

# SENATE AMENDMENT NO. \_\_\_\_\_

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend Senate Bill No. 247, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

3 "135.098. 1. For purposes of this section, the  
4 following terms shall mean:

5 (1) "Department", the Missouri department of revenue;

6 (2) "Federal firearms excise tax", the federal  
7 firearms and ammunition excise tax imposed pursuant to 26  
8 U.S.C. Section 4181;

9 (3) "State tax liability", any liability incurred by  
10 the taxpayer pursuant to the provisions of chapter 143,  
11 exclusive of the provisions relating to the withholding of  
12 tax as provided for in sections 143.191 to 143.265 and  
13 related provisions;

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

16 (5) "Taxpayer", any individual subject to the state  
17 income tax pursuant to chapter 143 and that is or is  
18 planning on being retired.

19 2. For all tax years beginning on or after January 1,  
20 2024, a taxpayer liable to pay federal firearms excise tax  
21 shall be authorized to claim a tax credit in an amount equal  
22 to one hundred percent of such tax paid by the taxpayer on  
23 sales of firearms and ammunition sold by the taxpayer during  
24 the tax year.

25 3. The tax credit allowed by this section shall be  
26 claimed by such taxpayer at the time such taxpayer files a

27 return and shall be applied against the income tax liability  
28 imposed by chapter 143, excluding the withholding tax  
29 imposed by sections 143.191 to 143.265. The department may  
30 require any documentation it deems necessary to administer  
31 the provisions of this section.

32 4. Any amount of tax credit that exceeds the  
33 taxpayer's state tax liability shall not be refunded to the  
34 taxpayer. Tax credits authorized pursuant to this section  
35 shall not be transferred, sold, assigned, or otherwise  
36 conveyed.

37 5. A taxpayer shall not claim a tax credit pursuant to  
38 this section if the taxpayer has retained sales tax pursuant  
39 to section 144.064 for the same federal firearms excise tax  
40 paid.

41 6. The department may promulgate rules and adopt  
42 statements of policy, procedures, forms, and guidelines to  
43 implement and administer the provisions of this section.  
44 Rules promulgated pursuant to this subsection shall not be  
45 construed to create or authorize the creation of any  
46 database that would include the names of any person who  
47 purchases, sells, or uses any firearms or ammunition. Any  
48 rule or portion of a rule, as that term is defined in  
49 section 536.010, that is created pursuant to the authority  
50 delegated in this section shall become effective only if it  
51 complies with and is subject to all of the provisions of  
52 chapter 536 and, if applicable, section 536.028. This  
53 section and chapter 536 are nonseverable and if any of the  
54 powers vested with the general assembly pursuant to chapter  
55 536 to review, to delay the effective date, or to disapprove  
56 and annul a rule are subsequently held unconstitutional,  
57 then the grant of rulemaking authority and any rule proposed  
58 or adopted after August 28, 2023, shall be invalid and void.

59           7. Pursuant to section 23.253 of the Missouri sunset  
60 act:

61           (1) The program authorized under this section shall  
62 expire on December 31, 2029, unless reauthorized by the  
63 general assembly; and

64           (2) The act shall terminate on September first of the  
65 calendar year immediately following the calendar year in  
66 which the program authorized under this section is sunset;  
67 and

68           (3) If such program is reauthorized, the program  
69 authorized under this section shall automatically sunset six  
70 years after the effective date of the reauthorization of  
71 this section; and

72           (4) The provisions of this subsection shall not be  
73 construed to limit or in any way impair the department of  
74 revenue's ability to redeem tax credits authorized on or  
75 before the date the program authorized pursuant to this  
76 section expires, or a taxpayer's ability to redeem such tax  
77 credits."; and

78           Further amend the title and enacting clause accordingly.