

# HOUSE BILL NO. 943

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE JOHNSON.

2044L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapters 30 and 135, RSMo, by adding thereto two new sections relating to broadband enhancement.

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

Section A. Chapters 30 and 135, RSMo, are amended by adding thereto two new sections, to be known as sections 30.761 and 135.1190, to read as follows:

**30.761. Any company or subcontractor of such company that provides increased telecommunications infrastructure by installing fiber optic internet cable, mounting internet amplification equipment, or erecting new towers that can elevate wireless broadband transmission equipment shall be eligible for linked deposit loans under sections 30.750 to 30.767.**

**135.1190. 1. As used in this section, the following terms mean:**

(1) "New internet broadband equipment", wireless internet transmitters, broadband amplification equipment, new internet management software, or any broadband hardware that will improve broadband transmission;

(2) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under chapter 147, 148, or 153;

(3) "Taxpayer", any individual or entity subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in chapter 147, 148, or 153.

**2. For all taxable years beginning on or after January 1, 2012, a taxpayer shall be allowed a tax credit for the cost of purchasing new internet broadband equipment in an**

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.

13 amount equal to the purchase price of such new internet broadband equipment. The  
14 amount of the tax credit issued shall not exceed the amount of the taxpayer's state tax  
15 liability for the tax year for which the credit is claimed. No amount of credit that the  
16 taxpayer is prohibited by this section from claiming in a tax year shall be refundable, nor  
17 shall any tax credit issued under this section be transferred, sold, or assigned.

18 **3. The tax credit authorized in this section shall be claimed at the time the taxpayer**  
19 **files a Missouri income tax return.**

20 **4. The department of revenue may promulgate rules to implement the provisions**  
21 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**  
22 **is created under the authority delegated in this section shall become effective only if it**  
23 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
24 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
25 **vested with the general assembly under chapter 536 to review, to delay the effective date,**  
26 **or to disapprove and annul a rule are subsequently held unconstitutional, then the grant**  
27 **of rulemaking authority and any rule proposed or adopted after August 28, 2011, shall be**  
28 **invalid and void.**

29 **5. Under section 23.253 of the Missouri sunset act:**

30 **(1) The provisions of the new program authorized under this section shall**  
31 **automatically sunset on December thirty-first six years after the effective date of this**  
32 **section unless reauthorized by an act of the general assembly; and**

33 **(2) If such program is reauthorized, the program authorized under this section**  
34 **shall automatically sunset on December thirty-first twelve years after the effective date of**  
35 **the reauthorization of this section; and**

36 **(3) This section shall terminate on September first of the calendar year immediately**  
37 **following the calendar year in which the program authorized under this section is sunset.**