

FIRST EXTRAORDINARY SESSION OF THE

FIRST REGULAR SESSION

# SENATE BILL NO. 3

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

3295S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 67.3000 and 67.3005, RSMo, and to enact in lieu thereof four new sections relating to taxation.

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

Section A. Sections 67.3000 and 67.3005, RSMo, are  
2 repealed and four new sections enacted in lieu thereof, to be  
3 known as sections 67.3000, 67.3005, 100.240, and 135.445, to  
4 read as follows:

67.3000. 1. As used in this section and section  
2 67.3005, the following words shall mean:

3 (1) "Active member", an organization located in the  
4 state of Missouri which solicits and services sports events,  
5 sports organizations, and other types of sports-related  
6 activities in that community;

7 (2) "Applicant" or "applicants", one or more certified  
8 sponsors, endorsing counties, endorsing municipalities, or a  
9 local organizing committee, acting individually or  
10 collectively;

11 (3) "Certified sponsor" or "certified sponsors", a  
12 nonprofit organization which is an active member of the  
13 [National Association of Sports Commissions] **Sports Events**  
14 **and Tourism Association;**

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

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

17           (5) "Director", the director of revenue;

18           (6) ["Eligible costs" shall include:

19           (a) Costs necessary for conducting the sporting event;

20           (b) Costs relating to the preparations necessary for  
21 the conduct of the sporting event; and

22           (c) An applicant's pledged obligations to the site  
23 selection organization as evidenced by the support contract  
24 for the sporting event including, but not limited to, bid  
25 fees and financial guarantees.

26 Eligible costs shall not include any cost associated with  
27 the rehabilitation or construction of any facilities used to  
28 host the sporting event or direct payments to a for-profit  
29 site selection organization, but may include costs  
30 associated with the retrofitting of a facility necessary to  
31 accommodate the sporting event;

32           (7)] "Eligible donation", donations received, by a  
33 certified sponsor or local organizing committee, from a  
34 taxpayer that may include cash, publicly traded stocks and  
35 bonds, and real estate that will be valued and documented  
36 according to rules promulgated by the department. Such  
37 donations shall be used solely to provide funding to attract  
38 sporting events to this state;

39           [(8)] (7) "Endorsing municipality" or "endorsing  
40 municipalities", any city, town, incorporated village, or  
41 county that contains a site selected by a site selection  
42 organization for one or more sporting events;

43           [(9)] (8) "Joinder agreement", an agreement entered  
44 into by one or more applicants, acting individually or  
45 collectively, and a site selection organization setting out

46 representations and assurances by each applicant in  
47 connection with the selection of a site in this state for  
48 the location of a sporting event;

49 [(10)] (9) "Joinder undertaking", an agreement entered  
50 into by one or more applicants, acting individually or  
51 collectively, and a site selection organization that each  
52 applicant will execute a joinder agreement in the event that  
53 the site selection organization selects a site in this state  
54 for a sporting event;

55 [(11)] (10) "Local organizing committee", a nonprofit  
56 corporation or its successor in interest that:

57 (a) Has been authorized by one or more certified  
58 sponsors, endorsing municipalities, or endorsing counties,  
59 acting individually or collectively, to pursue an  
60 application and bid on its or the applicant's behalf to a  
61 site selection organization for selection as the host of one  
62 or more sporting events; or

63 (b) With the authorization of one or more certified  
64 sponsors, endorsing municipalities, or endorsing counties,  
65 acting individually or collectively, executes an agreement  
66 with a site selection organization regarding a bid to host  
67 one or more sporting events;

68 (11) **"Registered participant", an individual who is**  
69 **registered to compete in a sporting event, or an athlete,**  
70 **coach, or other individual who is part of a team's official**  
71 **contingent with an official capacity for such sporting event;**

72 (12) "Site selection organization", the National  
73 Collegiate Athletic Association (NCAA); an NCAA member  
74 conference, university, or institution; the National  
75 Association of Intercollegiate Athletics (NAIA); the United  
76 States Olympic & Paralympic Committee [(USOC)] (USOPC); a  
77 national governing body (NGB) or international federation of

a sport recognized by the [USOC] **USOPC**; the United States Golf Association (USGA); the United States Tennis Association (USTA); the Amateur Athletic Union (AAU); the National Christian College Athletic Association (NCCAA); the National Junior College Athletic Association (NJCAA); the United States Sports Specialty Association (USSSA); any rights holder member of the [National Association of Sports Commissions (NASC)] **Sports Events and Tourism Association (Sports ETA)**; other major regional, national, and international sports associations, and amateur organizations that promote, organize, or administer sporting games or competitions; or other major regional, national, and international organizations that promote or organize sporting events;

(13) "Sporting event" or "sporting events", an amateur, collegiate, or Olympic sporting event that is competitively bid or is awarded by a site selection organization;

(14) "Support contract" or "support contracts", an event award notification, joinder undertaking, joinder agreement, or contract executed by an applicant and a site selection organization;

(15) "Tax credit" or "tax credits", a credit or credits issued by the department against the tax otherwise due under chapter 143 or 148, excluding withholding tax imposed under sections 143.191 to 143.265;

(16) "Taxpayer", any of the following individuals or entities who make an eligible donation:

(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 under chapter 143;

(b) A corporation subject to the annual corporation franchise tax imposed under 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 under chapter 143;

(f) Any charitable organization 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.

2. An applicant may submit a copy of a support contract for a sporting event to the department. Within sixty days of receipt of the sporting event support contract, the department may review the applicant's support contract and certify such support contract if it complies with the requirements of this section. Upon certification of the support contract by the department, the applicant may be authorized to receive the tax credit under subsection 4 of this section.

3. No more than ninety days following the conclusion of the sporting event, the applicant shall submit [eligible costs and documentation of the costs evidenced by receipts, paid invoices, event settlements, or other documentation in a manner prescribed by the department. Eligible costs may be paid by the applicant or an entity cohosting the event with the applicant] **a ticket sales or box office statement verifying the total number of tickets sold for such event, or, if such event was participant-based, a list of all registered participants.**

142 4. (1) [No later than seven days following the  
143 conclusion of the sporting event, the department, in  
144 consultation with the director, shall determine the total  
145 number of tickets sold at face value for such event or, if  
146 such event was participant-based and did not sell admission  
147 tickets, the total number of paid participant registrations.

148 (2)] No later than sixty days following the receipt of  
149 [eligible costs and] documentation of [such costs] **ticket**  
150 **sales or registered participants** from the applicant as  
151 required in subsection 3 of this section, the department  
152 shall, except for the limitations under subsection 5 of this  
153 section, issue **a certificate for** a refundable tax credit to  
154 the applicant for [the least of]:

155 (a) [One hundred percent of eligible costs incurred by  
156 the applicant;

157 (b)] An amount equal to [five] **six** dollars for every  
158 admission ticket sold to such event; or

159 [(c)] (b) An amount equal to [ten] **twelve** dollars for  
160 every [paid] **registered** participant [registration] if such  
161 event was participant-based [and did not sell admission  
162 tickets].

163 The calculations under paragraphs [(b)] (a) and [(c)] (b) of  
164 this subdivision shall use the actual number of tickets sold  
165 or [registrations paid] **registered participants**, not an  
166 estimated amount.

167 (2) The department of revenue shall issue a refund of  
168 the refundable tax credit to the applicant within ninety  
169 days of the applicant's submission of a valid tax credit  
170 certificate issued in accordance with subdivision (1) of  
171 this subsection. Notwithstanding any provision of law to

the contrary, this may include a refund issued in advance of the close of the tax period to which the tax credit applies.

(3) Tax credits authorized by this section may be claimed against taxes imposed by chapters 143 and 148 [and shall be claimed within one year of the close of the tax year for which the credits were issued]. Tax credits authorized by this section [may] **shall not** be transferred, sold, or assigned [by filing a notarized endorsement thereof with the department that names the transferee, the amount of tax credit transferred, and the value received for the credit, as well as any other information reasonably requested by the department]. **Notwithstanding any provision of law to the contrary, tax credits authorized by this section may be refunded at any time following issuance, even prior to the close of the tax period for which the credits were issued. An erroneous, excessive, or improper refund of these tax credits shall be considered an underpayment of tax on the date made. If any applicant is issued tax credits pursuant to this section that are refunded to such applicant, but the department of revenue later determines that the applicant receiving the credits owes or owed taxes that were not paid for the tax year for which the tax credit was issued, such applicant shall pay to the department of revenue the applicant's tax liability still due, including any underpayment caused by the erroneous, excessive, or improper refund of these tax credits. The department of revenue may promulgate such rules as are necessary to administer such clawback provisions under this subdivision.**

5. In no event shall the amount of tax credits issued by the department under subsection 4 of this section exceed [three] **six** million dollars in any fiscal year. For all events located within the following counties, the total

204 amount of tax credits issued shall not exceed **[two] five**  
205 million **[seven] five** hundred thousand dollars in any fiscal  
206 year:

207 (1) A county with a charter form of government and  
208 with more than six hundred thousand inhabitants; or

209 (2) A city not within a county.

210 6. An applicant shall provide any information  
211 necessary as determined by the department for the department  
212 and the director to fulfill the duties required by this  
213 section. At any time upon the request of the state of  
214 Missouri, a certified sponsor shall subject itself to an  
215 audit conducted by the state.

216 7. This section shall not be construed as creating or  
217 requiring a state guarantee of obligations imposed on an  
218 endorsing municipality under a support contract or any other  
219 agreement relating to hosting one or more sporting events in  
220 this state.

221 8. The department shall only certify an applicant's  
222 support contract for a sporting event in which the site  
223 selection organization has yet to select a location for the  
224 sporting event as of December 1, 2012. No support contract  
225 shall be certified unless the site selection organization  
226 has chosen to use a location in this state from competitive  
227 bids, at least one of which was a bid for a location outside  
228 of this state, except that competitive bids shall not be  
229 required for any previously-awarded event whose site  
230 selection organization extends its contractual agreement  
231 with the event's certified sponsor or for any **[post-season]**  
232 **neutral-site** collegiate **[football game or other neutral-**  
233 **site]** game with at least one out-of-state team. Support  
234 contracts shall not be certified by the department after  
235 August 28, **[2025] 2032**, provided that the support contracts



236 may be certified on or prior to August 28, [2025] 2032, for  
237 sporting events that will be held after such date.

238 9. The department may promulgate rules as necessary to  
239 implement the provisions of this section. Any rule or  
240 portion of a rule, as that term is defined in section  
241 536.010, that is created under the authority delegated in  
242 this section shall become effective only if it complies with  
243 and is subject to all of the provisions of chapter 536 and,  
244 if applicable, section 536.028. This section and chapter  
245 536 are nonseverable and if any of the powers vested with  
246 the general assembly pursuant to chapter 536 to review, to  
247 delay the effective date, or to disapprove and annul a rule  
248 are subsequently held unconstitutional, then the grant of  
249 rulemaking authority and any rule proposed or adopted after  
250 August 28, 2013, shall be invalid and void.

251 **10. The repeal and reenactment of subsection 8 of this**  
252 **section shall become effective on the effective date of this**  
253 **act and the repeal and reenactment of the remainder of the**  
254 **provisions of this section shall become effective July 1,**  
255 **2026, and shall apply only to tax credits issued on or after**  
256 **July 1, 2026.**

67.3005. 1. For all tax years beginning on or after  
2 January 1, 2013, any taxpayer shall be allowed a credit  
3 against the taxes otherwise due under chapter 143, 147, or  
4 148, excluding withholding tax imposed by sections 143.191  
5 to 143.265, in an amount equal to fifty percent of the  
6 amount of an eligible donation, subject to the restrictions  
7 in this section. The amount of the tax credit claimed shall  
8 not exceed the amount of the taxpayer's state income tax  
9 liability in the tax year for which the credit is claimed.  
10 Any amount of credit that the taxpayer is prohibited by this  
11 section from claiming in a tax year shall not be refundable,

12 but may be carried forward to any of the taxpayer's two  
13 subsequent tax years.

14 2. To claim the credit authorized in this section, a  
15 certified sponsor or local organizing committee shall submit  
16 to the department an application for the tax credit  
17 authorized by this section on behalf of taxpayers. The  
18 department shall verify that the applicant has submitted the  
19 following items accurately and completely:

20 (1) A valid application in the form and format  
21 required by the department;

22 (2) A statement attesting to the eligible donation  
23 received, which shall include the name and taxpayer  
24 identification number of the individual making the eligible  
25 donation, the amount of the eligible donation, and the date  
26 the eligible donation was received; and

27 (3) Payment from the certified sponsor or local  
28 organizing committee equal to the value of the tax credit  
29 for which application is made.

30 If the certified sponsor or local organizing committee  
31 applying for the tax credit meets all criteria required by  
32 this subsection, the department shall issue a certificate in  
33 the appropriate amount.

34 3. Tax credits issued under this section may be  
35 assigned, transferred, sold, or otherwise conveyed, and the  
36 new owner of the tax credit shall have the same rights in  
37 the credit as the taxpayer. Whenever a certificate is  
38 assigned, transferred, sold, or otherwise conveyed, a  
39 notarized endorsement shall be filed with the department  
40 specifying the name and address of the new owner of the tax  
41 credit or the value of the credit. In no event shall the  
42 amount of tax credits issued by the department under this

43 section exceed [ten million] **five hundred thousand** dollars  
44 in any fiscal year.

45 4. The department shall promulgate rules to implement  
46 the provisions of this section. Any rule or portion of a  
47 rule, as that term is defined in section 536.010, that is  
48 created under the authority delegated in this section shall  
49 become effective only if it complies with and is subject to  
50 all of the provisions of chapter 536 and, if applicable,  
51 section 536.028. This section and chapter 536 are  
52 nonseverable and if any of the powers vested with the  
53 general assembly pursuant to chapter 536 to review, to delay  
54 the effective date, or to disapprove and annul a rule are  
55 subsequently held unconstitutional, then the grant of  
56 rulemaking authority and any rule proposed or adopted after  
57 August 28, 2013, shall be invalid and void.

58 5. Under section 23.253 of the Missouri sunset act:

59 (1) The provisions of the new program authorized under  
60 **this section and section 67.3000** [and under this section]  
61 shall automatically sunset six years after August 28, [2019]  
62 **2026**, unless reauthorized by an act of the general assembly;  
63 and

64 (2) If such program is reauthorized, the program  
65 authorized under **this section and section 67.3000** [and under  
66 this section] shall automatically sunset twelve years after  
67 the effective date of the reauthorization of these sections;  
68 and

69 (3) Section 67.3000 and this section shall terminate  
70 on September first of the calendar year immediately  
71 following the calendar year in which the program authorized  
72 under these sections is sunset.

73 **6. The repeal and reenactment of subsection 5 of this**  
74 **section shall become effective on the effective date of this**

75 act and the repeal and reenactment of the remainder of the  
76 provisions of this section shall become effective July 1,  
77 2026, and shall apply only to tax credits issued on or after  
78 July 1, 2026.

100.240. 1. This section shall be known and may be  
2 cited as the "Show-Me Sports Investment Act".

3 2. The state of Missouri, acting through the  
4 department and the office of administration, may, upon such  
5 terms and with reasonable consideration as it may determine,  
6 subject to appropriation, expend funds for the purpose of  
7 aiding and cooperating in the planning, undertaking,  
8 financing, or carrying out of an athletic and entertainment  
9 facility project for which application is made to the  
10 department and approved by the director and the commissioner.

11 3. As used in this section, the following terms shall  
12 mean:

13 (1) "Athletic and entertainment facility", structures,  
14 fixtures, systems, and facilities of sports and  
15 entertainment venues with seating capacity of more than  
16 thirty thousand, including associated parking facilities,  
17 and that the director and commissioner determine is a  
18 contributing factor in the attraction or retention of  
19 sports, recreational, or entertainment activities, whether  
20 professional, commercial, or private, and a primary factor  
21 in the retention of a professional sports franchise in the  
22 state. An athletic and entertainment facility may include a  
23 professional sports franchise's headquarters facility and  
24 training facility, regardless of whether they are co-located  
25 in or adjacent to the stadium, but still located within the  
26 state. Such structures, fixtures, systems, and facilities  
27 may include, but are not limited to, foundations, roofs,  
28 interior and exterior walls or windows, floors, steps,

29 stairs, concourses, hallways, restrooms, event or meeting  
30 spaces or other hospitality-related areas, concession or  
31 food preparation areas, or services systems such as  
32 mechanical, gas utility, electrical, lighting,  
33 communication, sound, sanitary, HVAC, elevator, escalator,  
34 plumbing, sprinkler, cabling and wiring, life-safety  
35 security cameras, access deterrents, public safety  
36 improvements, or other building systems;

37 (2) "Baseline year", the calendar year prior to  
38 submission of an application to the department under this  
39 section;

40 (3) "Baseline year state tax revenues", the state tax  
41 revenues derived directly from the operations of the  
42 athletic and entertainment facility of the professional  
43 sports franchise, including vendors and tenants located in  
44 the athletic and entertainment facility, during the baseline  
45 year;

46 (4) "Board", the Missouri development finance board  
47 created by section 100.265;

48 (5) "Commissioner", the commissioner of the office of  
49 administration of the state of Missouri;

50 (6) "Department", the Missouri department of economic  
51 development created by section 620.010;

52 (7) "Director", the director of the department of  
53 economic development;

54 (8) "Lease", a lease agreement between the  
55 professional sports franchise and the owner of the athletic  
56 and entertainment facility, without regard to options to  
57 renew the lease. For the purposes of subdivision (5) of  
58 subsection 5 of this section, in the event one component of  
59 the athletic and entertainment facility has a different end

60 of the term of the lease date than another component, the  
61 lease term that ends the latest in time shall be applicable;

62 (9) "Professional sports franchise", any professional  
63 sports team that is a member of Major League Baseball or the  
64 National Football League;

65 (10) "Project", the development, construction,  
66 reconstruction, rehabilitation, repair, or improvement of  
67 any athletic and entertainment facility for which an  
68 application is made and approved by the director and the  
69 commissioner. A project must have total project costs of at  
70 least five hundred million dollars to be eligible for  
71 funding under this section. Residential, commercial,  
72 retail, or mixed-use development adjacent to an athletic and  
73 entertainment facility shall not be included as part of the  
74 project;

75 (11) "State tax liability", any liability incurred by  
76 a taxpayer under chapter 143, 147, or 148, exclusive of the  
77 provisions relating to the withholding of tax as provided  
78 for in sections 143.191 to 143.265 and related provisions;

79 (12) "State tax revenues", the sum of the following:

80 (a) The general revenue portion of state sales tax  
81 revenues received under section 144.020, excluding sales  
82 taxes that are constitutionally dedicated, taxes deposited  
83 to the school district trust fund in accordance with section  
84 144.701, sales and use taxes on motor vehicles, trailers,  
85 boats, and outboard motors, and future sales taxes earmarked  
86 by law;

87 (b) The state income tax withheld on behalf of  
88 employees by an employer under section 143.221; and

89 (c) The nonresident professional athletes and  
90 entertainers state income tax revenues as set forth in  
91 section 143.183;

92           (13) "Tax credit", a credit against the taxpayer's  
93   state tax liability, or which may be transferred or sold as  
94   provided for in subsection 7 of section 100.286.

95           4. Applicants shall submit an application to the  
96   department containing all information required by the  
97   department, including information to ascertain the  
98   applicant's baseline year state tax revenues. The director  
99   and the commissioner shall review the application for  
100   eligibility and may, in their discretion, enter into an  
101   agreement as described in subsection 2 of this section,  
102   provided the agreement meets all other requirements of this  
103   section. Notwithstanding section 32.057 to the contrary,  
104   the department of revenue shall, pursuant to an agreement as  
105   authorized by section 610.032, disclose to the director and  
106   the commissioner, or their duly authorized employees,  
107   information from reports or returns so that the baseline  
108   state tax revenues can be verified.

109          5. Any annual expenditure by the state in connection  
110   with an athletic and entertainment facility project shall be  
111   subject to annual appropriation and shall be no greater than  
112   an amount equal to the baseline year state tax revenues for  
113   the applicable professional sports franchise's athletic and  
114   entertainment facility, as stated in an agreement entered  
115   into between the department, the office of administration,  
116   and the applicant; provided, however, that:

117           (1) The term of state appropriations under any such  
118   agreement shall not exceed thirty years;

119           (2) The annual amount of the state appropriation  
120   authorized under this section for a project shall not exceed  
121   an amount equal to the baseline year state tax revenues for  
122   the athletic and entertainment facility of the professional  
123   sports franchise for any fiscal year;

124           (3) The net bond proceeds of any bonds supported by  
125 annual expenditures by the state under subsections 2 to 5 of  
126 this section for any project shall not exceed fifty percent  
127 of the total costs of the project;

128           (4) The director and the commissioner are satisfied  
129 that there is sufficient public investment made or to be  
130 made by units of local government to support infrastructure  
131 or other needs generated by the project; and

132           (5) For any athletic and entertainment facility  
133 project for which funds are expended under this section, if  
134 the owners of the applicable professional sports franchise  
135 relocate any of the professional sports franchise, athletic  
136 and entertainment facility, headquarters, or training  
137 facility, and if any such facility is located in the state  
138 at the time the application is submitted or is constructed  
139 in the state as part of the project, to another state during  
140 the term of the agreement entered into under subsections 2  
141 to 5 of this section, it shall be considered a default  
142 event, and such owners of the professional sports franchise  
143 shall repay to the state general revenue fund:

144           (a) The amount of funds expended by the state pursuant  
145 to such agreement through the date of default event;

146           (b) The total debt service remaining for any  
147 outstanding bonded indebtedness for the project that was to  
148 be paid from state revenues under the agreement after the  
149 date of the default event through the maturity date of any  
150 such bonds or an amount sufficient to pay off any such  
151 bonds; and

152           (c) The amount of the tax credits issued under  
153 subsection 6 of this section. If, however, the default  
154 event occurs within five years of the ending of the term of  
155 the lease, then the owners of the professional sports



franchise shall be responsible for the total debt service remaining for any outstanding bonded indebtedness for the project that was to be paid from state revenues under the agreement or an amount sufficient to pay off any such bonds, and for no other funds expended by the state under the agreement nor for tax credits issued under subsection 6 of this section.

6. (1) For the purposes of funding an athletic and entertainment facility project as described in this section, the board may, in addition to the authority under subsection 6 of section 100.286, authorize any taxpayer, including any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed pursuant to chapter 143, to receive a tax credit in the amount of fifty percent of any amount contributed in money or property by the taxpayer to the infrastructure development fund during the taxpayer's tax year, provided, however, the tax credits awarded under this subsection for an athletic and entertainment facility project shall not exceed ten percent of the amount of private investment in the athletic and entertainment facility project or fifty million dollars, whichever is less, and the total of such tax credits may be issued over a maximum of three calendar years, at the discretion of the board. Such credit shall not apply to reserve participation fees paid by borrowers under sections 100.250 to 100.297.

(2) The portion of earned tax credits which exceeds the taxpayer's tax liability may be carried forward for up to five years following the issuance year.

(3) The annual limits in section 100.286 shall not apply to tax credits issued under this subsection. Tax

credits issued under this subsection shall not count towards the annual limits in section 100.286.

(4) The tax credits issued under this subsection may be transferred or sold as described in subsection 7 of section 100.286.

(5) If an athletic and entertainment facility project receives tax credits under this subsection, such athletic and entertainment facility project shall not be permitted to receive tax credits under section 100.286.

7. In addition to any other authority granted under section 100.250, the board is authorized to issue its bonds payable from the annual expenditure by the state described in this section to assist in the financing of an athletic and entertainment facility project.

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

(1) "Homestead", real property occupied by a taxpayer as the primary residence as a homeowner or dwelling as a renter for more than half the year and which is used for all tax and legal purposes in Missouri;

(2) "State tax liability", the liability incurred by a taxpayer under provisions of chapter 143, exclusive of provisions relating to the withholding of tax as provided in sections 143.191 to 143.265;

(3) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265;

(4) "Taxpayer", an individual subject to income tax imposed under 143.011, excluding withholding tax imposed by sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2025, any taxpayer whose homestead received damage within an

19 area included in an executive order declaring a state of  
20 emergency issued by the governor and for which a request for  
21 presidential disaster declaration has been made by the  
22 governor shall be allowed a maximum tax credit of two  
23 thousand five hundred dollars against a state tax liability.

24 3. Each taxpayer claiming a tax credit under this  
25 section shall file a signed affidavit with their income tax  
26 return verifying:

27 (1) The address, including county, of the primary  
28 homestead that suffered damages; and

29 (2) The date the disaster occurred.

30 4. If multiple taxpayers are located at the same  
31 homestead address, whether a homeowner or renter, or reside  
32 at or held ownership interest in the same homestead during  
33 the tax year, the credit shall be pro-rated equally among  
34 all such eligible taxpayers unless such taxpayers jointly  
35 elect an alternate allocation of the tax credit.

36 5. Tax credits issued under this section are not  
37 refundable. No tax credit claimed under this section shall  
38 be carried forward to any subsequent year.

39 6. No tax credit granted under this section shall be  
40 transferred, sold, or assigned.

41 7. No taxpayer shall be able to claim more than one  
42 credit under this section in a tax year.

43 8. The department of revenue may promulgate rules and  
44 regulations necessary to implement the provisions of this  
45 section. Any rule or portion of a rule, as that term is  
46 defined in section 536.010, that is created under the  
47 authority delegated in this section shall become effective  
48 only if it complies with and is subject to all of the  
49 provisions of chapter 536 and, if applicable, section  
50 536.028. This section and chapter 536 are nonseverable and

51 if any of the powers vested with the general assembly  
52 pursuant to chapter 536 to review, to delay the effective  
53 date, or to disapprove and annul a rule are subsequently  
54 held unconstitutional, then the grant of rulemaking  
55 authority and any rule proposed or adopted after the  
56 effective date of this act, shall be invalid and void.

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