

HOUSE BILL NO. 2549

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GUNBY.

5216H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for planting native species.

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be known as section 135.702, to read as follows:

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

(1) "Native plant species", a plant species that is indigenous to Missouri;

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

(3) "Taxpayer", any individual subject to the state income tax imposed under chapter 143, excluding the withholding tax imposed under sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2023, each individual taxpayer who plants a native plant species at his or her primary place of residence shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to the cost of the plant and associated planting materials.

3. The tax credit allowed to each taxpayer under this section shall not exceed one hundred dollars per taxpayer per tax year.

4. The tax credit claimed under this section may not reduce the taxpayer's liability to less than zero. If the amount of the credit exceeds the taxpayer's liability, the excess may be carried forward and applied against the taxpayer's liability in the next five succeeding calendar years. The excess credits shall be applied to the earliest year

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.

17 for which there is a tax liability. If there are credits from more than one tax year
18 available to offset a liability, the earlier credit shall be applied first.

19 5. No tax credit claimed under this section shall be assigned, transferred, sold, or
20 otherwise conveyed.

21 6. The department of conservation shall compile a list of native plant species that
22 are eligible for the credit under this section and update that list on an annual basis.

23 7. The department of revenue, in consultation with the department of
24 conservation, shall promulgate all necessary rules and regulations for the
25 administration of this section including, but not limited to, rules relating to the
26 verification of a taxpayer's qualified amount. Any rule or portion of a rule, as that term
27 is defined in section 536.010, that is created under the authority delegated in this section
28 shall become effective only if it complies with and is subject to all of the provisions of
29 chapter 536 and, if applicable, section 536.028. This section and chapter 536 are
30 nonseverable, and if any of the powers vested with the general assembly pursuant to
31 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
32 subsequently held unconstitutional, then the grant of rulemaking authority and any rule
33 proposed or adopted after August 28, 2022, shall be invalid and void.

34 8. Under section 23.253 of the Missouri sunset act:

35 (1) The provisions authorized under this section shall automatically sunset on
36 December thirty-first six years after the effective date of this section unless reauthorized
37 by an act of the general assembly;

38 (2) If reauthorized, the provisions authorized under this section shall
39 automatically sunset on December thirty-first twelve years after the effective date of
40 the reauthorization of this section; and

41 (3) This section shall terminate on September first of the calendar year
42 immediately following the calendar year in which the provisions authorized under this
43 section are sunset.

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