

SENATE SUBSTITUTE

FOR

SENATE BILL NO. 24

AN ACT

To repeal sections 94.902, 137.115, 137.280, 143.121, and 144.757, RSMo, and to enact in lieu thereof eight new sections relating to taxation, with an emergency clause for a certain section.

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

Section A. Sections 94.902, 137.115, 137.280, 143.121, and 144.757, RSMo, are repealed and eight new sections enacted in lieu thereof, to be known as sections 94.902, 135.755, 137.115, 137.280, 139.305, 143.121, 144.757, and 620.3210, to read as follows:

94.902. 1. The governing bodies of the following cities may impose a tax as provided in this section:

(1) Any city of the third classification with more than twenty-six thousand three hundred but less than twenty-six thousand seven hundred inhabitants;

(2) Any city of the fourth classification with more than thirty thousand three hundred but fewer than thirty thousand seven hundred inhabitants;

(3) Any city of the fourth classification with more than twenty-four thousand eight hundred but fewer than twenty-five thousand inhabitants;

(4) Any special charter city with more than twenty-nine thousand but fewer than thirty-two thousand inhabitants;

(5) Any city of the third classification with more than four thousand but fewer than four thousand five hundred inhabitants and located in any county of the first classification with more than two hundred thousand but fewer than two hundred sixty thousand inhabitants;

19 (6) Any city of the fourth classification with more
20 than nine thousand five hundred but fewer than ten thousand
21 eight hundred inhabitants;

22 (7) Any city of the fourth classification with more
23 than five hundred eighty but fewer than six hundred fifty
24 inhabitants;

25 (8) Any city of the fourth classification with more
26 than two thousand seven hundred but fewer than three
27 thousand inhabitants and located in any county of the first
28 classification with more than eighty-three thousand but
29 fewer than ninety-two thousand inhabitants; [or]

30 (9) Any city of the fourth classification with more
31 than two thousand four hundred but fewer than two thousand
32 seven hundred inhabitants and located in any county of the
33 third classification without a township form of government
34 and with more than ten thousand but fewer than twelve
35 thousand inhabitants;

36 (10) Any city of the third classification with more
37 than nine thousand but fewer than ten thousand inhabitants
38 and located in any county of the third classification with a
39 township form of government and with more than twenty
40 thousand but fewer than twenty-three thousand inhabitants; or

41 (11) Any city of the fourth classification with more
42 than one thousand fifty but fewer than one thousand two
43 hundred inhabitants and located in any county of the third
44 classification without a township form of government and
45 with more than eighteen thousand but fewer than twenty
46 thousand inhabitants and with a city of the fourth
47 classification with more than two thousand one hundred but
48 fewer than two thousand four hundred inhabitants as the
49 county seat.

50 2. The governing body of any city listed in subsection
51 1 of this section may impose, by order or ordinance, a sales

tax on all retail sales made in the city which are subject to taxation under chapter 144. The tax authorized in this section may be imposed in an amount of up to one-half of one percent, and shall be imposed solely for the purpose of improving the public safety for such city, including but not limited to expenditures on equipment[,]; city employee salaries and benefits[,]; and facilities for police, fire and emergency medical providers. The tax authorized in this section shall be in addition to all other sales taxes imposed by law, and shall be stated separately from all other charges and taxes. The order or ordinance imposing a sales tax under this section shall not become effective unless the governing body of the city submits to the voters residing within the city, at a county or state general, primary, or special election, a proposal to authorize the governing body of the city to impose a tax under this section.

3. The ballot of submission for the tax authorized in this section shall be in substantially the following form:

Shall the city of _____ [(city's name)] impose a citywide sales tax at a rate of _____ [(insert rate of percent)] percent for the purpose of improving the public safety of the city?

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters voting thereon are in favor of the proposal, then the ordinance or order and any amendments to the order or ordinance shall become effective on the first day of the second calendar quarter after the director of

revenue receives notice of the adoption of the sales tax.
If a majority of the votes cast on the proposal by the
qualified voters voting thereon are opposed to the proposal,
then the tax shall not become effective unless the proposal
is resubmitted under this section to the qualified voters
and such proposal is approved by a majority of the qualified
voters voting on the proposal. However, in no event shall a
proposal under this section be submitted to the voters
sooner than twelve months from the date of the last proposal
under this section.

4. Any sales tax imposed under this section shall be
administered, collected, enforced, and operated as required
in section 32.087. All sales taxes collected by the
director of the department of revenue under this section on
behalf of any city, less one percent for cost of collection
which shall be deposited in the state's general revenue fund
after payment of premiums for surety bonds as provided in
section 32.087, shall be deposited in a special trust fund,
which is hereby created in the state treasury, to be known
as the "City Public Safety Sales Tax Trust Fund". The
moneys in the trust fund shall not be deemed to be state
funds and shall not be commingled with any funds of the
state. The provisions of section 33.080 to the contrary
notwithstanding, money in this fund shall not be transferred
and placed to the credit of the general revenue fund. The
director shall keep accurate records of the amount of money
in the trust fund and which was collected in each city
imposing a sales tax under this section, and the records
shall be open to the inspection of officers of the city and
the public. Not later than the tenth day of each month the
director shall distribute all moneys deposited in the trust
fund during the preceding month to the city which levied the
tax. Such funds shall be deposited with the city treasurer

of each such city, and all expenditures of funds arising from the trust fund shall be by an appropriation act to be enacted by the governing body of each such city. Expenditures may be made from the fund for any functions authorized in the ordinance or order adopted by the governing body submitting the tax to the voters. If the tax is repealed, all funds remaining in the special trust fund shall continue to be used solely for the designated purposes. Any funds in the special trust fund which are not needed for current expenditures shall be invested in the same manner as other funds are invested. Any interest and moneys earned on such investments shall be credited to the fund.

5. The director of the department of revenue may authorize the state treasurer to make refunds from the amounts in the trust fund and credited to any city for erroneous payments and overpayments made, and may redeem dishonored checks and drafts deposited to the credit of such cities. If any city abolishes the tax, the city shall notify the director of the action at least ninety days before the effective date of the repeal, and the director may order retention in the trust fund, for a period of one year, of two percent of the amount collected after receipt of such notice to cover possible refunds or overpayment of the tax and to redeem dishonored checks and drafts deposited to the credit of such accounts. After one year has elapsed after the effective date of abolition of the tax in such city, the director shall remit the balance in the account to the city and close the account of that city. The director shall notify each city of each instance of any amount refunded or any check redeemed from receipts due the city.

6. The governing body of any city that has adopted the sales tax authorized in this section may submit the question

151 of repeal of the tax to the voters on any date available for
152 elections for the city. The ballot of submission shall be
153 in substantially the following form:

154 Shall the city of _____ [(insert the name of
155 the city)] repeal the sales tax imposed at a rate
156 of _____ [(insert rate of percent)] percent
157 for the purpose of improving the public safety of
158 the city?

159 ☐ YES ☐ NO

160 If a majority of the votes cast on the proposal are in favor
161 of repeal, that repeal shall become effective on December
162 thirty-first of the calendar year in which such repeal was
163 approved. If a majority of the votes cast on the question
164 by the qualified voters voting thereon are opposed to the
165 repeal, then the sales tax authorized in this section shall
166 remain effective until the question is resubmitted under
167 this section to the qualified voters, and the repeal is
168 approved by a majority of the qualified voters voting on the
169 question.

170 7. Whenever the governing body of any city that has
171 adopted the sales tax authorized in this section receives a
172 petition, signed by ten percent of the registered voters of
173 the city voting in the last gubernatorial election, calling
174 for an election to repeal the sales tax imposed under this
175 section, the governing body shall submit to the voters of
176 the city a proposal to repeal the tax. If a majority of the
177 votes cast on the question by the qualified voters voting
178 thereon are in favor of the repeal, that repeal shall become
179 effective on December thirty-first of the calendar year in
180 which such repeal was approved. If a majority of the votes
181 cast on the question by the qualified voters voting thereon
182 are opposed to the repeal, then the tax shall remain

effective until the question is resubmitted under this section to the qualified voters and the repeal is approved by a majority of the qualified voters voting on the question.

8. Any sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section that is in effect as of December 31, 2038, shall automatically expire. No city described under subdivision (6) of subsection 1 of this section shall collect a sales tax pursuant to this section on or after January 1, 2039. Subsection 7 of this section shall not apply to a sales tax imposed under this section by a city described under subdivision (6) of subsection 1 of this section.

9. Except as modified in this section, all provisions of sections 32.085 and 32.087 shall apply to the tax imposed under this section.

135.755. 1. For the purposes of this section, the following terms shall mean:

(1) "Department", the Missouri department of revenue;

(2) "Higher ethanol blend", a fuel capable of being dispensed directly into motor vehicle fuel tanks for consumption that is comprised of at least fifteen percent but not more than eighty-five percent ethanol;

(3) "Retail dealer", a person that owns or operates a retail service station;

(4) "Retail service station", a location from which higher ethanol blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2022, a retail dealer that sells higher ethanol blend at such retail dealer's retail service station shall be allowed a tax credit to be taken against the retail dealer's state income tax liability. The amount of the credit shall equal

five cents per gallon of higher ethanol blend sold by the retail dealer and dispensed through metered pumps at the retail dealer's retail service station during the tax year in which the tax credit is claimed. Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned. If the amount of the tax credit exceeds the taxpayer's state tax liability, the difference shall not be refundable, but may be carried forward to any of the five subsequent tax years. The total amount of tax credits authorized pursuant to this section for any given fiscal year shall not exceed four million dollars.

3. The tax credit allowed by this section shall be claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. The department may require any documentation it deems necessary to implement the provisions of this section.

4. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2021, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

52 (1) The provisions of this section shall automatically
53 sunset on December 31, 2027, unless reauthorized by an act
54 of the general assembly; and

55 (2) If such program is reauthorized, the program
56 authorized under this section shall automatically sunset
57 twelve years after the effective date of the reauthorization
58 of this section; and

59 (3) This section shall terminate on September first of
60 the calendar year immediately following the calendar year in
61 which the program authorized under this section is sunset.

137.115. 1. All other laws to the contrary
2 notwithstanding, the assessor or the assessor's deputies in
3 all counties of this state including the City of St. Louis
4 shall annually make a list of all real and tangible personal
5 property taxable in the assessor's city, county, town or
6 district. Except as otherwise provided in subsection [3] 4
7 of this section and section 137.078, the assessor shall
8 annually assess all personal property at [thirty-three and
9 one-third] a percent of its true value in money as of
10 January first of each calendar year as follows:

11 (1) For all calendar years ending on or before
12 December 31, 2021, thirty-three and one-third percent;

13 (2) For the 2022 calendar year, twenty-five percent;

14 (3) For the 2023 calendar year, nineteen percent;

15 (4) For the 2024 calendar year, thirteen percent;

16 (5) For the 2025 calendar year, seven percent;

17 (6) For all calendar years beginning on or after
18 January 1, 2026, one-thousandth of one percent.

19 2. The assessor shall annually assess all real
20 property, including any new construction and improvements to
21 real property, and possessory interests in real property at
22 the percent of its true value in money set in subsection [5]
23 6 of this section. The true value in money of any

possessory interest in real property in subclass (3), where such real property is on or lies within the ultimate airport boundary as shown by a federal airport layout plan, as defined by 14 CFR 151.5, of a commercial airport having a FAR Part 139 certification and owned by a political subdivision, shall be the otherwise applicable true value in money of any such possessory interest in real property, less the total dollar amount of costs paid by a party, other than the political subdivision, towards any new construction or improvements on such real property completed after January 1, 2008, and which are included in the above-mentioned possessory interest, regardless of the year in which such costs were incurred or whether such costs were considered in any prior year. The assessor shall annually assess all real property in the following manner: new assessed values shall be determined as of January first of each odd-numbered year and shall be entered in the assessor's books; those same assessed values shall apply in the following even-numbered year, except for new construction and property improvements which shall be valued as though they had been completed as of January first of the preceding odd-numbered year, provided that no real residential property shall be assessed at a value that exceeds the previous assessed value for such property, exclusive of new construction and improvements, by more than the percentage increase in the consumer price index or five percent, whichever is greater. The assessor may call at the office, place of doing business, or residence of each person required by this chapter to list property, and require the person to make a correct statement of all taxable tangible personal property owned by the person or under his or her care, charge or management, taxable in the county. On or before January first of each even-numbered year, the assessor shall prepare and submit a

two-year assessment maintenance plan to the county governing body and the state tax commission for their respective approval or modification. The county governing body shall approve and forward such plan or its alternative to the plan to the state tax commission by February first. If the county governing body fails to forward the plan or its alternative to the plan to the state tax commission by February first, the assessor's plan shall be considered approved by the county governing body. If the state tax commission fails to approve a plan and if the state tax commission and the assessor and the governing body of the county involved are unable to resolve the differences, in order to receive state cost-share funds outlined in section 137.750, the county or the assessor shall petition the administrative hearing commission, by May first, to decide all matters in dispute regarding the assessment maintenance plan. Upon agreement of the parties, the matter may be stayed while the parties proceed with mediation or arbitration upon terms agreed to by the parties. The final decision of the administrative hearing commission shall be subject to judicial review in the circuit court of the county involved. In the event a valuation of subclass (1) real property within any county with a charter form of government, or within a city not within a county, is made by a computer, computer-assisted method or a computer program, the burden of proof, supported by clear, convincing and cogent evidence to sustain such valuation, shall be on the assessor at any hearing or appeal. In any such county, unless the assessor proves otherwise, there shall be a presumption that the assessment was made by a computer, computer-assisted method or a computer program. Such evidence shall include, but shall not be limited to, the following:

(1) The findings of the assessor based on an appraisal of the property by generally accepted appraisal techniques; and

(2) The purchase prices from sales of at least three comparable properties and the address or location thereof. As used in this subdivision, the word "comparable" means that:

(a) Such sale was closed at a date relevant to the property valuation; and

(b) Such properties are not more than one mile from the site of the disputed property, except where no similar properties exist within one mile of the disputed property, the nearest comparable property shall be used. Such property shall be within five hundred square feet in size of the disputed property, and resemble the disputed property in age, floor plan, number of rooms, and other relevant characteristics.

[2.] 3. Assessors in each county of this state and the City of St. Louis may send personal property assessment forms through the mail.

[3.] 4. The following items of personal property shall each constitute separate subclasses of tangible personal property and shall be assessed and valued for the purposes of taxation at the following percentages of their true value in money:

(1) Grain and other agricultural crops in an unmanufactured condition, one-half of one percent;

(2) Livestock, twelve percent;

(3) Farm machinery, twelve percent;

(4) Motor vehicles which are eligible for registration as and are registered as historic motor vehicles pursuant to section 301.131 and aircraft which are at least twenty-five years old and which are used solely for noncommercial

purposes and are operated less than fifty hours per year or aircraft that are home built from a kit, five percent;

(5) Poultry, twelve percent; and

(6) Tools and equipment used for pollution control and tools and equipment used in retooling for the purpose of introducing new product lines or used for making improvements to existing products by any company which is located in a state enterprise zone and which is identified by any standard industrial classification number cited in subdivision (7) of section 135.200, twenty-five percent.

[4.] 5. The person listing the property shall enter a true and correct statement of the property, in a printed blank prepared for that purpose. The statement, after being filled out, shall be signed and either affirmed or sworn to as provided in section 137.155. The list shall then be delivered to the assessor.

[5.] 6. (1) All subclasses of real property, as such subclasses are established in Section 4(b) of Article X of the Missouri Constitution and defined in section 137.016, shall be assessed at the following percentages of true value:

(a) For real property in subclass (1), nineteen percent;

(b) For real property in subclass (2), twelve percent; and

(c) For real property in subclass (3), thirty-two percent.

(2) A taxpayer may apply to the county assessor, or, if not located within a county, then the assessor of such city, for the reclassification of such taxpayer's real property if the use or purpose of such real property is changed after such property is assessed under the provisions of this chapter. If the assessor determines that such property shall be reclassified, he or she shall determine

the assessment under this subsection based on the percentage of the tax year that such property was classified in each subclassification.

[6.] 7. Manufactured homes, as defined in section 700.010, which are actually used as dwelling units shall be assessed at the same percentage of true value as residential real property for the purpose of taxation. The percentage of assessment of true value for such manufactured homes shall be the same as for residential real property. If the county collector cannot identify or find the manufactured home when attempting to attach the manufactured home for payment of taxes owed by the manufactured home owner, the county collector may request the county commission to have the manufactured home removed from the tax books, and such request shall be granted within thirty days after the request is made; however, the removal from the tax books does not remove the tax lien on the manufactured home if it is later identified or found. For purposes of this section, a manufactured home located in a manufactured home rental park, rental community or on real estate not owned by the manufactured home owner shall be considered personal property. For purposes of this section, a manufactured home located on real estate owned by the manufactured home owner may be considered real property.

[7.] 8. Each manufactured home assessed shall be considered a parcel for the purpose of reimbursement pursuant to section 137.750, unless the manufactured home is real estate as defined in subsection 7 of section 442.015 and assessed as a realty improvement to the existing real estate parcel.

[8.] 9. Any amount of tax due and owing based on the assessment of a manufactured home shall be included on the personal property tax statement of the manufactured home

owner unless the manufactured home is real estate as defined in subsection 7 of section 442.015, in which case the amount of tax due and owing on the assessment of the manufactured home as a realty improvement to the existing real estate parcel shall be included on the real property tax statement of the real estate owner.

[9.] 10. The assessor of each county and each city not within a county shall use the trade-in value published in the October issue of the National Automobile Dealers' Association Official Used Car Guide, or its successor publication, as the recommended guide of information for determining the true value of motor vehicles described in such publication. The assessor shall not use a value that is greater than the average trade-in value in determining the true value of the motor vehicle without performing a physical inspection of the motor vehicle. For vehicles two years old or newer from a vehicle's model year, the assessor may use a value other than average without performing a physical inspection of the motor vehicle. In the absence of a listing for a particular motor vehicle in such publication, the assessor shall use such information or publications which in the assessor's judgment will fairly estimate the true value in money of the motor vehicle.

[10.] 11. Before the assessor may increase the assessed valuation of any parcel of subclass (1) real property by more than fifteen percent since the last assessment, excluding increases due to new construction or improvements, the assessor shall conduct a physical inspection of such property.

[11.] 12. If a physical inspection is required, pursuant to subsection [10] 11 of this section, the assessor shall notify the property owner of that fact in writing and shall provide the owner clear written notice of the owner's

rights relating to the physical inspection. If a physical inspection is required, the property owner may request that an interior inspection be performed during the physical inspection. The owner shall have no less than thirty days to notify the assessor of a request for an interior physical inspection.

[12.] 13. A physical inspection, as required by subsection **[10] 11** of this section, shall include, but not be limited to, an on-site personal observation and review of all exterior portions of the land and any buildings and improvements to which the inspector has or may reasonably and lawfully gain external access, and shall include an observation and review of the interior of any buildings or improvements on the property upon the timely request of the owner pursuant to subsection **[11] 12** of this section. Mere observation of the property via a drive-by inspection or the like shall not be considered sufficient to constitute a physical inspection as required by this section.

[13.] 14. A county or city collector may accept credit cards as proper form of payment of outstanding property tax or license due. No county or city collector may charge surcharge for payment by credit card which exceeds the fee or surcharge charged by the credit card bank, processor, or issuer for its service. A county or city collector may accept payment by electronic transfers of funds in payment of any tax or license and charge the person making such payment a fee equal to the fee charged the county by the bank, processor, or issuer of such electronic payment.

[14.] 15. Any county or city not within a county in this state may, by an affirmative vote of the governing body of such county, opt out of the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly,

second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of the general reassessment, prior to January first of any year. No county or city not within a county shall exercise this opt-out provision after implementing the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, in a year of general reassessment. For the purposes of applying the provisions of this subsection, a political subdivision contained within two or more counties where at least one of such counties has opted out and at least one of such counties has not opted out shall calculate a single tax rate as in effect prior to the enactment of house bill no. 1150 of the ninety-first general assembly, second regular session. A governing body of a city not within a county or a county that has opted out under the provisions of this subsection may choose to implement the provisions of this section and sections 137.073, 138.060, and 138.100 as enacted by house bill no. 1150 of the ninety-first general assembly, second regular session, and section 137.073 as modified by house committee substitute for senate substitute for senate committee substitute for senate bill no. 960, ninety-second general assembly, second regular session, for the next year of general reassessment, by an affirmative vote of the governing body prior to December thirty-first of any year.

287 [15.] 16. The governing body of any city of the third
288 classification with more than twenty-six thousand three
289 hundred but fewer than twenty-six thousand seven hundred
290 inhabitants located in any county that has exercised its
291 authority to opt out under subsection [14] 15 of this
292 section may levy separate and differing tax rates for real
293 and personal property only if such city bills and collects
294 its own property taxes or satisfies the entire cost of the
295 billing and collection of such separate and differing tax
296 rates. Such separate and differing rates shall not exceed
297 such city's tax rate ceiling.

298 [16.] 17. Any portion of real property that is
299 available as reserve for strip, surface, or coal mining for
300 minerals for purposes of excavation for future use or sale
301 to others that has not been bonded and permitted under
302 chapter 444 shall be assessed based upon how the real
303 property is currently being used. Any information provided
304 to a county assessor, state tax commission, state agency, or
305 political subdivision responsible for the administration of
306 tax policies shall, in the performance of its duties, make
307 available all books, records, and information requested,
308 except such books, records, and information as are by law
309 declared confidential in nature, including individually
310 identifiable information regarding a specific taxpayer or
311 taxpayer's mine property. For purposes of this subsection,
312 "mine property" shall mean all real property that is in use
313 or readily available as a reserve for strip, surface, or
314 coal mining for minerals for purposes of excavation for
315 current or future use or sale to others that has been bonded
316 and permitted under chapter 444.

 137.280. 1. Taxpayers' personal property lists,
2 except those of merchants and manufacturers, and except
3 those of railroads, public utilities, pipeline companies or

any other person or corporation subject to special statutory requirements, such as chapter 151, who shall return and file their assessments on locally assessed property no later than April first, shall be delivered to the office of the assessor of the county between the first day of January and the first day of March each year and shall be signed and certified by the taxpayer as being a true and complete list or statement of all the taxable tangible personal property. If any person shall fail to deliver the required list to the assessor by the first day of March, the owner of the property which ought to have been listed shall be assessed a penalty added to the tax bill, based on the assessed value of the property that was not reported, as follows:

Assessed Valuation	Penalty
0 - \$1,000	\$15.00
\$1,001 - \$2,000	\$25.00
\$2,001 - \$3,000	\$35.00
\$3,001 - \$4,000	\$45.00
\$4,001 - \$5,000	\$55.00
\$5,001 - \$6,000	\$65.00
\$6,001 - \$7,000	\$75.00
\$7,001 - \$8,000	\$85.00
\$8,001 - \$9,000	\$95.00
\$9,001 and above	\$105.00

The assessor in any county of the first classification without a charter form of government with a population of one hundred thousand or more inhabitants which contains all

31 or part of a city with a population of three hundred fifty
32 thousand or more inhabitants shall omit assessing the
33 penalty in any case where he or she is satisfied the neglect
34 is unavoidable and not willful or falls into one of the
35 following categories. The assessor in all other political
36 subdivisions shall omit assessing the penalty in any case
37 where he or she is satisfied the neglect falls into at least
38 one of the following categories:

39 (1) The taxpayer is in military service and is outside
40 the state;

41 (2) The taxpayer filed timely, but in the wrong county;

42 (3) There was a loss of records due to fire or flood;

43 (4) The taxpayer can show the list was mailed timely
44 as evidenced by the date of postmark;

45 (5) The assessor determines that no form for listing
46 personal property was mailed to the taxpayer for that tax
47 year; or

48 (6) The neglect occurred as a direct result of the
49 actions or inactions of the county or its employees or
50 contractors.

51 2. Between March first and April first, the assessor
52 shall send to each taxpayer who was sent an assessment list
53 for the current tax year, and said list was not returned to
54 the assessor, a second notice that statutes require the
55 assessment list be returned immediately. In the event the
56 taxpayer returns the assessment list to the assessor before
57 May first, the penalty described in subsection 1 of this
58 section shall not apply. If said assessment list is not
59 returned before May first by the taxpayer, the penalty shall
60 apply.

61 3. It shall be the duty of the county commission and
62 assessor to place on the assessment rolls for the year all

63 personal property discovered in the calendar year which was
64 taxable on January first of that year.

65 4. If annual waivers exceed forty percent, then by
66 February first of each year, the assessor shall transmit to
67 the county employees' retirement fund an electronic or paper
68 copy of the log maintained under subsection 3 of section
69 50.1020 for the prior calendar year.

70 5. An assessor may, upon request of a taxpayer, send
71 any assessment list or notice required by this section to
72 such taxpayer in electronic form.

139.305. 1. For the purposes of this section, the
2 following terms shall mean:

3 (1) "Real property", any real property that is not
4 residential property, as such term is defined in section
5 137.016;

6 (2) "Restrictive order", any city-wide or county-wide
7 ordinance or order imposed by a city or county that
8 prohibits or otherwise restricts the use of a taxpayer's
9 real property, including, but not limited to, occupancy
10 restrictions. Such term shall not include any ordinance or
11 order prohibiting or restricting the use of a taxpayer's
12 real property due to a violation of a public health or
13 safety code.

14 2. Notwithstanding any provision of law to the
15 contrary, beginning January 1, 2021, any taxpayer who is a
16 resident of a city or county that imposes one or more
17 restrictive orders for a combined total in excess of fifteen
18 days during a calendar year shall receive a credit on
19 property taxes owed on such affected real property.

20 3. The amount of the credit authorized by this section
21 shall be a percentage of the property tax liability that is
22 equal to the percentage of the calendar year that the
23 taxpayer was subject to restrictions on the use of his or

24 her real property, provided that the first fifteen total
25 combined days that restrictive orders are in effect during a
26 calendar year shall not count toward the calculation of the
27 tax credit pursuant to this subsection.

28 4. A taxpayer eligible for a credit pursuant to this
29 section shall timely pay all property tax owed prior to any
30 credit applied pursuant to this section, and shall, no later
31 than December thirty-first, submit a written statement to
32 the city or county requesting the amount of property tax
33 owed to such taxpayer. The city or county shall, by no
34 later than thirty days following the receipt of such a
35 statement, issue a refund to the taxpayer for the amount of
36 property tax owed to such taxpayer pursuant to this section.

37 5. The provisions of this section shall only apply to
38 real property tax liabilities owed to a city or county
39 imposing a restrictive order, and shall not apply to
40 property tax liabilities owed to any other taxing
41 jurisdiction or to property tax liabilities owed on tangible
42 personal property.

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

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

6 (1) The amount of any federal income tax refund
7 received for a prior year which resulted in a Missouri
8 income tax benefit. The amount added pursuant to this
9 subdivision shall not include any amount of a federal income
10 tax refund attributable to a tax credit reducing a
11 taxpayer's federal tax liability pursuant to Public Law 116-
12 136, enacted by the 116th United States Congress, for the
13 tax year beginning on or after January 1, 2020, and ending

on or before December 31, 2020, and deducted from Missouri adjusted gross income pursuant to section 143.171;

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

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

(4) The amount of any deduction that is included in the computation of federal taxable income for net operating loss allowed by 26 U.S.C. Section 172 of the Internal Revenue Code of 1986, as amended, other than the deduction allowed by 26 U.S.C. Section 172(b)(1)(G) and 26 U.S.C. Section 172(i) of the Internal Revenue Code of 1986, as amended, for a net operating loss the taxpayer claims in the tax year in which the net operating loss occurred or carries

forward for a period of more than twenty years and carries backward for more than two years. Any amount of net operating loss taken against federal taxable income but disallowed for Missouri income tax purposes pursuant to this subdivision after June 18, 2002, may be carried forward and taken against any income on the Missouri income tax return for a period of not more than twenty years from the year of the initial loss; and

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

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

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

80 (1) Interest received on deposits held at a federal
81 reserve bank or interest or dividends on obligations of the
82 United States and its territories and possessions or of any
83 authority, commission or instrumentality of the United
84 States to the extent exempt from Missouri income taxes
85 pursuant to the laws of the United States. The amount
86 subtracted pursuant to this subdivision shall be reduced by
87 any interest on indebtedness incurred to carry the described
88 obligations or securities and by any expenses incurred in
89 the production of interest or dividend income described in
90 this subdivision. The reduction in the previous sentence
91 shall only apply to the extent that such expenses including
92 amortizable bond premiums are deducted in determining the
93 taxpayer's federal adjusted gross income or included in the
94 taxpayer's Missouri itemized deduction. The reduction shall
95 only be made if the expenses total at least five hundred
96 dollars;

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

105 (3) The amount necessary to prevent the taxation
106 pursuant to this chapter of any annuity or other amount of
107 income or gain which was properly included in income or gain
108 and was taxed pursuant to the laws of Missouri for a taxable
109 year prior to January 1, 1973, to the taxpayer, or to a
110 decedent by reason of whose death the taxpayer acquired the
111 right to receive the income or gain, or to a trust or estate
112 from which the taxpayer received the income or gain;

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

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

119 (6) The portion of capital gain specified in section
120 135.357 that would otherwise be included in federal adjusted
121 gross income;

122 (7) The amount that would have been deducted in the
123 computation of federal taxable income pursuant to 26 U.S.C.
124 Section 168 of the Internal Revenue Code as in effect on
125 January 1, 2002, to the extent that amount relates to
126 property purchased on or after July 1, 2002, but before July
127 1, 2003, and to the extent that amount exceeds the amount
128 actually deducted pursuant to 26 U.S.C. Section 168 of the
129 Internal Revenue Code as amended by the Job Creation and
130 Worker Assistance Act of 2002;

131 (8) For all tax years beginning on or after January 1,
132 2005, the amount of any income received for military service
133 while the taxpayer serves in a combat zone which is included
134 in federal adjusted gross income and not otherwise excluded
135 therefrom. As used in this section, "combat zone" means any
136 area which the President of the United States by Executive
137 Order designates as an area in which Armed Forces of the
138 United States are or have engaged in combat. Service is
139 performed in a combat zone only if performed on or after the
140 date designated by the President by Executive Order as the
141 date of the commencing of combat activities in such zone,
142 and on or before the date designated by the President by
143 Executive Order as the date of the termination of combatant
144 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; and
- (i) Livestock Gross Margin Insurance Plan; and

(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.

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

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

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

193 7. (1) For the tax year beginning on or after January
194 1, 2021, and ending on or before December 31, 2021, in
195 addition to the modifications made to an eligible taxpayer's
196 federal adjusted gross income pursuant to this section, to
197 calculate Missouri adjusted gross income there shall be
198 subtracted from the eligible taxpayer's federal adjusted
199 gross income the amount determined pursuant to subdivision
200 (2) of this subsection, not to exceed one thousand five
201 hundred dollars.

202 (2) The amount to be subtracted pursuant to this
203 subsection shall be equal to the amount of expenses incurred
204 by the eligible taxpayer during the 2020 or 2021 calendar
205 years for educating the eligible taxpayer's qualifying child
206 remotely as a result of severe acute respiratory syndrome
207 coronavirus 2. Such deductible expenses shall be:

208 (a) Personal computers and school supplies, as such
209 terms are defined in section 144.049;

210 (b) Digital subscriptions required by the qualifying
211 child's school district;

212 (c) Tutoring services; and

213 (d) Internet access.

214 (3) For the purposes of this subsection, "eligible
215 taxpayer" shall mean a taxpayer who has a qualifying child
216 that is a dependent, as such terms are defined in 26 U.S.C.
217 Section 152, as amended, that is required to attend
218 elementary or secondary school remotely as a result of
219 severe acute respiratory syndrome coronavirus 2.

220 (4) The department of revenue shall promulgate rules
221 to implement the provisions of this subsection. Any rule or
222 portion of a rule, as that term is defined in section
223 536.010, that is created under the authority delegated in
224 this section shall become effective only if it complies with
225 and is subject to all of the provisions of chapter 536 and,
226 if applicable, section 536.028. This section and chapter
227 536 are nonseverable and if any of the powers vested with
228 the general assembly pursuant to chapter 536 to review, to
229 delay the effective date, or to disapprove and annul a rule
230 are subsequently held unconstitutional, then the grant of
231 rulemaking authority and any rule proposed or adopted after
232 August 28, 2021, shall be invalid and void.

233 8. (1) As used in this subsection, "qualified health
234 insurance premium" means the amount paid during the tax year
235 by such taxpayer for any insurance policy primarily
236 providing health care coverage for the taxpayer, the
237 taxpayer's spouse, or the taxpayer's dependents.

238 (2) In addition to the subtractions in subsection 3 of
239 this section, one hundred percent of the amount of qualified
240 health insurance premiums shall be subtracted from the
241 taxpayer's federal adjusted gross income to the extent the
242 amount paid for such premiums is included in federal taxable

income. The taxpayer shall provide the department of revenue with proof of the amount of qualified health insurance premiums paid.

[8.] 9. (1) Beginning January 1, 2014, in addition to the subtractions provided in this section, one hundred percent of the cost incurred by a taxpayer for a home energy audit conducted by an entity certified by the department of natural resources under section 640.153 or the implementation of any energy efficiency recommendations made in such an audit shall be subtracted from the taxpayer's federal adjusted gross income to the extent the amount paid for any such activity is included in federal taxable income. The taxpayer shall provide the department of revenue with a summary of any recommendations made in a qualified home energy audit, the name and certification number of the qualified home energy auditor who conducted the audit, and proof of the amount paid for any activities under this subsection for which a deduction is claimed. The taxpayer shall also provide a copy of the summary of any recommendations made in a qualified home energy audit to the department of natural resources.

(2) At no time shall a deduction claimed under this 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

275 claimed in more than one year, subject to the limitations
276 provided under subdivision (2) of this subsection.

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

283 [9.] 10. The provisions of subsection [8] 9 of this
284 section shall expire on December 31, 2020.

144.757. 1. Any county or municipality, except
2 municipalities within a county having a charter form of
3 government with a population in excess of nine hundred
4 thousand, may, by a majority vote of its governing body,
5 impose a local use tax if a local sales tax is imposed as
6 defined in section 32.085 at a rate equal to the rate of the
7 local sales tax in effect in such county or municipality;
8 provided, however, that no ordinance or order enacted
9 pursuant to sections 144.757 to 144.761 shall be effective
10 unless the governing body of the county or municipality
11 submits to the voters thereof at a municipal, county or
12 state general, primary or special election a proposal to
13 authorize the governing body of the county or municipality
14 to impose a local use tax pursuant to sections 144.757 to
15 144.761. Municipalities within a county having a charter
16 form of government with a population in excess of nine
17 hundred thousand may, upon voter approval received pursuant
18 to paragraph (b) of subdivision (2) of subsection 2 of this
19 section, impose a local use tax at the same rate as the
20 local municipal sales tax with the revenues from all such
21 municipal use taxes to be distributed pursuant to subsection
22 4 of section 94.890. The municipality shall within thirty
23 days of the approval of the use tax imposed pursuant to

paragraph (b) of subdivision (2) of subsection 2 of this section select one of the distribution options permitted in subsection 4 of section 94.890 for distribution of all municipal use taxes.

2. (1) The ballot of submission, except for counties and municipalities described in subdivisions (2) and (3) of this subsection, shall contain substantially the following language:

Shall the _____ (county or municipality's name) impose a local use tax at the same rate as the total local sales tax rate, [currently _____ (insert percent),] provided that if the local sales tax rate is reduced or raised by voter approval, the local use tax rate shall also be reduced or raised by the same action? [A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.] Approval of this question will eliminate the disparity in tax rates collected by local and out-of-state sellers by imposing the same rate on all sellers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(2) (a) The ballot of submission in a county having a charter form of government with a population in excess of nine hundred thousand shall contain substantially the following language:

For the purposes of enhancing county and municipal public safety, parks, and job creation and enhancing local government services, shall the county be authorized to collect a local use tax equal to the total of the existing

56 county sales tax rate [of (insert tax rate)], provided that
57 if the county sales tax is repealed, reduced or raised by
58 voter approval, the local use tax rate shall also be
59 repealed, reduced or raised by the same voter action? Fifty
60 percent of the revenue shall be used by the county
61 throughout the county for improving and enhancing public
62 safety, park improvements, and job creation, and fifty
63 percent shall be used for enhancing local government
64 services. The county shall be required to make available to
65 the public an audited comprehensive financial report
66 detailing the management and use of the countywide portion
67 of the funds each year.

68 A use tax is the equivalent of a sales tax on purchases
69 from out-of-state sellers by in-state buyers and on certain
70 taxable business transactions. [A use tax return shall not
71 be required to be filed by persons whose purchases from out-
72 of-state vendors do not in total exceed two thousand dollars
73 in any calendar year.] Approval of this question will
74 eliminate the disparity in tax rates collected by local and
75 out-of-state sellers by imposing the same rate on all
76 sellers.

77 ☐ YES

☐ NO

78 If you are in favor of the question, place an "X" in
79 the box opposite "YES". If you are opposed to the question,
80 place an "X" in the box opposite "NO".

81 (b) The ballot of submission in a municipality within
82 a county having a charter form of government with a
83 population in excess of nine hundred thousand shall contain
84 substantially the following language:

85 Shall the municipality be authorized to impose a local
86 use tax at the same rate as the local sales tax by a vote of
87 the governing body, provided that if any local sales tax is

repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? [A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.] Approval of this question will eliminate the disparity in tax rates collected by local and out-of-state sellers by imposing the same rate on all sellers.

☐ YES

☐ NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

(3) The ballot of submission in any city not within a county shall contain substantially the following language:

Shall the _____ (city name) impose a local use tax at the same rate as the local sales tax, [currently at a rate of _____ (insert percent)] which includes the capital improvements sales tax and the transportation tax, provided that if any local sales tax is repealed, reduced or raised by voter approval, the respective local use tax shall also be repealed, reduced or raised by the same action? [A use tax return shall not be required to be filed by persons whose purchases from out-of-state vendors do not in total exceed two thousand dollars in any calendar year.] Approval of this question will eliminate the disparity in tax rates collected by local and out-of-state sellers by imposing the same rate on all sellers.

☐ YES

☐ NO

117 If you are in favor of the question, place an "X" in
118 the box opposite "YES". If you are opposed to the question,
119 place an "X" in the box opposite "NO".

120 (4) If any of such ballots are submitted on August 6,
121 1996, and if a majority of the votes cast on the proposal by
122 the qualified voters voting thereon are in favor of the
123 proposal, then the ordinance or order and any amendments
124 thereto shall be in effect October 1, 1996, provided the
125 director of revenue receives notice of adoption of the local
126 use tax on or before August 16, 1996. If any of such
127 ballots are submitted after December 31, 1996, and if a
128 majority of the votes cast on the proposal by the qualified
129 voters voting thereon are in favor of the proposal, then the
130 ordinance or order and any amendments thereto shall be in
131 effect on the first day of the calendar quarter which begins
132 at least forty-five days after the director of revenue
133 receives notice of adoption of the local use tax. If a
134 majority of the votes cast by the qualified voters voting
135 are opposed to the proposal, then the governing body of the
136 county or municipality shall have no power to impose the
137 local use tax as herein authorized unless and until the
138 governing body of the county or municipality shall again
139 have submitted another proposal to authorize the governing
140 body of the county or municipality to impose the local use
141 tax and such proposal is approved by a majority of the
142 qualified voters voting thereon.

143 3. The local use tax may be imposed at the same rate
144 as the local sales tax then currently in effect in the
145 county or municipality upon all transactions which are
146 subject to the taxes imposed pursuant to sections 144.600 to
147 144.745 within the county or municipality adopting such tax;
148 provided, however, that if any local sales tax is repealed
149 or the rate thereof is reduced or raised by voter approval,

the local use tax rate shall also be deemed to be repealed, reduced or raised by the same action repealing, reducing or raising the local sales tax.

4. For purposes of sections 144.757 to 144.761, the use tax may be referred to or described as the equivalent of a sales tax on purchases made from out-of-state sellers by in-state buyers and on certain intrabusiness transactions. Such a description shall not change the classification, form or subject of the use tax or the manner in which it is collected.

620.3210. 1. This section shall be known and may be cited as the "Capitol Complex Tax Credit Act".

2. As used in this section, the following terms shall mean:

(1) "Board", the Missouri development finance board, a body corporate and politic created under sections 100.250 to 100.297 and 100.700 to 100.850;

(2) "Capitol complex", the following buildings located in Jefferson City, Missouri:

(a) State capitol building, 201 West Capitol Avenue;

(b) Supreme court building, 207 West High Street;

(c) Old Federal Courthouse, 131 West High Street;

(d) Highway building, 105 Capitol Avenue;

(e) Governor's mansion, 100 Madison Street;

(3) "Certificate", a tax credit certificate issued under this section;

(4) "Department", the Missouri department of economic development;

(5) "Eligible artifact", any items of personal property specifically for display in a building in the capitol complex or former fixtures which were previously owned by the state and used within the capitol complex, but which had been removed. The board of public buildings

24 shall, in their sole discretion, make all determinations as
25 to which items are eligible artifacts and may employ such
26 experts as may be useful to them in making such a
27 determination;

28 (6) "Eligible artifact donation", a donation of an
29 eligible artifact to the board of public buildings. The
30 value of such donation shall be set by the board of public
31 buildings who may employ such experts as may be useful to
32 them in making such a determination. The board of public
33 buildings shall, in their sole discretion, determine if an
34 artifact is to be accepted;

35 (7) "Eligible monetary donation", donations received
36 from a qualified donor to the capitol complex fund, created
37 in this section, or to an organization exempt from taxation
38 under 501(c) (3) of the Internal Revenue Service Code of
39 1986, as amended, whose mission and purpose is to restore,
40 renovate, improve, and maintain one or more buildings in the
41 capitol complex, that are to be used solely for projects to
42 restore, renovate, improve, and maintain buildings and their
43 furnishings in the capitol complex and the administration
44 thereof. Eligible donations may include:

45 (a) Cash, including checks, money orders, credit card
46 payments, or similar cash equivalents valued at the face
47 value of the currency. Currency of other nations shall be
48 valued based on the exchange rate on the date of the gift.
49 The date of the donation shall be the date that cash or
50 check is received by the applicant or the date posted to the
51 donor's account in the case of credit or debit cards;

52 (b) Stocks from a publicly traded company;

53 (c) Bonds which are publicly traded;

54 (8) "Eligible recipient", the capitol complex fund,
55 created in this section, or an organization exempt from
56 taxation under 501(c) (3) of the Internal Revenue Service

Code of 1986, as amended, whose mission and purpose is to
restore, renovate, improve, and maintain one or more
buildings in the capitol complex;

(9) "Qualified donor", any of the following
individuals or entities who make an eligible monetary
donation or eligible artifact donation to the capitol
complex fund or other eligible recipient:

(a) A person, firm, partner in a firm, corporation, or
a shareholder in an S corporation doing business in the
state of Missouri and subject to the state income tax
imposed in chapter 143;

(b) A corporation subject to the annual corporation
franchise tax imposed in chapter 147;

(c) An insurance company paying an annual tax on its
gross premium receipts in this state;

(d) Any other financial institution paying taxes to
the state of Missouri or any political subdivision of this
state under chapter 148;

(e) An individual subject to the state income tax
imposed in chapter 143;

(f) Any charitable organization, including any
foundation or not-for-profit corporation, which is exempt
from federal income tax and whose Missouri unrelated
business taxable income, if any, would be subject to the
state income tax imposed under chapter 143.

3. There is hereby created a fund to be known as the
"Capitol Complex Fund", separate and distinct from all other
board funds, which is hereby authorized to receive any
eligible monetary donation as provided in this section. The
capitol complex fund shall be segregated into two accounts:
a rehabilitation and renovation account and a maintenance
account. Ninety percent of the revenues received from
eligible donations pursuant to the provisions of this

90 section shall be deposited in the rehabilitation and
91 renovation account and seven and one-half percent of such
92 revenues shall be deposited in the maintenance account. The
93 assets of these accounts, together with any interest which
94 may accrue thereon, shall be used by the board solely for
95 the purposes of restoration and maintenance of the building
96 of the capitol complex as defined in this section, and for
97 no other purpose. The remaining two and one-half percent of
98 the revenues deposited into the fund may be used for the
99 purposes of soliciting donations to the fund, advertising
100 and promoting the fund, and administrative costs of
101 administering the fund. Any amounts not used for those
102 purposes shall be deposited back into the rehabilitation and
103 renovation account and the maintenance account divided in
104 the manner set forth in this section. The board may, as an
105 administrative cost, use the funds to hire fund raising
106 professionals and such other experts or advisors as may be
107 necessary to carry out the board's duties under this
108 section. The choice of projects for which the money is to
109 be used, as well as the determination of the methods of
110 carrying out the project and the procurement of goods and
111 services thereon shall be made by the commissioner of
112 administration. No moneys shall be released from the fund
113 for any expense without the approval of the commissioner of
114 administration, who may delegate that authority as deemed
115 appropriate. All contracts for rehabilitation, renovation,
116 or maintenance work shall be the responsibility of the
117 commissioner of administration. A memorandum of
118 understanding may be executed between the commissioner of
119 administration and the board determining the processes for
120 obligation, reservation, and payment of eligible costs from
121 the fund. The commission of administration shall not
122 obligate costs in excess of the fund balance. The board

shall not be responsible for any costs obligated in excess of available funds and shall be held harmless in any contracts related to rehabilitation, renovation, and maintenance of capitol complex buildings. No other board funds shall be used to pay obligations made by the commissioner of administration related to activities under this section.

4. For all taxable years beginning on or after January 1, 2021, any qualified donor shall be allowed a credit against the taxes otherwise due under chapters 143 and 148, except for sections 143.191 to 143.265, in an amount of fifty percent of the eligible monetary donation. The amount of the tax credit claimed may exceed the amount of the donor's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that exceeds the qualified donor's state income tax liability may be refundable or may be carried forward to any of the taxpayer's four subsequent taxable years.

5. For all taxable years beginning on or after January 1, 2021, any qualified donor shall be allowed a credit against the taxes otherwise due under chapters 143 and 148, except for sections 143.191 to 143.265, in an amount of thirty percent of the eligible artifact donation. The amount of the tax credit claimed may not exceed the amount of the qualified donor's state income tax liability in the tax year for which the credit is claimed. Any amount of credit that exceeds the qualified donor's state income tax liability shall not be refundable but may be carried forward to any other taxpayer's four subsequent taxable years.

6. To claim a credit for an eligible monetary donation as set forth in subsection 4 of this section, a qualified donor shall make an eligible monetary donation to the board as custodian of the capitol complex fund or other eligible

recipient. Upon receipt of such donation, the board or other eligible recipient shall issue to the qualified donor a statement evidencing receipt of such donation, including the value of such donation, with a copy to the department. Upon receipt of the statement from the eligible recipient, the department shall issue a tax credit certificate equal to fifty percent of the amount of the donation, to the qualified donor, as indicated in the statement from the eligible recipient.

7. To claim a credit for an eligible artifact donation as set forth in subsection 5 of this section, a qualified donor shall donate an eligible artifact to the board of public buildings. If the board of public buildings determines that artifact is an eligible artifact, and has determined to accept the artifact, it shall issue a statement of donation to the eligible donor specifying the value placed on the artifact by the board of public buildings, with a copy to the department. Upon receiving a statement from the board of public buildings, the department shall issue a tax credit certificate equal to thirty percent of the amount of the donation, to the qualified donor as indicated in the statement from the board of public buildings.

8. The department shall not authorize more than ten million dollars in tax credits provided under this section in any calendar year. Donations shall be processed for tax credits on a first come, first serve basis. Donations received in excess of the tax credit cap shall be placed in line for tax credits issued the following year or shall be given the opportunity to complete their donation without the expectation of a tax credit, or shall request to have their donation returned.

188 9. Tax credits issued under the provisions of this
189 section shall not be subject to the payment of any fee
190 required under the provisions of section 620.1900.

191 10. Tax credits issued under this section may be
192 assigned, transferred, sold, or otherwise conveyed, and the
193 new owner of the tax credit shall have the same rights in
194 the credit as the taxpayer. Whenever a certificate is
195 assigned, transferred, sold, or otherwise conveyed, a
196 notarized endorsement shall be filed with the department
197 specifying the name and address of the new owner of the tax
198 credit and the value of the credit.

199 11. The department may promulgate rules to implement
200 the provisions of this section. Any rule or portion of a
201 rule, as that term is defined in section 536.010, that is
202 created under the authority delegated in this section shall
203 become effective only if it complies with and is subject to
204 all of the provisions of chapter 536 and, if applicable,
205 section 536.028. This section and chapter 536 are
206 nonseverable and if any of the powers vested with the
207 general assembly pursuant to chapter 536 to review, to delay
208 the effective date, or to disapprove and annul a rule are
209 subsequently held unconstitutional, then the grant of
210 rulemaking authority and any rule proposed or adopted after
211 August 28, 2021, shall be invalid and void.

212 12. Pursuant to section 23.253 of the Missouri sunset
213 act:

214 (1) The provisions of the new program authorized under
215 this section shall sunset automatically six years after
216 August 28, 2021, unless reauthorized by an act of the
217 general assembly;

218 (2) If such program is reauthorized, the program
219 authorized under this section shall sunset automatically
220 twelve years after August 28, 2021; and

221 (3) This section shall terminate on September first of
222 the calendar year immediately following the calendar year in
223 which the program authorized under this section is sunset.

 Section B. Because of the importance of property tax
2 relief, the enactment of section 139.305 of this act is
3 deemed necessary for the immediate preservation of the
4 public health, welfare, peace, and safety, and is hereby
5 declared to be an emergency act within the meaning of the
6 constitution, and the enactment of section 139.305 of this
7 act shall be in full force and effect upon its passage and
8 approval.