

FIRST REGULAR SESSION

# SENATE BILL NO. 19

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHMITT.

Pre-filed December 1, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

0336S.011

## AN ACT

To repeal section 147.010, RSMo, and to enact in lieu thereof one new section relating to the phase-out of the corporate franchise tax.

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

Section A. Section 147.010, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 147.010, to read as follows:

147.010. 1. For the transitional year defined in subsection 4 of this  
2 section and each taxable year beginning on or after January 1, 1980, but before  
3 January 1, 2000, every corporation organized pursuant to or subject to chapter  
4 351 or pursuant to any other law of this state shall, in addition to all other fees  
5 and taxes now required or paid, pay an annual franchise tax to the state of  
6 Missouri equal to one-twentieth of one percent of the par value of its outstanding  
7 shares and surplus if its outstanding shares and surplus exceed two hundred  
8 thousand dollars, or if the outstanding shares of such corporation or any part  
9 thereof consist of shares without par value, then, in that event, for the purpose  
10 contained in this section, such shares shall be considered as having a value of five  
11 dollars per share unless the actual value of such shares exceeds five dollars per  
12 share, in which case the tax shall be levied and collected on the actual value and  
13 the surplus if the actual value and the surplus exceed two hundred thousand  
14 dollars. If such corporation employs a part of its outstanding shares in business  
15 in another state or country, then such corporation shall pay an annual franchise  
16 tax equal to one-twentieth of one percent of its outstanding shares and surplus  
17 employed in this state if its outstanding shares and surplus employed in this  
18 state two hundred thousand dollars, and for the purposes of sections 147.010 to  
19 147.120, such corporation shall be deemed to have employed in this state that

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20 proportion of its entire outstanding shares and surplus that its property and  
21 assets employed in this state bears to all its property and assets wherever  
22 located. A foreign corporation engaged in business in this state, whether  
23 pursuant to a certificate of authority issued pursuant to chapter 351 or not, shall  
24 be subject to this section. Any corporation whose outstanding shares and surplus  
25 as calculated in this subsection does not exceed two hundred thousand dollars  
26 shall state that fact on the annual report form prescribed by the secretary of  
27 state. For all taxable years beginning on or after January 1, 2000, but ending  
28 before December 31, 2009, the annual franchise tax shall be equal to one-thirtieth  
29 of one percent of the corporation's outstanding shares and surplus if the  
30 outstanding shares and surplus exceed one million dollars. Any corporation  
31 whose outstanding shares and surplus do not exceed one million dollars shall  
32 state that fact on the annual report form prescribed by the director of  
33 revenue. For taxable years beginning on or after January 1, 2010, **but before**  
34 **January 1, 2012**, the annual franchise tax shall be equal to one-thirtieth of one  
35 percent of the corporation's outstanding shares and surplus if the outstanding  
36 shares and surplus exceed ten million dollars[, and]. **For all taxable years**  
37 **beginning on or after January 1, 2010, but before January 1, 2016**, any  
38 corporation whose outstanding shares and surplus do not exceed ten million  
39 dollars shall state that fact on the annual report form prescribed by the director  
40 of revenue. **For taxable years beginning on or after January 1, 2012, the**  
41 **annual franchise tax shall be equal to the percentage rate prescribed**  
42 **in this subsection for the corresponding taxable year of the**  
43 **corporation's outstanding shares and surplus if the outstanding shares**  
44 **and surplus exceed the corresponding minimum threshold amount**  
45 **prescribed as follows:**

46 (1) For tax year 2012, the rate shall be one-forty-fourth of one  
47 percent and the threshold amount shall be ten million dollars;

48 (2) For tax year 2013, the rate shall be one-fifty-eighth of one  
49 percent and the threshold amount shall be ten million dollars;

50 (3) For tax year 2014, the rate shall be one-seventy-second of one  
51 percent and the threshold amount shall be ten million dollars;

52 (4) For tax year 2015, the rate shall be one-eighty-sixth of one  
53 percent and the threshold amount shall be ten million dollars;

54 (5) For tax years beginning on or after January 1, 2016, no  
55 annual franchise tax shall be imposed under this section.

56           2. Sections 147.010 to 147.120 shall not apply to corporations not  
57 organized for profit, nor to corporations organized pursuant to the provisions of  
58 chapter 349, nor to express companies, which now pay an annual tax on their  
59 gross receipts in this state, nor to insurance companies, which are subject to an  
60 annual tax on their premium receipts in this state, nor to state, district, county,  
61 town and farmers' mutual companies now organized or that may be hereafter  
62 organized pursuant to any of the laws of this state, organized for the sole purpose  
63 of writing fire, lightning, windstorm, tornado, cyclone, hail and plate glass and  
64 mutual automobile insurance and for the purpose of paying any loss incurred by  
65 any member by assessment, nor to any mutual insurance corporation not having  
66 shares, nor to a company or association organized to transact business of life or  
67 accident insurance on the assessment plan for the purpose of mutual protection  
68 and benefit to its members and the payment of stipulated sums of moneys to the  
69 family, heirs, executors, administrators or assigns of the deceased member, nor  
70 to foreign life, fire, accident, surety, liability, steam boiler, tornado, health, or  
71 other kind of insurance company of whatever nature coming within the provisions  
72 of section 147.050 and doing business in this state, nor to savings and loan  
73 associations and domestic and foreign regulated investment companies as defined  
74 by Section 170 of the Act of Congress commonly known as the Revenue Act of  
75 1942, nor to electric and telephone corporations organized pursuant to chapter  
76 351 and chapter 392 prior to January 1, 1980, which have been declared  
77 tax-exempt organizations pursuant to Section 501(c) of the Internal Revenue Code  
78 of 1986, nor for taxable years beginning after December 31, 1986, to banking  
79 institutions subject to the annual franchise tax imposed by sections 148.010 to  
80 148.110; but bank deposits shall be considered as funds of the individual  
81 depositor left for safekeeping and shall not be considered in computing the  
82 amount of tax collectible pursuant to the provisions of sections 147.010 to  
83 147.120.

84           3. A corporation's taxable year for purposes of sections 147.010 to 147.120  
85 shall be its taxable year as provided in section 143.271.

86           4. A corporation's transitional year for the purposes of sections 147.010  
87 to 147.120 shall be its taxable year which includes parts of each of the years 1979  
88 and 1980.

89           5. The franchise tax payable for a corporation's transitional year shall be  
90 computed by multiplying the amount otherwise due for that year by a fraction,  
91 the numerator of which is the number of months between January 1, 1980, and

92 the end of the taxable year and the denominator of which is twelve. The  
93 franchise tax payable, if a corporation's taxable year is changed as provided in  
94 section 143.271, shall be similarly computed pursuant to regulations prescribed  
95 by the director of revenue.

96           6. All franchise reports and franchise taxes shall be returned to the  
97 director of revenue. All checks and drafts remitted for payment of franchise taxes  
98 shall be made payable to the director of revenue.

99           7. Pursuant to section 32.057, the director of revenue shall maintain the  
100 confidentiality of all franchise tax reports returned to the director.

101           8. The director of the department of revenue shall honor all existing  
102 agreements between taxpayers and the director of the department of revenue.

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Bill

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