 lease or rental of such farmland that such taxpayer receives
347 in the tax year for which such taxpayer subtracts such
348 income.

349 (c) No taxpayer shall subtract more than twenty-five
350 thousand dollars per tax year in total cash rent income

351 received from the lease or rental of such farmland under
352 this subdivision.

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

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

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

368 (5) The department of agriculture shall, by rule,
369 establish a process to verify that a taxpayer is a beginning
370 farmer for purposes of this section and shall provide
371 verification to the beginning farmer and farm seller of such
372 farmer's and seller's certification and qualification for
373 the exemption provided in this subsection."; and

374 Further amend said bill, page 20, section 381.410, line
375 54, by inserting after all of said line the following:

376 "408.010. [The silver coins of the United States are
377 hereby declared a] 1. This section shall be known and may
378 be cited as the "Constitutional Money Act".

379 2. Electronic specie currency shall be accepted as
380 legal tender[, at their par value, fixed by the laws of the
381 United States, and shall be receivable in] for payment of
382 all public debts[, public or private,] hereafter contracted
383 in the state of Missouri and specie legal tender and

384 electronic specie currency may be accepted as payment for
385 all private debts hereafter contracted in the state of
386 Missouri, in the discretion of the receiving entity;
387 provided, however, that no person shall have the right to
388 pay, upon any one debt, dimes and half dimes to an amount
389 exceeding ten dollars, or of twenty and twenty-five cent
390 pieces exceeding twenty dollars. Upon receiving a request
391 for payment to a public entity using electronic specie, the
392 custody agent, or other entity responsible for transmitting
393 the payment to the public entity shall transmit the funds in
394 United States dollars.

395 3. The director of the department of revenue shall
396 promulgate rules on the methods of acceptance of electronic
397 specie currency as payment for any debt, tax, fee, or
398 obligation owed. Any rule or portion of a rule, as that
399 term is defined in section 536.010, that is created under
400 the authority delegated in this subsection shall become
401 effective only if it complies with and is subject to all of
402 the provisions of chapter 536 and, if applicable, section
403 536.028. This subsection and chapter 536 are nonseverable
404 and if any of the powers vested with the general assembly
405 pursuant to chapter 536 to review, to delay the effective
406 date, or to disapprove and annul a rule are subsequently
407 held unconstitutional, then the grant of rulemaking
408 authority and any rule proposed or adopted after August 28,
409 2025, shall be invalid and void.

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

415 5. Any entity doing business in this state may, if
416 requested by an employee, pay compensation to such employee,

417 in full or in part, in the dollar equivalent specie legal
418 tender either in physical or in electronic transfer form.
419 Any entity choosing to compensate its employees in specie
420 legal tender shall be responsible for verifying the weight
421 and purity of any physical specie legal tender before
422 compensating employees.

423 6. Under no circumstance shall the state of Missouri
424 or any department, agency, political subdivision, or
425 instrumentality thereof:

426 (1) Seize from any person any specie legal tender or
427 electronic specie currency that is owned by such person,
428 except as otherwise provided in section 513.607. Any person
429 whose specie legal tender or electronic specie currency is
430 seized in violation of this subdivision shall have a cause
431 of action in a court of competent jurisdiction, with any
432 successful such action resulting in the award of attorney's
433 fees;

434 (2) Enforce or attempt to enforce any federal acts,
435 laws, executive orders, administrative orders, rules,
436 regulations, statutes, or ordinances infringing on the right
437 of a person to keep and use specie legal tender and
438 electronic specie currency as provided in this section;

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

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

446 7. For purposes of this section, the following terms
447 mean:

448 (1) "Bullion", refined precious metal, limited to gold
449 and silver only, in any shape or form, with uniform content

and purity, including, but not limited to, coins, rounds, bars, ingots, and any other products, that are:

(a) Stamped or imprinted with the weight and purity of the precious metal that it contains; and

(b) Valued primarily based on its metal content and not on its form and function;

(2) "Electronic specie currency", a representation of actual gold and silver, specie, and bullion held in an account, which may be transferred by electronic instruction. Such representation shall reflect the exact unit of physical specie or gold and silver bullion in the account in its fractional troy ounce measurement as provided in this section;

(3) "Legal tender", a recognized medium of exchange for the payment of debts, public charges, taxes, or dues that is:

(a) Authorized by the United States Congress pursuant to Article I, Section 8 of the United States Constitution; or

(b) Authorized by Missouri law pursuant to Article I, Section 10 of the United States Constitution;

(4) "Precious metal", gold or silver;

(5) "Specie", bullion fabricated into products of uniform shape, size, design, content, weight, and purity that are suitable for or customarily used as currency, as a medium of exchange, or as the medium for purchase, sale, storage, transfer, or delivery of precious metals in retail or wholesale transactions;

(6) "Specie legal tender", includes any of the following:

(a) Specie coin issued by the federal government at any time; and

481 (b) Any other specie, provided such specie does not
482 contain any insignia, symbols, or other recognizable logos
483 of the Nazi Party."; and
484 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 4

Offered by

Curtis Leant

of

District 20Amend SS/SCS/House Bill No. 754, Page 4, Section 361.909, Line 110,

2 by inserting after all of said line the following:

3 "361.1100. 1. This section shall be known and may be
 4 cited as the "Virtual Currency Kiosk Consumer Protection
 5 Act".

6 2. For purposes of this section, the following terms
 7 and phrases mean:

8 (1) "Bank Secrecy Act", the federal Bank Secrecy Act,
 9 31 U.S.C. Section 5311, et seq., and its implementing rules
 10 and regulations, as amended and recodified from time to time;

11 (2) "Blockchain", a distributed digital ledger or
 12 database that is chronological, consensus-based,
 13 decentralized, and mathematically verified in nature;

14 (3) "Blockchain analytics", a software service that
 15 uses data from various virtual currencies and their
 16 applicable blockchains to provide a risk rating specific to
 17 digital wallet addresses from users of virtual currency
 18 kiosks;

19 (4) "Digital wallet", hardware or software that
 20 enables individuals to store and use virtual currency;

21 (5) "Digital wallet address", an alphanumeric
 22 identifier representing a destination on a blockchain for a
 23 virtual currency transfer that is associated with a digital
 24 wallet;

25 (6) "Director", the director of the division;

Offered 4/28/25

Adopted 4/28/25

26 (7) "Division", the division of finance within the
27 department of commerce and insurance;

28 (8) "Federal Deposit Insurance Corporation or
29 Securities Investor Protection Corporation", a bank, credit
30 union, savings and loan association, trust company, savings
31 association, savings bank, industrial bank, or industrial
32 loan company organized under the laws of the United States
33 or any state of the United States, if the bank, credit
34 union, savings and loan association, trust company, savings
35 association, savings bank, industrial bank, or industrial
36 loan company has federally insured deposits;

37 (9) "Fiat currency", a medium of exchange that is
38 authorized or adopted by the United States government as
39 part of its currency and is not backed by a commodity;

40 (10) "Individual", a natural person;

41 (11) "NMLS", the Nationwide Multistate Licensing
42 System and Registry developed by the Conference of State
43 Bank Supervisors and the American Association of Residential
44 Mortgage Regulators and owned and operated by the State
45 Regulatory Registry, LLC, or any successor or affiliated
46 entity, for the licensing and registration of persons in
47 financial services industries;

48 (12) "United States PATRIOT Act", the federal Uniting
49 and Strengthening America by Providing Appropriate Tools
50 Required to Intercept and Obstruct Terrorism Act of 2001 and
51 its implementing rules and regulations, as amended and
52 recodified from time to time;

53 (13) "Virtual currency",

54 (a) Any type of digital unit that is used as a medium
55 of exchange or a form of digitally stored value or that is
56 incorporated into payment system technology. Virtual
57 currency shall be construed to include digital units of
58 exchange that:

- 59 a. Have a centralized repository or administrator;
60 b. Are decentralized and have no centralized
61 repository or administrator; or
62 c. May be created or obtained by computing or
63 manufacturing effort;
64 (b) Virtual currency shall not be construed to include
65 digital units that are used:
66 a. Solely within online gaming platforms with no
67 market or application outside such gaming platforms; or
68 b. Exclusively as part of a consumer affinity or
69 rewards program, and can be applied solely as payment for
70 purchases with the issuer or other designated merchants, but
71 cannot be converted into or redeemed for fiat currency;
72 (14) "Virtual currency kiosk", an electronic terminal
73 of the virtual currency kiosk operator that enables the
74 owner or operator to facilitate the exchange of fiat
75 currency for virtual currency or virtual currency for fiat
76 currency or other virtual currency, including, but not
77 limited to:
78 (a) Connecting directly to a separate virtual currency
79 exchange that performs the actual virtual currency
80 transmission; or
81 (b) Drawing upon the virtual currency in the
82 possession of the owner or operator of the electronic
83 terminal;
84 (15) "Virtual currency kiosk operator", a corporation,
85 limited liability company, limited liability partnership, or
86 foreign entity qualified to do business in this state that
87 operates a virtual currency kiosk within this state.
88 3. (1) Except as otherwise provided in this section,
89 all information or reports obtained by the division from a
90 virtual currency kiosk operator, and all information
91 contained in or related to an examination, investigation,

92 operating report, or condition report prepared by, on behalf
93 of, or for the use of the division in relation to a virtual
94 currency kiosk operator, are confidential and are not
95 subject to disclosure under chapter 610.

96 (2) Information contained in the records of the
97 division that is not confidential and may be available to
98 the public either on the division's website, upon receipt by
99 the division of a written request, or in NMLS shall include:

100 (a) The name, business address, telephone number, and
101 unique identifier of a virtual currency kiosk operator;

102 (b) The business address of a virtual currency kiosk
103 operator's registered agent for service; and

104 (c) Copies of any final orders of the division
105 relating to any violation of this section or regulations
106 implementing this section.

107 4. If any provision of this section is inconsistent
108 with any federal law, including but not limited to the Bank
109 Secrecy Act or the United States PATRIOT Act, the applicable
110 federal law shall govern to the extent of any inconsistency.

111 5. (1) The director may request evidence of
112 compliance with this section or a rule adopted or order
113 issued pursuant to this section as reasonably necessary or
114 appropriate to administer and enforce this section, and
115 other applicable law, including the Bank Secrecy Act and the
116 United States PATRIOT Act.

117 (2) A virtual currency kiosk operator shall provide
118 the director all records the director may reasonably require
119 to ensure compliance with this section.

120 6. As part of establishing a relationship with a
121 customer, and prior to entering into an initial transaction
122 for, on behalf of, or with such customer, each virtual
123 currency kiosk operator shall disclose in clear,
124 conspicuous, and legible writing in the English language,

whether in accessible terms of service or elsewhere, all material risks associated with its products, services, and activities and virtual currency generally, including disclosures substantially similar to the following:

(1) Virtual currency is not legal tender, is not backed by the government, and accounts and value balances are not subject to Federal Deposit Insurance Corporation or Securities Investor Protection Corporation protections;

(2) Legislative and regulatory changes or actions at the state, federal, or international level may adversely affect the use, transfer, exchange, and value of virtual currency;

(3) Transactions in virtual currency may be irreversible, and, accordingly, losses due to fraudulent or accidental transactions may not be recoverable;

(4) Some virtual currency transactions shall be deemed to be made when recorded on a public ledger, which is not necessarily the date or time that the customer initiates the transaction;

(5) The value of virtual currency may be derived from the continued willingness of market participants to exchange fiat currency for virtual currency, which may result in the potential for permanent and total loss of value of a particular virtual currency should the market for that virtual currency disappear;

(6) There is no assurance that a person who accepts a virtual currency as payment today will continue to do so in the future;

(7) The volatility and unpredictability of the price of virtual currency relative to fiat currency may result in significant loss over a short period of time;

(8) The nature of virtual currency may lead to an increased risk of fraud or cyber attack;

158 (9) The nature of virtual currency means that any
159 technological difficulties experienced by the virtual
160 currency kiosk operator may prevent the access or use of a
161 customer's virtual currency; and

162 (10) Any bond or trust account maintained by the
163 virtual currency kiosk operator for the benefit of its
164 customers may not be sufficient to cover all losses incurred
165 by customers.

166 7. When opening an account for a new customer, and
167 prior to entering into an initial transaction for, on behalf
168 of, or with such customer, each virtual currency kiosk
169 operator shall disclose in clear, conspicuous, and legible
170 writing in the English language, whether in accessible terms
171 of service or elsewhere, all relevant terms and conditions
172 associated with its products, services, and activities and
173 virtual currency generally, including disclosures
174 substantially similar to the following:

175 (1) The customer's liability for unauthorized virtual
176 currency transactions;

177 (2) Under what circumstances the virtual currency
178 kiosk operator will, absent a court or government order,
179 disclose information concerning the customer's account to
180 third parties;

181 (3) The customer's right to receive periodic account
182 statements and valuations from the virtual currency kiosk
183 operator;

184 (4) The customer's right to receive a receipt, trade
185 ticket, or other evidence of a transaction;

186 (5) The customer's right to prior notice of a change
187 in the virtual currency kiosk operator's rules or policies;
188 and

189 (6) Such other disclosures as are customarily given in
190 connection with the opening of customer accounts.

191 8. Prior to entering into a virtual currency
192 transaction with a customer, each virtual currency kiosk
193 operator shall ensure a warning is disclosed to a customer
194 substantially similar to the following:

195 Customer Notice. Please Read Carefully.

196 Did you receive a phone call from your bank,
197 software provider, the police, or were you
198 directed to make a payment for Social Security,
199 utility bill, investment, warrants, or bail money
200 at this kiosk? STOP

201 Is anyone on the phone pressuring you to make a
202 payment of any kind? STOP

203 I understand that the purchase and sale of
204 cryptocurrency is a final irreversible and non-
205 refundable transaction.

206 I confirm I am sending funds to a wallet I own or
207 directly have control over. I confirm that I am
208 using funds gained from my own initiative to make
209 my transaction.

210 9. Upon completion of any virtual currency kiosk
211 transaction, each virtual currency kiosk operator shall
212 provide to a customer a digital or physical receipt
213 containing the following information:

214 (1) The name and contact information of the virtual
215 currency kiosk operator, including a telephone number
216 established by the virtual currency kiosk operator to answer
217 questions and register complaints;

218 (2) The type, value, date, and precise time of the
219 transaction in the local time zone;

220 (3) The fee charged;

221 (4) The exchange rate, if applicable;

222 (5) A statement of the liability of the virtual
223 currency kiosk operator for non-delivery or delayed
224 delivery; and

225 (6) A statement of the refund policy of the virtual
226 currency kiosk operator.

227 10. All virtual currency kiosk operators shall use
228 blockchain analytics software to assist in the prevention of
229 sending purchased virtual currency from a virtual currency
230 kiosk operator to a digital wallet known to be affiliated
231 with fraudulent activity at the time of a transaction. The
232 division may request evidence from any virtual currency
233 kiosk operator of current use of blockchain analytics.

234 11. All virtual currency kiosk operators performing
235 business in this state shall provide live customer service
236 at a minimum on Monday through Friday between the hours of
237 8:00 a.m. and 10:00 p.m. The customer service toll-free
238 number shall be displayed on the virtual currency kiosk or
239 the virtual currency kiosk screens.

240 12. All virtual currency kiosk operators shall take
241 reasonable steps to detect and prevent fraud, including
242 establishing and maintaining a written anti-fraud policy.
243 The anti-fraud policy shall, at a minimum, include:

244 (1) The identification and assessment of fraud-related
245 risk areas;

246 (2) Procedures and controls to protect against
247 identified risks;

248 (3) Allocation of responsibility for monitoring risks;
249 and

250 (4) Procedures for the periodic evaluation and
251 revision of the anti-fraud procedures, controls, and
252 monitoring mechanisms.

253 13. (1) Each virtual currency kiosk operator shall
254 maintain, implement, and enforce a written "Enhanced Due
255 Diligence Policy". Such a policy shall be reviewed and
256 approved by the virtual currency kiosk operator's board of

257 directors or an equivalent governing body of the virtual
258 currency kiosk operator.

259 (2) The "Enhanced Due Diligence Policy" shall
260 identify, at minimum, individuals who are at risk of fraud
261 based on age or mental capacity.

262 14. (1) Each virtual currency kiosk operator shall
263 comply with the provisions of this section, any lawful
264 order, rule, or regulation made or issued under the
265 provisions of this section, and all applicable federal and
266 state laws, rules, and regulations.

267 (2) Each virtual currency kiosk shall maintain,
268 implement, and enforce written compliance policies and
269 procedures. Such policies and procedures shall be reviewed
270 and approved by the virtual currency kiosk operator's board
271 of directors or an equivalent governing body of the virtual
272 currency kiosk operator.

273 15. (1) Each virtual currency kiosk operator shall
274 designate and employ a compliance officer with the following
275 requirements:

276 (a) The individual shall be qualified to coordinate
277 and monitor compliance with this section and all other
278 applicable federal and state laws, rules, and regulations;

279 (b) The individual shall be employed full-time by the
280 virtual currency kiosk operator; and

281 (c) The designated compliance officer cannot be any
282 individual who owns more than twenty percent of the virtual
283 currency kiosk operator by whom the individual is employed.

284 (2) Compliance responsibilities required under federal
285 and state laws, rules, and regulations shall be completed by
286 full-time employees of the virtual currency kiosk operator.

287 16. Each virtual currency kiosk operator shall
288 designate and employ a consumer protection officer with each
289 of the following requirements:

290 (1) The individual shall be qualified to coordinate
291 and monitor compliance with this section and all other
292 applicable federal and state laws, rules, and regulations;

293 (2) The individual shall be employed full-time by the
294 virtual currency kiosk operators; and

295 (3) The designated consumer protection officer cannot
296 be an individual who owns more than twenty percent of the
297 virtual currency kiosk operator by whom the individual is
298 employed.

299 17. (1) Each virtual currency kiosk operator shall
300 submit a report to the division of the location of each
301 virtual currency kiosk located within this state within
302 forty-five days of the end of the calendar quarter. The
303 director shall formulate a system for virtual currency kiosk
304 operators to submit such locations that is consistent with
305 the requirements of this section.

306 (2) The location report shall include, at a minimum,
307 the following information regarding the location where a
308 virtual currency kiosk is located:

309 (a) Company legal name;

310 (b) Any fictitious or trade name;

311 (c) Physical address;

312 (d) Start date of operation of virtual currency kiosk
313 at location; and

314 (e) End date of operation of virtual currency kiosk at
315 location, if applicable.

316 18. (1) Any virtual currency kiosk operator who owns,
317 operates, solicits, markets, advertises, or facilitates
318 virtual currency kiosks in this state shall be deemed to be
319 engaged in money transmission and require licensure pursuant
320 to sections 361.900 to 361.1035.

321 (2) All unlicensed virtual currency kiosk operators
322 shall apply for a money transmitter license within sixty

323 days after this section goes into effect. Virtual currency
324 kiosk operators who apply within this time will be allowed
325 to continue operations while the division reviews the
326 application. Any virtual currency kiosk operators whose
327 application is denied by the division shall cease operations
328 until granted a money transmitter license.

329 19. The division of finance may promulgate rules for
330 the purpose of implementing the provisions of this section.
331 Any rule or portion of a rule, as that term is defined in
332 section 536.010, that is created under the authority
333 delegated in this section shall become effective only if it
334 complies with and is subject to all of the provisions of
335 chapter 536 and, if applicable, section 536.028. This
336 section and chapter 536 are nonseverable and if any of the
337 powers vested with the general assembly pursuant to chapter
338 536 to review, to delay the effective date, or to disapprove
339 and annul a rule are subsequently held unconstitutional,
340 then the grant of rulemaking authority and any rule proposed
341 or adopted after August 28, 2025, shall be invalid and
342 void."; and

343 Further amend the title and enacting clause accordingly.

SENATE AMENDMENT NO. 5Offered by McCreery of 24Amend SS/SCS/House Bill No. 754, Page 1, Section A, Line 6,

2 by inserting after all of said line the following:

3 "32.115. 1. The department of revenue shall grant a
4 tax credit, to be applied in the following order until used,
5 against:

6 (1) The annual tax on gross premium receipts of
7 insurance companies in chapter 148;

8 (2) The tax on banks determined pursuant to
9 subdivision (2) of subsection 2 of section 148.030;

10 (3) The tax on banks determined in subdivision (1) of
11 subsection 2 of section 148.030;

12 (4) The tax on other financial institutions in chapter
13 148;

14 (5) The corporation franchise tax in chapter 147;

15 (6) The state income tax in chapter 143; and

16 (7) The annual tax on gross receipts of express
17 companies in chapter 153.

18 2. For proposals approved pursuant to section 32.110:

19 (1) The amount of the tax credit shall not exceed
20 fifty percent of the total amount contributed during the
21 taxable year by the business firm or, in the case of a
22 financial institution, where applicable, during the relevant
23 income period in programs approved pursuant to section
24 32.110;

25 (2) Except as provided in subsection 2 or 5 of this
26 section, a tax credit of up to seventy percent may be

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27 allowed for contributions to programs where activities fall
28 within the scope of special program priorities as defined
29 with the approval of the governor in regulations promulgated
30 by the director of the department of economic development;

31 (3) Except as provided in subsection 2 or 5 of this
32 section, the tax credit allowed for contributions to
33 programs located in any community shall be equal to seventy
34 percent of the total amount contributed where such community
35 is a city, town or village which has fifteen thousand or
36 less inhabitants as of the last decennial census and is
37 located in a county which is either located in:

38 (a) An area that is not part of a standard
39 metropolitan statistical area;

40 (b) A standard metropolitan statistical area but such
41 county has only one city, town or village which has more
42 than fifteen thousand inhabitants; or

43 (c) A standard metropolitan statistical area and a
44 substantial number of persons in such county derive their
45 income from agriculture.

46 Such community may also be in an unincorporated area in such
47 county as provided in subdivision (1), (2) or (3) of this
48 subsection. Except in no case shall the total economic
49 benefit of the combined federal and state tax savings to the
50 taxpayer exceed the amount contributed by the taxpayer
51 during the tax year;

52 (4) Such tax credit allocation, equal to seventy
53 percent of the total amount contributed, shall not exceed
54 four million dollars in fiscal year 1999 and six million
55 dollars in fiscal year 2000 and any subsequent fiscal year.
56 When the maximum dollar limit on the seventy percent tax
57 credit allocation is committed, the tax credit allocation
58 for such programs shall then be equal to fifty percent
59 credit of the total amount contributed. Regulations

60 establishing special program priorities are to be
61 promulgated during the first month of each fiscal year and
62 at such times during the year as the public interest
63 dictates. Such credit shall not exceed two hundred and
64 fifty thousand dollars annually except as provided in
65 subdivision (5) of this subsection. No tax credit shall be
66 approved for any bank, bank and trust company, insurance
67 company, trust company, national bank, savings association,
68 or building and loan association for activities that are a
69 part of its normal course of business. Any tax credit not
70 used in the period the contribution was made may be carried
71 over the next five succeeding calendar or fiscal years until
72 the full credit has been claimed. Except as otherwise
73 provided for proposals approved pursuant to section 32.111,
74 32.112 or 32.117, in no event shall the total amount of all
75 other tax credits allowed pursuant to sections 32.100 to
76 32.125 exceed thirty-two million dollars in any one fiscal
77 year, of which six million shall be credits allowed pursuant
78 to section 135.460. If six million dollars in credits are
79 not approved, then the remaining credits may be used for
80 programs approved pursuant to sections 32.100 to 32.125;

81 (5) The credit may exceed two hundred fifty thousand
82 dollars annually and shall not be limited if community
83 services, crime prevention, education, job training,
84 physical revitalization or economic development, as defined
85 by section 32.105, is rendered in an area defined by federal
86 or state law as an impoverished, economically distressed, or
87 blighted area or as a neighborhood experiencing problems
88 endangering its existence as a viable and stable
89 neighborhood, or if the community services, crime
90 prevention, education, job training, physical revitalization
91 or economic development is limited to impoverished persons.

92 3. For proposals approved pursuant to section 32.111:

93 (1) The amount of the tax credit shall not exceed
94 fifty-five percent of the total amount invested in
95 affordable housing assistance activities or market rate
96 housing in distressed communities as defined in section
97 135.530 by a business firm. Whenever such investment is
98 made in the form of an equity investment or a loan, as
99 opposed to a donation alone, tax credits may be claimed only
100 where the loan or equity investment is accompanied by a
101 donation which is eligible for federal income tax charitable
102 deduction, and where the total value of the tax credits
103 herein plus the value of the federal income tax charitable
104 deduction is less than or equal to the value of the
105 donation. Any tax credit not used in the period for which
106 the credit was approved may be carried over the next ten
107 succeeding calendar or fiscal years until the full credit
108 has been allowed. If the affordable housing units or market
109 rate housing units in distressed communities for which a tax
110 is claimed are within a larger structure, parts of which are
111 not the subject of a tax credit claim, then expenditures
112 applicable to the entire structure shall be reduced on a
113 prorated basis in proportion to the ratio of the number of
114 square feet devoted to the affordable housing units or
115 market rate housing units in distressed communities, for
116 purposes of determining the amount of the tax credit. The
117 total amount of tax credit granted for programs approved
118 pursuant to section 32.111 for the fiscal year beginning
119 July 1, 1991, shall not exceed two million dollars, to be
120 increased by no more than two million dollars each
121 succeeding fiscal year, until the total tax credits that may
122 be approved reaches ten million dollars in any fiscal year;

123 (2) For any year during the compliance period
124 indicated in the land use restriction agreement, the owner
125 of the affordable housing rental units for which a credit is

being claimed shall certify to the commission that all tenants renting claimed units are income eligible for affordable housing units and that the rentals for each claimed unit are in compliance with the provisions of sections 32.100 to 32.125. The commission is authorized, in its discretion, to audit the records and accounts of the owner to verify such certification;

(3) In the case of owner-occupied affordable housing units, the qualifying owner occupant shall, before the end of the first year in which credits are claimed, certify to the commission that the occupant is income eligible during the preceding two years, and at the time of the initial purchase contract, but not thereafter. The qualifying owner occupant shall further certify to the commission, before the end of the first year in which credits are claimed, that during the compliance period indicated in the land use restriction agreement, the cost of the affordable housing unit to the occupant for the claimed unit can reasonably be projected to be in compliance with the provisions of sections 32.100 to 32.125. Any succeeding owner occupant acquiring the affordable housing unit during the compliance period indicated in the land use restriction agreement shall make the same certification;

(4) If at any time during the compliance period the commission determines a project for which a proposal has been approved is not in compliance with the applicable provisions of sections 32.100 to 32.125 or rules promulgated therefor, the commission may within one hundred fifty days of notice to the owner either seek injunctive enforcement action against the owner, or seek legal damages against the owner representing the value of the tax credits, or foreclose on the lien in the land use restriction agreement, selling the project at a public sale, and paying to the

owner the proceeds of the sale, less the costs of the sale and less the value of all tax credits allowed herein. The commission shall remit to the director of revenue the portion of the legal damages collected or the sale proceeds representing the value of the tax credits. However, except in the event of intentional fraud by the taxpayer, the proposal's certificate of eligibility for tax credits shall not be revoked.

4. For proposals approved pursuant to section 32.112, the amount of the tax credit shall not exceed fifty-five percent of the total amount contributed to a neighborhood organization by business firms. Any tax credit not used in the period for which the credit was approved may be carried over the next ten succeeding calendar or fiscal years until the full credit has been allowed. The total amount of tax credit granted for programs approved pursuant to section 32.112 shall not exceed one million dollars for each fiscal year. For any fiscal year in which the total amount of tax credits authorized for programs approved pursuant to section 32.111 is less than ten million dollars, such amount not authorized may be authorized for programs approved pursuant to section 32.112 during the same fiscal year, provided that the total combined amount of tax credits for programs approved pursuant to sections 32.111 and 32.112 during the fiscal year does not exceed eleven million dollars.

5. The total amount of tax credits used for market rate housing in distressed communities pursuant to sections 32.100 to 32.125 shall not exceed thirty percent of the total amount of all tax credits authorized pursuant to sections 32.111 and 32.112."; and

Further amend the title and enacting clause accordingly.