

HOUSE BILL NO. 2027

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MESSENGER (Sponsor), MORRIS, RICHARDSON, DIEHL, ZERR, FRAKER, HAAHR, CIERPIOT, PIKE, JONES (50), HURST, CRAWFORD, BROWN, ROWLAND, HANSEN, THOMSON, WIELAND, FLANIGAN, WILSON AND JONES (110) (Co-sponsors).

6026H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 135 and 143, RSMo, by adding thereto three new sections relating to the state building and capital improvement fund.

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

Section A. Chapters 135 and 143, RSMo, are amended by adding thereto three new sections, to be known as sections 135.1760, 143.1023, and 143.1050, to read as follows:

135.1760. 1. As used in this section, the following terms mean:

(1) "Contribution", a donation of cash;

(2) "Director", the director of the department of revenue;

(3) "Fund", the state building and capital improvement fund established in section 143.1050;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) "Tax credit", a credit against the taxpayer's state tax liability;

(6) "Tax credit certificate", a certificate evidencing a taxpayer's right to receive a tax credit;

(7) "Taxpayer", a person, firm, partner in a partnership, member in a limited liability company, shareholder in an S corporation, or a corporation doing business in the

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.

16 state of Missouri and subject to the state income tax imposed by the provisions of chapter
17 143, or a corporation subject to the annual corporation franchise tax imposed by the
18 provisions of chapter 147, or an insurance company paying an annual tax on its gross
19 premium receipts in this state, or other financial institution paying taxes to the state of
20 Missouri or any political subdivision of this state under the provisions of chapter 148, or
21 an express company which pays an annual tax on its gross receipts in this state under
22 chapter 153, or an individual subject to the state income tax imposed by the provisions of
23 chapter 143, or any charitable organization which is exempt from federal income tax and
24 whose Missouri unrelated business taxable income, if any, would be subject to the state
25 income tax imposed under chapter 143.

26 2. (1) Subject to the provisions of subsection 5 of this section, any contribution to
27 the fund made on or after January 1, 2015, shall be eligible for a tax credit as provided by
28 this section.

29 (2) For all tax years beginning on or after January 1, 2015, a taxpayer shall be
30 entitled to receive a tax credit against the taxpayer's state tax liability in an amount equal
31 to one hundred twenty percent of the amount such taxpayer contributed to the fund
32 evidenced by a tax credit certificate.

33 3. The director shall be responsible for the administration and issuance of tax
34 credit certificates authorized by this section.

35 4. The amount of the tax credit claimed shall not exceed the amount of the
36 taxpayer's state tax liability for the taxable year for which the credit is claimed, and such
37 taxpayer shall not be allowed to claim a tax credit in excess of sixty thousand dollars per
38 taxable year. Any amount of credit that the taxpayer is prohibited by this section from
39 claiming in a taxable year shall not be refundable. However, any tax credit that cannot be
40 claimed in the taxable year the contribution was made may be carried over to the next
41 three succeeding taxable years until the full credit has been claimed.

42 5. Except for any excess credit which is carried over under subsection 3 of this
43 section, a taxpayer shall not be allowed to claim a tax credit unless the amount of such
44 taxpayer's contribution to the fund in such taxpayer's taxable year has a value of five
45 hundred dollars or more, up to a maximum of fifty thousand dollars. Any excess of a
46 contribution above fifty thousand dollars or contribution less than five hundred dollars
47 shall be ineligible to receive a tax credit under this section.

48 6. The total amount of tax credits authorized under the provisions of this section
49 shall not exceed one hundred million dollars in any fiscal year. The total amount of tax
50 credits issued but not redeemed shall not exceed three hundred million dollars in any fiscal
51 year. Tax credits shall be issued in the order contributions are received.

52 **7. Tax credits issued under this section may not be transferred, sold, or assigned.**

53 **8. The department of revenue may promulgate rules to implement the provisions**
54 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
55 **is created under the authority delegated in this section shall become effective only if it**
56 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
57 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**
58 **vested with the general assembly under chapter 536 to review, to delay the effective date,**
59 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**
60 **of rulemaking authority and any rule proposed or adopted after August 28, 2014, shall be**
61 **invalid and void.**

143.1023. 1. For all taxable years beginning on or after January 1, 2014, each
2 **individual or corporation entitled to a tax refund in an amount sufficient to make a**
3 **designation under this section may designate that ten dollars or any amount in excess of**
4 **ten dollars on a single return, and twenty dollars or any amount in excess of twenty dollars**
5 **on a combined return, of the refund due be credited to the state building and capital**
6 **improvement fund established in section 143.1050. The contribution designation**
7 **authorized by this section shall be clearly and unambiguously printed on the first page of**
8 **each income tax return form provided by this state. If any individual or corporation that**
9 **is not entitled to a tax refund in an amount sufficient to make a designation under this**
10 **section wishes to make a contribution to the fund, such individual or corporation may, by**
11 **separate check, draft, or other negotiable instrument, send in with the payment of taxes,**
12 **or may send in separately, that amount the individual or corporation wishes to contribute.**
13 **Such amounts shall be clearly designated for the fund.**

14 **2. The director of revenue shall deposit at least monthly all contributions**
15 **designated by individuals or corporations under this section to the state treasurer for**
16 **deposit to the fund. A contribution designated under this section shall only be deposited**
17 **in the fund after all other claims against the refund from which such contribution is to be**
18 **made have been satisfied.**

19 **3. Any contribution to the fund of five hundred dollars or more, up to a maximum**
20 **of fifty thousand dollars, shall be eligible for a tax credit as prescribed in section 135.1760.**

21 **4. Notwithstanding the provisions of section 23.253 to the contrary, the provisions**
22 **of this section shall not sunset.**

143.1050. 1. There is hereby created in the state treasury the "State Building and
2 **Capital Improvement Fund", which shall consist of money collected under this section.**
3 **The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and**
4 **30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund**

5 and, upon appropriation, money in the fund shall be used solely for the purposes of
6 construction, repair, renovation, and rebuilding of state buildings, ports, facilities,
7 infrastructure, utilities infrastructure, and such other projects as designated by the general
8 assembly. Notwithstanding the provisions of section 33.080 to the contrary, any moneys
9 remaining in the fund at the end of the biennium shall not revert to the credit of the
10 general revenue fund. The state treasurer shall invest moneys in the fund in the same
11 manner as other funds are invested. Any interest and moneys earned on such investments
12 shall be credited to the fund. The treasurer shall distribute all moneys deposited in the
13 fund as directed by the general assembly.

14 2. No appropriation from the fund shall be made if the balance of the fund is or
15 would be caused to become under twenty-five million dollars.

16 3. Notwithstanding the provisions of subsection 2 of this section to the contrary, the
17 general assembly may appropriate money from the fund when the balance of the fund is
18 or would be caused to become under twenty-five million dollars to cover the costs of repair
19 to government buildings in order to prevent imminent further or future damage to the
20 building. No such appropriation shall be made for any circumstance in which the state
21 receives federal moneys.

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