

FIRST REGULAR SESSION

SENATE BILL NO. 388

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LOUDON.

Read 1st time February 21, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

1693S.011

AN ACT

To amend chapter 135, RSMo, by adding thereto four new sections relating to the residential treatment agency tax credit act.

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

Section A. Chapter 135, RSMo, is amended by adding thereto four new sections, to be known as sections 135.1150, 135.1155, 135.1160, and 135.1165, to read as follows:

135.1150. 1. Sections 135.1150 to 135.1165 shall be known and cited as the "Residential Treatment Agency Tax Credit Act".

2. As used in sections 135.1150 to 135.1165, the following terms shall mean:

(1) "Certificate", a tax credit certificate issued pursuant to sections 135.1150 to 135.1165;

(2) "Department", the Missouri department of social services;

(3) "Individual", a person, partnership, financial institution, trust, or corporation;

(4) "Qualifying residential treatment agency" or "agency", a residential treatment agency that is licensed under section 210.484, RSMo, and is under contract with the Missouri department of social services to provide treatment services.

135.1155. An individual who makes a monetary donation to a qualifying residential treatment agency may receive credit against taxes owed under chapter 143, RSMo, equal to fifty percent of the amount of the donation, subject to the conditions and limitations of section 135.1160.

135.1160. 1. The department shall authorize the issuance of residential treatment agency tax credits. Application for a tax credit shall be made to the department. Only a qualifying residential treatment agency may submit an application for the tax credit on behalf of individuals making monetary donations to the agency. Agencies may apply for tax credits in an aggregate amount that

does not exceed forty percent of the payments made by the department to the agency in the preceding twelve months. A certificate shall be issued to the individual by the department after the department has verified that the agency has submitted the following items accurately and completely:

- (1) A valid application in the form and format required by the department;
- (2) A statement attesting to the donation received, which shall include the name and taxpayer identification number of the individual making the donation, amount of the donation, and the date the donation was received by the agency; and
- (3) Payment from the agency equal to the value of the tax credit for which application is made.

2. Tax credits pursuant to this subsection or subsection 1 of this section may be used to satisfy taxes owed pursuant to section 143, RSMo, in the tax year the credit is certified or that was owed during the previous three years. Any unused portion of the tax credit authorized pursuant to this section shall be available for future years until the credit is fully claimed.

3. Certificates issued in accordance with this section may be transferred, sold, or assigned by notarized endorsement which names the transferee.

135.1165. The department of social services shall promulgate such rules and regulations pursuant to chapter 536, RSMo, and section 660.017, RSMo, as are necessary to implement the provisions of sections 135.1150 to 135.1165. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2005, shall be invalid and void.