AN ACT

To repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof seven new sections relating to certain benevolent tax credits, with an emergency clause.

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

Section A. Sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, to read as follows:

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

(1) "Homestead", the dwelling in Missouri owned by the surviving spouse and not exceeding five acres of land surrounding it as is reasonably necessary for use of the dwelling as a home. As used in this section, "homestead" shall not include any dwelling which is occupied by more than two families;

(2) "Public safety officer", any firefighter, police officer, capitol police officer, parole officer, probation officer, correctional employee, water patrol officer, park ranger, conservation officer, commercial motor enforcement officer, emergency medical technician, first responder, or highway patrolman employed by the state of Missouri or a political subdivision thereof who is killed in the line of duty, unless the death was the result of the officer's own misconduct or abuse of alcohol or drugs;

(3) "Surviving spouse", a spouse, who has not remarried, of a public safety officer.

2. For all tax years beginning on or after January 1, 2008, a surviving spouse shall be allowed a credit against the tax otherwise due under chapter 143,
excluding withholding tax imposed by sections 143.191 to 143.265, in an amount
equal to the total amount of the property taxes on the surviving spouse's
homestead paid during the tax year for which the credit is claimed. A surviving
spouse may claim the credit authorized under this section for each tax year
beginning the year of death of the public safety officer spouse until the tax year
in which the surviving spouse remarries. No credit shall be allowed for the tax
year in which the surviving spouse remarries. If the amount allowable as a credit
exceeds the income tax reduced by other credits, then the excess shall be
considered an overpayment of the income tax.

3. The department of revenue shall promulgate rules to implement the
provisions of this section.

4. Any rule or portion of a rule, as that term is defined in section 536.010,
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 and,
if applicable, section 536.028. This section and chapter 536 are nonseverable and
if any of the powers vested with the general assembly pursuant to chapter 536 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, 2007, shall be invalid and void.

5. Pursuant to section 23.253 of the Missouri sunset act:

(1) [The provisions of the new program authorized under this section shall
automatically sunset six years after August 28, 2007, 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] expire on December 31, 2019, unless
reauthorized by the general assembly; and

[(3) (2)] (2) 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; and

(3) The provisions of this subsection shall not be construed to
limit or in any way impair the department's ability to redeem tax
credits authorized on or before the date the program authorized under
this section expires or a taxpayer's ability to redeem such tax credits.

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

(1) "CASA", an entity which receives funding from the court-appointed
special advocate fund established under section 476.777, including an association
based in this state, affiliated with a national association, organized to provide support to entities receiving funding from the court-appointed special advocate fund;

(2) "Child advocacy centers", the regional child assessment centers listed in subsection 2 of section 210.001;

(3) "Contribution", the amount of donation to a qualified agency;

(4) "Crisis care center", entities contracted with this state which provide temporary care for children whose age ranges from birth through seventeen years of age whose parents or guardian are experiencing an unexpected and unstable or serious condition that requires immediate action resulting in short-term care, usually three to five continuous, uninterrupted days, for children who may be at risk for child abuse, neglect, or in an emergency situation;

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

(6) "Director", the director of the department of revenue;

(7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;

(8) "Tax liability", the tax due under chapter 143 other than taxes withheld under sections 143.191 to 143.265.

2. Any person residing in this state who legally adopts a special needs child on or after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under chapter 143. Any business entity providing funds to an employee to enable that employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to taxes due under such business entity's state tax liability, except that only one ten thousand dollar credit is available for each special needs child that is adopted.

3. Any person residing in this state who proceeds in good faith with the adoption of a special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under chapter 143; provided, however, that beginning on or after July 1, 2004, two million dollars of the tax credits allowed shall be allocated for the adoption of special needs children who are residents or wards of residents of this state at the time the adoption is initiated. Any business entity providing funds to an employee to enable that employee to proceed in good faith with the adoption of a special needs
child shall be eligible to receive a tax credit of up to ten thousand dollars for
nonrecurring adoption expenses for each child that may be applied to taxes due
under such business entity's state tax liability, except that only one ten thousand
dollar credit is available for each special needs child that is adopted.

4. Individuals and business entities may claim a tax credit for their total
nonrecurring adoption expenses in each year that the expenses are incurred. A
claim for fifty percent of the credit shall be allowed when the child is placed in
the home. A claim for the remaining fifty percent shall be allowed when the
adoption is final. The total of these tax credits shall not exceed the maximum
limit of ten thousand dollars per child. The cumulative amount of tax credits
which may be claimed by taxpayers claiming the credit for nonrecurring adoption
expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million
dollars. The cumulative amount of tax credits that may be claimed by taxpayers
claiming the credit for nonrecurring adoption expenses shall not be more than
four million dollars but may be increased by appropriation in any fiscal year
beginning on or after July 1, 2004; provided, however, that by December
thirty-first following each July, if less than two million dollars in credits have
been issued for adoption of special needs children who are not residents or wards
of residents of this state at the time the adoption is initiated, the remaining
amount of the cap shall be available for the adoption of special needs children
who are residents or wards of residents of this state at the time the adoption is
initiated. For all fiscal years beginning on or after July 1, 2006, applications to
claim the adoption tax credit for special needs children who are residents or
wards of residents of this state at the time the adoption is initiated shall be filed
between July first and April fifteenth of each fiscal year. For all fiscal years
beginning on or after July 1, 2006, applications to claim the adoption tax credit
for special needs children who are not residents or wards of residents of this state
at the time the adoption is initiated shall be filed between July first and
December thirty-first of each fiscal year.

5. Notwithstanding any provision of law to the contrary, any individual
or business entity may assign, transfer or sell tax credits allowed in this
section. Any sale of tax credits claimed pursuant to this section shall be at a
discount rate of seventy-five percent or greater of the amount sold.

6. The director of revenue shall establish a procedure by which, for each
fiscal year, the cumulative amount of tax credits authorized in this section is
equally apportioned among all taxpayers within the two categories specified in
subsection 3 of this section claiming the credit in that fiscal year. To the
maximum extent possible, the director of revenue shall establish the procedure
described in this subsection in such a manner as to ensure that taxpayers within
each category can claim all the tax credits possible up to the cumulative amount
of tax credits available for the fiscal year.

7. For all tax years beginning on or after January 1, 2006, a tax credit
may be claimed in an amount equal to up to fifty percent of a verified
contribution to a qualified agency and shall be named the [children in crisis]
champion for children tax credit. The minimum amount of any tax credit
issued shall not be less than fifty dollars and shall be applied to taxes due under
chapter 143, excluding sections 143.191 to 143.265. A contribution verification
shall be issued to the taxpayer by the agency receiving the contribution. Such
contribution verification shall include the taxpayer’s name, Social Security
number, amount of tax credit, amount of contribution, the name and address of
the agency receiving the credit, and the date the contribution was made. The tax
credit provided under this subsection shall be initially filed for the year in which
the verified contribution is made.

8. The cumulative amount of the tax credits redeemed shall not exceed the
unclaimed portion of the resident adoption category allocation as described in this
section. The director of revenue shall determine the unclaimed portion
available. The amount available shall be equally divided among the three
qualified agencies: CASA, child advocacy centers, or crisis care centers to be used
towards tax credits issued. In the event tax credits claimed under one agency do
not total the allocated amount for that agency, the unused portion for that agency
will be made available to the remaining agencies equally. In the event the total
amount of tax credits claimed for any one agency exceeds the amount available
for that agency, the amount redeemed shall and will be apportioned equally to all
eligible taxpayers claiming the credit under that agency. After all [children in
crisis] champion for children tax credits have been claimed, any remaining
unclaimed portion of the reserved allocation for adoptions of special needs
children who are residents or wards of residents of this state shall then be made
available for adoption tax credit claims of special needs children who are not
residents or wards of residents of this state at the time the adoption is initiated.

9. Prior to December thirty-first of each year, [the entities listed under
the definition of] each qualified agency shall apply to the department of social
services in order to verify their qualified agency status. Upon a determination
that the agency is eligible to be a qualified agency, the department of social
services shall provide a letter of eligibility to such agency. No later than
February first of each year, the department of social services shall provide a list of qualified agencies to the department of revenue. All tax credit applications to claim the [children in crisis] champion for children tax credit shall be filed between July first and April fifteenth of each fiscal year. A taxpayer shall apply for the [children in crisis] champion for children tax credit by attaching a copy of the contribution verification provided by a qualified agency to such taxpayer's income tax return.

10. The tax credits provided under this section shall be subject to the provisions of section 135.333.

11. (1) In the event a credit denial, due to lack of available funds, causes a balance-due notice to be generated by the department of revenue, or any other redeeming agency, the taxpayer will not be held liable for any penalty or interest, provided the balance is paid, or approved payment arrangements have been made, within sixty days from the notice of denial.

(2) In the event the balance is not paid within sixty days from the notice of denial, the remaining balance shall be due and payable under the provisions of chapter 143.

12. The director shall calculate the level of appropriation necessary to issue all tax credits for nonresident special needs adoptions applied for under this section and provide such calculation to the speaker of the house of representatives, the president pro tempore of the senate, and the director of the division of budget and planning in the office of administration by January thirty-first of each year.

13. The department may promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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, 2006, shall be invalid and void.

14. Pursuant to section 23.253 of the Missouri sunset act:

(1) [The provisions of the new program authorized under subsections 7 to 12 of this section shall automatically sunset six years after August 28, 2006, unless reauthorized by an act of the general assembly; and}
If such program is reauthorized, the program authorized under subsections 7 to 12 of this section shall automatically sunset twelve years after the effective date of the reauthorization of this section as of the effective date of this act and shall expire on December 31, 2019, unless reauthorized by the general assembly; and

Subsections 7 to 12 of 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; and

The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under subsections 7 to 12 of this section expires or a taxpayer's ability to redeem such tax credits.

A corporation, limited liability corporation, partnership or sole proprietorship, which moves its operations from outside Missouri or outside a distressed community into a distressed community, or which commences operations in a distressed community on or after January 1, 1999, and in either case has more than seventy-five percent of its employees at the facility in the distressed community, and which has fewer than one hundred employees for whom payroll taxes are paid, and which is a manufacturing, biomedical, medical devices, scientific research, animal research, computer software design or development, computer programming, including internet, web hosting, and other information technology, wireless or wired or other telecommunications or a professional firm shall receive a forty percent credit against income taxes owed pursuant to chapter 143, 147 or 148, other than taxes withheld pursuant to sections 143.191 to 143.265, for each of the three years after such move, if approved by the department of economic development, which shall issue a certificate of eligibility if the department determines that the taxpayer is eligible for such credit. The maximum amount of credits per taxpayer set forth in this subsection shall not exceed one hundred twenty-five thousand dollars for each of the three years for which the credit is claimed. The department of economic development, by means of rule or regulation promulgated pursuant to the provisions of chapter 536, shall assign appropriate North American Industry Classification System numbers to the companies which are eligible for the tax credits provided for in this section. Such three-year credits shall be awarded only one time to any company which moves its operations from outside of Missouri or outside of a distressed community into a distressed community or to a company
which commences operations within a distressed community. A taxpayer shall file an application for certification of the tax credits for the first year in which credits are claimed and for each of the two succeeding taxable years for which credits are claimed.

2. Employees of such facilities physically working and earning wages for that work within a distressed community whose employers have been approved for tax credits pursuant to subsection 1 of this section by the department of economic development for whom payroll taxes are paid shall also be eligible to receive a tax credit against individual income tax, imposed pursuant to chapter 143, equal to one and one-half percent of their gross salary paid at such facility earned for each of the three years that the facility receives the tax credit provided by this section, so long as they were qualified employees of such entity. The employer shall calculate the amount of such credit and shall report the amount to the employee and the department of revenue.

3. A tax credit against income taxes owed pursuant to chapter 143, 147 or 148, other than the taxes withheld pursuant to sections 143.191 to 143.265, in lieu of the credit against income taxes as provided in subsection 1 of this section, may be taken by such an entity in a distressed community in an amount of forty percent of the amount of funds expended for computer equipment and its maintenance, medical laboratories and equipment, research laboratory equipment, manufacturing equipment, fiber optic equipment, high speed telecommunications, wiring or software development expense up to a maximum of seventy-five thousand dollars in tax credits for such equipment or expense per year per entity and for each of three years after commencement in or moving operations into a distressed community.

4. A corporation, partnership or sole partnership, which has no more than one hundred employees for whom payroll taxes are paid, which is already located in a distressed community and which expends funds for such equipment pursuant to subsection 3 of this section in an amount exceeding its average of the prior two years for such equipment, shall be eligible to receive a tax credit against income taxes owed pursuant to chapters 143, 147 and 148 in an amount equal to the lesser of seventy-five thousand dollars or twenty-five percent of the funds expended for such additional equipment per such entity. Tax credits allowed pursuant to this subsection or subsection 1 of this section may be carried back to any of the three prior tax years and carried forward to any of the next five tax years.

5. An existing corporation, partnership or sole proprietorship that is
located within a distressed community and that relocates employees from another
facility outside of the distressed community to its facility within the distressed
community, and an existing business located within a distressed community that
hires new employees for that facility may both be eligible for the tax credits
allowed by subsections 1 and 3 of this section. To be eligible for such tax credits,
such a business, during one of its tax years, shall employ within a distressed
community at least twice as many employees as were employed at the beginning
of that tax year. A business hiring employees shall have no more than one
hundred employees before the addition of the new employees. This subsection
shall only apply to a business which is a manufacturing, biomedical, medical
devices, scientific research, animal research, computer software design or
development, computer programming or telecommunications business, or a
professional firm.

6. Tax credits shall be approved for applicants meeting the requirements
of this section in the order that such applications are received. Certificates of tax
credits issued in accordance with this section may be transferred, sold or assigned
by notarized endorsement which names the transferee.

7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this
section shall be for an amount of no more than ten million dollars for each year
beginning in 1999. [To the extent there are available tax credits remaining under
the ten million dollar cap provided in this section, up to one hundred thousand
dollars in the remaining credits shall first be used for tax credits authorized
under section 135.562.] The total maximum credit for all entities already located
in distressed communities and claiming credits pursuant to subsection 4 of this
section shall be seven hundred and fifty thousand dollars. The department of
economic development in approving taxpayers for the credit as provided for in
subsection 6 of this section shall use information provided by the department of
revenue regarding taxes paid in the previous year, or projected taxes for those
entities newly established in the state, as the method of determining when this
maximum will be reached and shall maintain a record of the order of
approval. Any tax credit not used in the period for which the credit was approved
may be carried over until the full credit has been allowed.

8. A Missouri employer relocating into a distressed community and having
employees covered by a collective bargaining agreement at the facility from which
it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this
section, and its employees shall not be eligible for the credit in subsection 2 of
this section if the relocation violates or terminates a collective bargaining
agreement covering employees at the facility, unless the affected collective bargaining unit concurs with the move.

9. Notwithstanding any provision of law to the contrary, no taxpayer shall earn the tax credits allowed in this section and the tax credits otherwise allowed in section 135.110, or the tax credits, exemptions, and refund otherwise allowed in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same business for the same tax period.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty thousand dollars or less incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer, such taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of one hundred percent of such costs or two thousand five hundred dollars per taxpayer, per tax year.

2. Any taxpayer with a federal adjusted gross income greater than thirty thousand dollars but less than sixty thousand dollars who incurs costs for the purpose of making all or any portion of such taxpayer's principal dwelling accessible to an individual with a disability who permanently resides with the taxpayer shall receive a tax credit against such taxpayer's Missouri income tax liability in an amount equal to the lesser of fifty percent of such costs or two thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be eligible to receive tax credits under this section in any tax year immediately following a tax year in which such taxpayer received tax credits under the provisions of this section.

3. Tax credits issued pursuant to this section may be refundable in an amount not to exceed two thousand five hundred dollars per tax year.

4. Eligible costs for which the credit may be claimed include:
   (1) Constructing entrance or exit ramps;
   (2) Widening exterior or interior doorways;
   (3) Widening hallways;
   (4) Installing handrails or grab bars;
   (5) Moving electrical outlets and switches;
   (6) Installing stairway lifts;
   (7) Installing or modifying fire alarms, smoke detectors, and other alerting systems;
   (8) Modifying hardware of doors; or
   (9) Modifying bathrooms.
5. The tax credits allowed, including the maximum amount that may be claimed, pursuant to this section shall be reduced by an amount sufficient to offset any amount of such costs a taxpayer has already deducted from such taxpayer's federal adjusted gross income or to the extent such taxpayer has applied any other state or federal income tax credit to such costs.

6. A taxpayer shall claim a credit allowed by this section in the same taxable year as the credit is issued, and at the time such taxpayer files his or her Missouri income tax return; provided that such return is timely filed.

7. The department may, in consultation with the department of social services, promulgate such rules or regulations as are necessary to administer the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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, 2007, shall be invalid and void.

8. The provisions of this section shall apply to all tax years beginning on or after January 1, 2008.

9. The provisions of this section shall expire December 31, [2013] 2019, unless reauthorized by the general assembly. 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. The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

10. In no event shall the aggregate amount of all tax credits allowed pursuant to this section exceed one hundred thousand dollars in any given fiscal year. The tax credits issued pursuant to this section shall be on a first-come, first-served filing basis.

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;

(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 reappropriate 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 reappropriate
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] be reauthorized as of the effective date of
this act and shall expire on December 31, 2019, unless reauthorized by
the general assembly; 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; and

The provisions of this subsection shall not be construed to
limit or in any way impair the department's ability to issue tax credits
authorized on or before the date the program authorized under this
section expires or a taxpayer's ability to redeem such tax credits.

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

(1) "Local food pantry", any food pantry that is:
(a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and
(b) Distributing emergency food supplies to Missouri low-income people who would otherwise not have access to food supplies in the area in which the taxpayer claiming the tax credit under this section resides;

(2) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in this state and subject to the state income tax imposed by chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. For all tax years beginning on or after January 1, 2007, any taxpayer who donates cash or food, unless such food is donated after the food's expiration date, to any local food pantry shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the donations made to the extent such amounts that have been subtracted from federal adjusted gross income or federal taxable income are added back in the determination of Missouri adjusted gross income or Missouri taxable income before the credit can be claimed. Each taxpayer claiming a tax credit under this section shall file an affidavit with the income tax return verifying the amount of their contributions. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability for the tax year that the credit is claimed, and shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be carried forward to any of the taxpayer's three subsequent taxable years. No tax credit granted under this section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit pursuant to this section if such taxpayer employs persons who are not authorized to work in the United States under federal law.

3. The cumulative amount of tax credits under this section which may be allocated to all taxpayers contributing to a local food pantry in any one fiscal year shall not exceed two million dollars. The director of revenue shall establish a procedure by which the cumulative amount of tax credits is apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent possible, the director of revenue 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.
4. Any local food pantry may accept or reject any donation of food made under this section for any reason. For purposes of this section, any donations of food accepted by a local food pantry shall be valued at fair market value, or at wholesale value if the taxpayer making the donation of food is a retail grocery store, food broker, wholesaler, or restaurant.

5. The department of revenue shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, 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 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 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, 2007, shall be invalid and void.

6. Under section 23.253 of the Missouri sunset act:

(1) [The provisions of the new program authorized under this section shall automatically sunset four years after August 28, 2007, 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] be reauthorized as of the effective date of this act and shall expire on December 31, 2019, unless reauthorized by the general assembly; and

[(3)] (2) 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; and

(3) The provisions of this subsection shall not be construed to limit or in any way impair the department's ability to redeem tax credits authorized on or before the date the program authorized under this section expires or a taxpayer's ability to redeem such tax credits.

7. This section shall apply to any donation of cash or food allowed under this section made on or after the effective date of this act.

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may be cited as the "Tax Credit Accountability Act of 2004".

2. As used in sections 135.800 to 135.830, the following terms mean:
(1) "Administering agency", the state agency or department charged with administering a particular tax credit program, as set forth by the program's enacting statute; where no department or agency is set forth, the department of revenue;

(2) "Agricultural tax credits", the agricultural product utilization contributor tax credit created pursuant to section 348.430, the new generation cooperative incentive tax credit created pursuant to section 348.432, the family farm breeding livestock loan tax credit created under section 348.505, the qualified beef tax credit created under section 135.679, and the wine and grape production tax credit created pursuant to section 135.700;

(3) "All tax credit programs", or "any tax credit program", the tax credit programs included in the definitions of agricultural tax credits, business recruitment tax credits, community development tax credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits, financial and insurance tax credits, housing tax credits, redevelopment tax credits, and training and educational tax credits;

(4) "Business recruitment tax credits", the business facility tax credit created pursuant to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the business use incentives for large-scale development programs created pursuant to sections 100.700 to 100.850, the development tax credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant to section 135.535, the film production tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to [135.975] 135.970, and the Missouri quality jobs program created pursuant to sections 620.1875 to 620.1900;

(5) "Community development tax credits", the neighborhood assistance tax credit created pursuant to sections 32.100 to 32.125, the family development account tax credit created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to section 320.093, and the transportation development tax credit created pursuant to section 135.545;

(6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic violence created pursuant to section 135.550, the senior citizen or disabled person property tax credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit and [children in crisis] champion for children tax credit created pursuant to sections 135.325 to
135.339, the maternity home tax credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to section 135.090, the residential treatment agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the food pantry tax credit created pursuant to section 135.647, the health care access fund tax credit created pursuant to section 135.575, the residential dwelling access tax credit created pursuant to section 135.562, the developmental disability care provider tax credit created under section 135.1180, and the shared care tax credit created pursuant to section 660.055;

(7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax credit created pursuant to section 620.1039, the small business incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

(8) "Environmental tax credits", the charcoal producer tax credit created pursuant to section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311, and the alternative fuel stations tax credit created pursuant to section 135.710;

(9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit created pursuant to section 376.975, the life and health insurance guaranty tax credit created pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to section 375.774, and the self-employed health insurance tax credit created pursuant to section 143.119;

(10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to 32.125;

(11) "Recipient", the individual or entity who is the original applicant for and who receives proceeds from a tax credit program directly from the administering agency, the person or entity responsible for the reporting
requirements established in section 135.805;
(12) "Redevelopment tax credits", the historic preservation tax credit
created pursuant to sections 253.545 to [253.561] 253.559, the brownfield
redevelopment program tax credit created pursuant to sections 447.700 to
447.718, the community development corporations tax credit created pursuant to
sections 135.400 to 135.430, the infrastructure tax credit created pursuant to
subsection 6 of section 100.286, the bond guarantee tax credit created pursuant
to section 100.297, the disabled access tax credit created pursuant to section
135.490, the new markets tax credit created pursuant to section 135.680, and the
distressed areas land assemblage tax credit created pursuant to section 99.1205;
(13) "Training and educational tax credits", the community college new
jobs tax credit created pursuant to sections 178.892 to 178.896.

Section B. Because immediate action is necessary to ensure continued
operation of certain benevolent tax credits, section A of this act is deemed
necessary for the immediate preservation of the public health, welfare, peace and
safety, and is hereby declared to be an emergency act within the meaning of the
constitution, and section A of this act shall be in full force and effect upon its
passage and approval.