

# HOUSE BILL NO. 2729

## 98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE POGUE.

6791H..02I

D. ADAM CRUMBLISS, Chief Clerk

### AN ACT

To repeal sections 143.011 and 143.022, RSMo, and to enact in lieu thereof two new sections relating to income tax.

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

Section A. Sections 143.011 and 143.022, RSMo, are repealed and two new sections enacted in lieu thereof, to be known as sections 143.011 and 143.022, to read as follows:

143.011. 1. A tax is hereby imposed for every taxable year on the Missouri taxable income of every resident. The tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is:	The tax is:
Not over \$1,000.00 . . . . .	1 1/2% of the Missouri taxable income
Over \$1,000 but not over \$2,000	\$15 plus 2% of excess over \$1,000
Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess over \$2,000
Over \$3,000 but not over \$4,000	\$60 plus 3% of excess over \$3,000
Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess over \$4,000
Over \$5,000 but not over \$6,000	\$125 plus 4% of excess over \$5,000

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.

18	Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess over \$6,000
19		
20	Over \$7,000 but not over \$8,000	\$210 plus 5% of excess over \$7,000
21		
22	Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess over \$8,000
23		
24	Over \$9,000 . . . . .	\$315 plus 6% of excess over \$9,000

25           2. (1) Beginning with the 2017 calendar year, the top rate of tax under subsection 1 of  
 26 this section may be reduced over a period of years. Each reduction in the top rate of tax shall be  
 27 by one-tenth [of a] percent and no more than one reduction shall occur in a calendar year. The  
 28 top rate of tax shall not be reduced below five and one-half percent. Reductions in the rate of  
 29 tax shall take effect on January first of a calendar year and such reduced rates shall continue in  
 30 effect until the next reduction occurs.

31           (2) A reduction in the rate of tax shall only occur if the amount of net general revenue  
 32 collected in the previous fiscal year exceeds the highest amount of net general revenue collected  
 33 in any of the three fiscal years prior to such fiscal year [by at least one hundred fifty million  
 34 dollars].

35           (3) Any modification of tax rates under this subsection shall only apply to tax years that  
 36 begin on or after a modification takes effect.

37           (4) The director of the department of revenue shall, by rule, adjust the tax tables under  
 38 subsection 1 of this section to effectuate the provisions of this subsection. [The bracket for  
 39 income subject to the top rate of tax shall be eliminated once the top rate of tax has been reduced  
 40 to five and one-half of a percent.]

41           3. Beginning with the 2017 calendar year, the brackets of Missouri taxable income  
 42 identified in subsection 1 of this section shall be adjusted annually by the percent increase in  
 43 inflation. The director shall publish such brackets annually beginning on or after October 1,  
 44 2016. Modifications to the brackets shall take effect on January first of each calendar year and  
 45 shall apply to tax years beginning on or after the effective date of the new brackets.

46           4. As used in this section, the following terms mean:

47           (1) "CPI", the Consumer Price Index for All Urban Consumers for the United States as  
 48 reported by the Bureau of Labor Statistics, or its successor index;

49           (2) "CPI for the preceding calendar year", the average of the CPI as of the close of the  
 50 twelve month period ending on August thirty-first of such calendar year;

51           (3) "Percent increase in inflation", the percentage, if any, by which the CPI for the  
 52 preceding calendar year exceeds the CPI for the year beginning September 1, 2014, and ending  
 53 August 31, 2015.

143.022. 1. As used in this section, "business income" means the income greater than zero arising from transactions in the regular course of all of a taxpayer's trade or business and shall be limited to the Missouri source net profit from the combination of the following:

(1) The total combined profit as properly reported to the Internal Revenue Service on each Schedule C, or its successor form, filed; and

(2) The total partnership and S corporation income or loss properly reported to the Internal Revenue Service on Part II of Schedule E, or its successor form.

2. In addition to all other modifications allowed by law, there shall be subtracted from the federal adjusted gross income of an individual taxpayer a percentage of such individual's business income, to the extent that such amounts are included in federal adjusted gross income when determining such individual's Missouri adjusted gross income.

3. In the case of an S corporation described in section 143.471 or a partnership computing the deduction allowed under subsection 2 of this section, taxpayers described in subdivision (1) or (2) of this subsection shall be allowed such deduction apportioned in proportion to their share of ownership of the business as reported on the taxpayer's Schedule K-1, or its successor form, for the tax period for which such deduction is being claimed when determining the Missouri adjusted gross income of:

(1) The shareholders of an S corporation as described in section 143.471;

(2) The partners in a partnership.

4. The percentage to be subtracted under subsection 2 of this section shall be increased over a period of years. Each increase in the percentage shall be by five percent and no more than one increase shall occur in a calendar year. The maximum percentage that may be subtracted is twenty-five percent of business income. Any increase in the percentage that may be subtracted shall take effect on January first of a calendar year and such percentage shall continue in effect until the next percentage increase occurs. An increase shall only apply to tax years that begin on or after the increase takes effect.

5. An increase in the percentage that may be subtracted under subsection 2 of this section shall only occur if the amount of net general revenue collected in the previous fiscal year exceeds the highest amount of net general revenue collected in any of the three fiscal years prior to such fiscal year [by at least one hundred fifty million dollars].

6. The first year that a taxpayer may make the subtraction under subsection 2 of this section is 2017, provided that the provisions of subsection 5 of this section are met. If the provisions of subsection 5 of this section are met, the percentage that may be subtracted in 2017 is five percent.

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