

FIRST REGULAR SESSION

HOUSE BILL NO. 39

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE GASKILL.

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ANNE C. WALKER, Chief Clerk

0470L.011

AN ACT

To repeal sections 143.121 and 143.124, RSMo 2000, relating to income taxation, and to enact in lieu thereof two new sections relating to the same subject.

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

Section A. Sections 143.121 and 143.124, RSMo 2000, are repealed and two new sections enacted in lieu thereof, to be known as sections 143.121 and 143.124, to read as follows:

143.121. 1. The Missouri adjusted gross income of a resident individual shall be [his] **such taxpayer's** federal adjusted gross income subject to the modifications in this section.

2. There shall be added to [his] **such taxpayer's** federal adjusted gross income:

(a) The amount of any federal income tax refund received for a prior year which resulted in a Missouri income tax benefit;

(b) Interest on certain governmental obligations excluded from federal gross income by section 103 of the Internal Revenue Code. 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 (a) of subsection 3 of this section. The amount added under this paragraph 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 section 265 of the Internal Revenue Code. The reduction shall only be made if it is at least five hundred dollars.

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

(a) Interest or dividends on obligations of the United States and its territories and

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

17 possessions or of any authority, commission or instrumentality of the United States to the extent
18 exempt from Missouri income taxes [under] **pursuant to** the laws of the United States. The
19 amount subtracted [under] **pursuant to** this paragraph shall be reduced by any interest on
20 indebtedness incurred to carry the described obligations or securities and by any expenses
21 incurred in the production of interest or dividend income described in this paragraph. The
22 reduction in the previous sentence shall only apply to the extent that such expenses including
23 amortizable bond premiums are deducted in determining [his] **such taxpayer's** federal adjusted
24 gross income or included in [his] **such taxpayer's** Missouri itemized deduction. The reduction
25 shall only be made if the expenses total at least five hundred dollars;

26 (b) The portion of any gain, from the sale or other disposition of property having a higher
27 adjusted basis to the taxpayer for Missouri income tax purposes than for federal income tax
28 purposes on December 31, 1972, that does not exceed such difference in basis. If a gain is
29 considered a long-term capital gain for federal income tax purposes, the modification shall be
30 limited to one-half of such portion of the gain;

31 (c) The amount necessary to prevent the taxation under sections 143.011 to 143.996 of
32 any annuity or other amount of income or gain which was properly included in income or gain
33 and was taxed [under] **pursuant to** the laws of Missouri for a taxable year prior to January 1,
34 1973, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right
35 to receive the income or gain, or to a trust or estate from which the taxpayer received the income
36 or gain;

37 (d) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the
38 extent that the same are included in federal adjusted gross income;

39 (e) The amount of any state income tax refund for a prior year which was included in the
40 federal adjusted gross income;

41 (f) The portion of capital gain specified in [subsection 3 of] section 135.357, RSMo, that
42 would otherwise be included in federal adjusted gross income[.];

43 (g) **For tax years beginning on or after January 1, 2001, the first six thousand**
44 **dollars of any annuities, pensions or retirement allowances annually provided to the**
45 **taxpayer by any law of the United States, by any law of this or any other state and by any**
46 **municipality.**

47 4. There shall be added to or subtracted from [his] **such taxpayer's** federal adjusted
48 gross income the taxpayer's share of the Missouri fiduciary adjustment provided in section
49 143.351.

50 5. There shall be added to or subtracted from [his] **such taxpayer's** federal adjusted
51 gross income the modifications provided in section 143.411.

143.124. 1. Other provisions of law to the contrary notwithstanding, **for tax years**

2 **beginning before January 1, 2001**, the total amount of all annuities, pensions, or retirement
3 allowances above the amount of six thousand dollars annually provided by any law of this state,
4 the United States, or any other state to any person except as provided in subsection 4 of this
5 section, shall be subject to tax pursuant to the provisions of this chapter, in the same manner, to
6 the same extent and [under] **pursuant to** the same conditions as any other taxable income
7 received by the person receiving it. For purposes of this section, annuity, pension, or retirement
8 allowance shall be defined as an annuity, pension or retirement allowance provided by the United
9 States, this state, any other state or any political subdivision or agency or institution of this or any
10 other state. For all tax years beginning on or after January 1, 1998, for purposes of this section,
11 annuity, pension or retirement allowance shall be defined to include 401(k) plans, deferred
12 compensation plans, self-employed retirement plans, also known as Keogh plans, annuities from
13 a defined pension plan and individual retirement arrangements, also known as IRAs, as described
14 in the Internal Revenue Code, but not including Roth IRAs, as well as an annuity, pension or
15 retirement allowance provided by the United States, this state, any other state or any political
16 subdivision or agency or institution of this or any other state. **For all tax years beginning on**
17 **or after January 1, 2001, for purposes of this section, annuity, pension or retirement**
18 **allowance shall not be defined to include any annuities, pensions or retirement allowances**
19 **subtracted from federal adjusted gross income pursuant to section 143.121.** An individual
20 taxpayer shall only be allowed a maximum deduction of six thousand dollars pursuant to this
21 section. Taxpayers filing combined returns shall only be allowed a maximum deduction of six
22 thousand dollars for each taxpayer on the combined return.

23 2. For the period beginning July 1, 1989, and ending December 31, 1989, there shall be
24 subtracted from Missouri adjusted gross income for that period, determined pursuant to section
25 143.121, the first three thousand dollars of retirement benefits received by each taxpayer:

26 (1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and
27 the taxpayer's Missouri adjusted gross income is less than twelve thousand five hundred dollars;
28 or

29 (2) If the taxpayer's filing status is married filing combined and their combined Missouri
30 adjusted gross income is less than sixteen thousand dollars; or

31 (3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri
32 adjusted gross income is less than eight thousand dollars.

33 3. For [the] tax years beginning on or after January 1, 1990, **but before January 1,**
34 **2001**, there shall be subtracted from Missouri adjusted gross income, determined pursuant to
35 section 143.121, a maximum of the first six thousand dollars of retirement benefits received by
36 each taxpayer from sources other than privately funded sources, and for tax years beginning on
37 or after January 1, 1998, there shall be subtracted from Missouri adjusted gross income,

38 determined pursuant to section 143.121, a maximum of the first one thousand dollars of any
39 retirement allowance received from any privately funded source for tax years beginning on or
40 after January 1, 1998, but before January 1, 1999, and a maximum of the first three thousand
41 dollars of any retirement allowance received from any privately funded source for tax years
42 beginning on or after January 1, 1999, but before January 1, 2000[, and a maximum of the first
43 four thousand dollars of any retirement allowance received from any privately funded source for
44 tax years beginning on or after January 1, 2000, but before January 1, 2001, and a maximum of
45 the first five thousand dollars of any retirement allowance received from any privately funded
46 source for tax years beginning on or after January 1, 2001, but before January 1, 2002, and a
47 maximum of the first six thousand dollars of any retirement allowance received from any
48 privately funded sources for tax years beginning on or after January 1, 2002]. A taxpayer shall
49 be entitled to the maximum exemption provided by this subsection:

50 (1) If the taxpayer's filing status is single, head of household or qualifying widow(er) and
51 the taxpayer's Missouri adjusted gross income is less than twenty-five thousand dollars; or

52 (2) If the taxpayer's filing status is married filing combined and their combined Missouri
53 adjusted gross income is less than thirty-two thousand dollars; or

54 (3) If the taxpayer's filing status is married filing separately and the taxpayer's Missouri
55 adjusted gross income is less than sixteen thousand dollars.

56 **4. For tax years beginning on or after January 1, 2001, but before January 1, 2002,**
57 **there shall be subtracted from Missouri adjusted gross income, determined pursuant to**
58 **section 143.121, the first five thousand dollars of any retirement allowance received from**
59 **any privately funded sources, and for tax years beginning on or after January 1, 2002, the**
60 **first six thousand dollars of any retirement allowance received from any privately funded**
61 **sources. A taxpayer shall be entitled to the maximum exemption provided by this**
62 **subsection:**

63 (1) **If the taxpayer's filing status is single, head of household or qualifying**
64 **widow(er) and the taxpayer's Missouri adjusted gross income is less than twenty-five**
65 **thousand dollars; or**

66 (2) **If the taxpayer's filing status is married filing combined and their combined**
67 **Missouri adjusted gross income is less than thirty-two thousand dollars; or**

68 (3) **If the taxpayer's filing status is married filing separately and the taxpayer's**
69 **Missouri adjusted gross income is less than sixteen thousand dollars.**

70 [4.] **5. If a taxpayer's adjusted gross income exceeds the adjusted gross income ceiling**
71 **for such taxpayer's filing status, as provided in subdivisions (1), (2) and (3) of subsection 3 or**
72 **4 of this section, such taxpayer shall be entitled to an exemption equal to the greater of zero or**
73 **the maximum exemption provided in subsection 3 or 4 of this section reduced by one dollar for**

74 every dollar such taxpayer's income exceeds the ceiling for his or her filing status.

75 [5.] 6. For purposes of this section, any Social Security benefits otherwise included in
76 Missouri adjusted gross income shall be subtracted; but Social Security benefits shall not be
77 subtracted for purposes of other computations pursuant to this chapter, and are not to be
78 considered as retirement benefits for purposes of this section.

79 [6.] 7. The provisions of subdivisions (1) and (2) of [subsection] **subsections 3 and 4**
80 of this section shall apply during all tax years in which the federal Internal Revenue Code
81 provides exemption levels for calculation of the taxability of Social Security benefits that are the
82 same as the levels in subdivisions (1) and (2) of [subsection] **subsections 3 and 4** of this section.
83 If the exemption levels for the calculation of the taxability of Social Security benefits are
84 adjusted by applicable federal law or regulation, the exemption levels in subdivisions (1) and (2)
85 of [subsection] **subsections 3 and 4** of this section shall be accordingly adjusted to the same
86 exemption levels.

87 [7.] 8. The portion of a taxpayer's lump sum distribution from an annuity or other
88 retirement plan not otherwise included in Missouri adjusted gross income as calculated pursuant
89 to this chapter, but subject to taxation [under] **pursuant to** Internal Revenue Code Section 402
90 shall be taxed in an amount equal to ten percent of the taxpayer's federal liability on such
91 distribution for the same tax year.

92 [8.] 9. For purposes of this section, retirement benefits received shall not include any
93 withdrawals from qualified retirement plans which are subsequently rolled over into another
94 retirement plan.

95 [9.] 10. The exemptions provided for in this section shall not affect the calculation of the
96 income to be used to determine the property tax credit provided in sections 135.010 to 135.035,
97 RSMo.