

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1408
101ST GENERAL ASSEMBLY

2525H.02C

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapters 1 and 135, RSMo, by adding thereto three new sections relating to financial transactions.

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

Section A. Chapters 1 and 135, RSMo, are amended by adding thereto three new sections, to be known as sections 1.600, 135.1400, and 135.1402, to read as follows:

1.600. Notwithstanding any law to the contrary, if a business is closed for at least sixty days solely due to a shutdown order, any fee for a business license shall be waived for the business during the period of the shutdown order or six months, whichever is more. Fees for a business license may be prorated. As used in this section, "shutdown order" means any order by the state, or an agency or political subdivision thereof, to close a business during a state of emergency declared by the governor that is caused by any reason outside the business's control. This section shall not be construed to apply to a license or certification of an individual to practice a profession. The state shall reimburse political subdivisions for revenues lost due to this section.

135.1400. 1. As used in this section, the following terms mean:

(1) "Qualified amount", for a given tax year, a percentage of the total amount of personal property tax for which a taxpayer is liable under the laws of this state, as calculated according to the table provided in subsection 4 of this section;

(2) "Qualified taxpayer", any business organization located in this state that has a personal property tax liability for a given tax year and that was shut down during the tax year by a political subdivision or government entity;

(3) "Shut down", to order a closure of a business organization in this state for more than fourteen days, by any political subdivision or government entity, during an official

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

10 state of emergency as declared by the governor of this state, for reasons not relating to any
 11 fault on the part of the business organization. For purposes of this subdivision, "reasons
 12 not relating to any fault on the part of a business organization" includes, but is not limited
 13 to, communicable disease spread by direct human contact such as person-to-person contact
 14 or droplet spread, but does not include violations of sanitation or food safety rules,
 15 violations of structural safety rules, or the occurrence of natural disasters such as
 16 tornadoes, floods, or earthquakes.

17 2. (1) For all tax years beginning on or after January 1, 2021, a qualified taxpayer
 18 shall be allowed to claim a tax credit against the taxpayer's state income tax liability, in an
 19 amount equal to the taxpayer's qualified amount.

20 (2) Notwithstanding the provisions of subdivision (1) of this subsection to the
 21 contrary, a taxpayer shall receive only up to fifty thousand dollars per tax credit per tax
 22 year. Any portion of a tax credit that exceeds fifty thousand dollars may be carried
 23 forward to subsequent tax years. In each subsequent tax year, the taxpayer shall be
 24 entitled to receive up to fifty thousand dollars of any remaining portion of the tax credit.

25 3. Tax credits issued under this section shall be refundable but shall not be
 26 assigned, transferred, sold, or otherwise conveyed.

27 4. The qualified amount of a qualified taxpayer shall be calculated according to the
 28 following table:

29 Duration of the taxpayer's shutdown 30 by a political subdivision	Percentage of the taxpayer's total personal property tax liability included in the taxpayer's qualified amount
31 90 days or more	100%
32 75 to 89 days	83 1/3%
33 60 to 74 days	66 2/3%
34 45 to 59 days	50%
35 30 to 44 days	33 1/3%
36 15 to 29 days	16 2/3%

37 5. The department of revenue may promulgate all rules and regulations necessary
 38 for the administration of this section including, but not limited to, rules relating to the
 39 verification of a taxpayer's shutdown by a political subdivision and the verification of the
 40 amount of a taxpayer's personal property tax liability. Political subdivisions shall
 41 collaborate with the department of revenue and shall provide the department of revenue
 42 with such property tax information as may be necessary for the administration of this
 43 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is

44 created under the authority delegated in this section shall become effective only if it
45 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
46 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
47 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
48 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
49 grant of rulemaking authority and any rule proposed or adopted after August 28, 2021,
50 shall be invalid and void.

51 6. Under section 23.253 of the Missouri sunset act:

52 (1) The provisions of this section shall automatically sunset six years after the
53 effective date of this section unless reauthorized by an act of the general assembly;

54 (2) If such provisions are reauthorized, the provisions of this section shall
55 automatically sunset twelve years after the effective date of the reauthorization; and

56 (3) This section shall terminate on September first of the calendar year immediately
57 following the calendar year in which the provisions of this section are sunset.

135.1402. 1. As used in this section, the following terms mean:

2 (1) "Qualified amount", for a given tax year, a percentage of the total amount of
3 property tax imposed under the laws of this state on the real property on which a qualified
4 taxpayer is located, as calculated according to the table provided in subsection 4 of this
5 section;

6 (2) "Qualified taxpayer", any business organization located within this state that
7 was shut down during the tax year by a political subdivision or government entity;

8 (3) "Shut down", to order a closure of a business organization in this state for more
9 than fourteen days, by any political subdivision or government entity, during an official
10 state of emergency as declared by the governor of this state, for reasons not relating to any
11 fault on the part of the business organization. For purposes of this subdivision, "reasons
12 not relating to any fault on the part of a business organization" includes, but is not limited
13 to, communicable disease spread by direct human contact such as person-to-person contact
14 or droplet spread, but does not include violations of sanitation or food safety rules,
15 violations of structural safety rules, or the occurrence of natural disasters such as
16 tornadoes, floods, or earthquakes.

17 2. (1) For all tax years beginning on or after January 1, 2021, a qualified taxpayer
18 shall be allowed to claim a tax credit against the taxpayer's state income tax liability, in an
19 amount equal to the taxpayer's qualified amount.

20 (2) Notwithstanding the provisions of subdivision (1) of this subsection to the
21 contrary, a taxpayer shall receive only up to fifty thousand dollars per tax credit per tax
22 year. Any portion of a tax credit that exceeds fifty thousand dollars may be carried

23 forward to subsequent tax years. In each subsequent tax year, the taxpayer shall be
24 entitled to receive up to fifty thousand dollars of any remaining portion of the tax credit.

25 3. Tax credits issued under this section shall be refundable but shall not be
26 assigned, transferred, sold, or otherwise conveyed.

27 4. The qualified amount of a qualified taxpayer shall be calculated according to the
28 following table:

Duration of the taxpayer's shutdown by a political subdivision	Percentage of the property tax liability for the real property on which the taxpayer is located included in the taxpayer's qualified amount
90 days or more	100%
75 to 89 days	83 1/3%
60 to 74 days	66 2/3%
45 to 59 days	50%
30 to 44 days	33 1/3%
15 to 29 days	16 2/3%

37 5. If a qualified taxpayer is not the owner of the real property on which the
38 qualified taxpayer is located, the qualified taxpayer shall determine the property tax
39 liability for such real property by requesting a document, which shall be provided by the
40 county collector or by any other local government official responsible for maintaining
41 property tax records, that details such information.

42 6. Notwithstanding any provision of this section to the contrary, if the real property
43 on which a qualified taxpayer is located is used by more than one qualified taxpayer, all
44 qualified taxpayers located on such real property shall be eligible for the tax credit
45 authorized under this section, but the total amount of the tax credit allowed to each
46 qualified taxpayer shall be divided by the total number of such qualified taxpayers located
47 on the real property.

48 7. The department of revenue may promulgate all rules and regulations necessary
49 for the administration of this section including, but not limited to, rules relating to the
50 verification of a taxpayer's shutdown by a political subdivision and the verification of real
51 property tax liability amounts. County officials shall collaborate with the department of
52 revenue and shall provide the department of revenue with such property tax information
53 as may be necessary for the administration of this section. Any rule or portion of a rule,
54 as that term is defined in section 536.010, that is created under the authority delegated in
55 this section shall become effective only if it complies with and is subject to all of the
56 provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536

57 are nonseverable, and if any of the powers vested with the general assembly pursuant to
58 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
59 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
60 proposed or adopted after August 28, 2021, shall be invalid and void.

61 **8. Under section 23.253 of the Missouri sunset act:**

62 **(1) The provisions of this section shall automatically sunset six years after the**
63 **effective date of this section unless reauthorized by an act of the general assembly;**

64 **(2) If such provisions are reauthorized, the provisions of this section shall**
65 **automatically sunset twelve years after the effective date of the reauthorization; and**

66 **(3) This section shall terminate on September first of the calendar year immediately**
67 **following the calendar year in which the provisions of this section are sunset.**

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