SENATE BILL NO. 582
96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEMPSEY.

Pre-filed December 22, 2011, and ordered printed.

TERRY L. SPIELER, Secretary.

AN ACT
To repeal section 135.630, RSMo, and to enact in lieu thereof one new section relating to a tax credit for contributions to pregnancy resource centers.

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

Section A. Section 135.630, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.630, to read as follows:

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

(1) "Contribution", a donation of cash, stock, bonds, or other marketable securities, or real property;

(2) "Director", the director of the department of social services;

(3) "Pregnancy resource center", a nonresidential facility located in this state:

(a) Established and operating primarily to provide assistance to women with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling, emotional and material support, and other similar services to encourage and assist such women in carrying their pregnancies to term; and

(b) Where childbirths are not performed; and

(c) Which does not perform, induce, or refer for abortions and which does not hold itself out as performing, inducing, or referring for abortions; and

(d) Which provides direct client services at the facility, as opposed to merely providing counseling or referral services by telephone; and

(e) Which provides its services at no cost to its clients; and

(f) When providing medical services, such medical services must be performed in accordance with Missouri statute; and

(g) Which is exempt from income taxation pursuant to the Internal Revenue Code of 1986, as amended, and any income tax imposed by the state of Missouri.

EXPLANATION--Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.
Revenue Code of 1986, as amended;

(4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to 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 pursuant to the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;

(5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter 143, or any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143.

2. For all tax years beginning on or after January 1, 2007, a taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed to a pregnancy resource center.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax credit that cannot be claimed in the taxable year the contribution was made may be carried over to the next four succeeding taxable years until the full credit has been claimed.

4. Except for any excess credit which is carried over pursuant to subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's contribution or contributions to a pregnancy resource center or centers in such taxpayer's taxable year has a value of at least one hundred dollars.

5. The director shall determine, at least annually, which facilities in this
state may be classified as pregnancy resource centers. The director may require
of a facility seeking to be classified as a pregnancy resource center whatever
information which is reasonably necessary to make such a determination. The
director shall classify a facility as a pregnancy resource center if such facility
meets the definition set forth in subsection 1 of this section.

6. The director shall establish a procedure by which a taxpayer can
determine if a facility has been classified as a pregnancy resource
center. Pregnancy resource centers shall be permitted to decline a contribution
from a taxpayer. The cumulative amount of tax credits which may be claimed by
all the taxpayers contributing to pregnancy resource centers in any one fiscal year
shall not exceed two million dollars. Tax credits shall be issued in the order
contributions are received.

7. The director shall establish a procedure by which, from the beginning
of the fiscal year until some point in time later in the fiscal year to be determined
by the director, the cumulative amount of tax credits are equally apportioned
among all facilities classified as pregnancy resource centers. If a pregnancy
resource center fails to use all, or some percentage to be determined by the
director, of its apportioned tax credits during this predetermined period of time,
the director may reappportion these unused tax credits to those pregnancy
resource centers that have used all, or some percentage to be determined by the
director, of their apportioned tax credits during this predetermined period of
time. The director may establish more than one period of time and reappportion
more than once during each fiscal year. To the maximum extent possible, the
director shall establish the procedure described in this subsection in such a
manner as to ensure that taxpayers can claim all the tax credits possible up to
the cumulative amount of tax credits available for the fiscal year.

8. Each pregnancy resource center shall provide information to the
director concerning the identity of each taxpayer making a contribution to the
pregnancy resource center who is claiming a tax credit pursuant to this section
and the amount of the contribution. The director shall provide the information
to the director of revenue. The director shall be subject to the confidentiality and
penalty provisions of section 32.057 relating to the disclosure of tax information.

9. Notwithstanding any other law to the contrary, any tax credits granted
under this section may be assigned, transferred, sold, or otherwise conveyed
without consent or approval. Such taxpayer, hereinafter the assignor for
purposes of this section, may sell, assign, exchange, or otherwise transfer earned
tax credits:

(1) For no less than seventy-five percent of the par value of such credits; and

(2) In an amount not to exceed one hundred percent of annual earned credits.

10. [Pursuant to section 23.253 of the Missouri sunset act:

(1) Any new program authorized under this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and

(2) If such program is reauthorized, the program authorized under this section shall automatically sunset twelve years after the effective date of the reauthorization of this section; and

(3) This section shall terminate on September first of the calendar year immediately following the calendar year in which a program authorized under this section is sunset.] Consistent with the provisions of section 23.253 of the Missouri sunset act:

(1) The provisions of the programs authorized under this section are hereby reauthorized and shall automatically sunset at midnight on December 31, 2018, unless reauthorized by the general assembly; and

(2) Reauthorization shall occur by the passage of a bill or a concurrent resolution adopted by the general assembly. Reauthorization may be for any period up to six years after the date of the sunset. The general assembly may reauthorize more than once; and

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