

SECOND REGULAR SESSION

SENATE BILL NO. 647

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIFTON.

Pre-filed December 20, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4968S.011

AN ACT

To repeal section 135.647, RSMo, and to enact in lieu thereof one new section relating to a tax credit for donations to food pantries.

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

Section A. Section 135.647, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 135.647, to read as follows:

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

2 (1) "Local food pantry", any food pantry that is:

3 (a) Exempt from taxation under section 501(c)(3) of the Internal Revenue
4 Code of 1986, as amended; and

5 (b) Distributing emergency food supplies to Missouri low-income people
6 who would otherwise not have access to food supplies in the area in which the
7 taxpayer claiming the tax credit under this section resides;

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

12 2. (1) Beginning on March 29, 2013, any donation of cash or food made
13 on or after January 1, 2013, shall be eligible for tax credits as provided by this
14 section.

15 (2) For all tax years beginning on or after January 1, 2007, any taxpayer
16 who donates cash or food, unless such food is donated after the food's expiration
17 date, to any local food pantry shall be allowed a credit against the tax otherwise
18 due under chapter 143, excluding withholding tax imposed by sections 143.191
19 to 143.265, in an amount equal to fifty percent of the value of the donations made

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 to the extent such amounts that have been subtracted from federal adjusted gross
21 income or federal taxable income are added back in the determination of Missouri
22 adjusted gross income or Missouri taxable income before the credit can be
23 claimed. Each taxpayer claiming a tax credit under this section shall file an
24 affidavit with the income tax return verifying the amount of their
25 contributions. The amount of the tax credit claimed shall not exceed the amount
26 of the taxpayer's state tax liability for the tax year that the credit is claimed, and
27 shall not exceed two thousand five hundred dollars per taxpayer claiming the
28 credit. Any amount of credit that the taxpayer is prohibited by this section from
29 claiming in a tax year shall not be refundable, but may be carried forward to any
30 of the taxpayer's three subsequent taxable years. No tax credit granted under
31 this section shall be transferred, sold, or assigned. No taxpayer shall be eligible
32 to receive a credit pursuant to this section if such taxpayer employs persons who
33 are not authorized to work in the United States under federal law.

34 3. The cumulative amount of tax credits under this section which may be
35 allocated to all taxpayers contributing to a local food pantry in any one fiscal year
36 shall not exceed [one million two hundred fifty thousand] **two million**
37 dollars. The director of revenue shall establish a procedure by which the
38 cumulative amount of tax credits is apportioned among all taxpayers claiming the
39 credit by April fifteenth of the fiscal year in which the tax credit is claimed. To
40 the maximum extent possible, the director of revenue shall establish the
41 procedure described in this subsection in such a manner as to ensure that
42 taxpayers can claim all the tax credits possible up to the cumulative amount of
43 tax credits available for the fiscal year.

44 4. Any local food pantry may accept or reject any donation of food made
45 under this section for any reason. For purposes of this section, any donations of
46 food accepted by a local food pantry shall be valued at fair market value, or at
47 wholesale value if the taxpayer making the donation of food is a retail grocery
48 store, food broker, wholesaler, or restaurant.

49 5. The department of revenue shall promulgate rules to implement the
50 provisions of this section. Any rule or portion of a rule, as that term is defined
51 in section 536.010, that is created under the authority delegated in this section
52 shall become effective only if it complies with and is subject to all of the
53 provisions of chapter 536 and, if applicable, section 536.028. This section and
54 chapter 536 are nonseverable and if any of the powers vested with the general
55 assembly pursuant to chapter 536 to review, to delay the effective date, or to

56 disapprove and annul a rule are subsequently held unconstitutional, then the
57 grant of rulemaking authority and any rule proposed or adopted after August 28,
58 2007, shall be invalid and void.

59 6. Under section 23.253 of the Missouri sunset act:

60 (1) The program authorized under this section shall be reauthorized as of
61 March 29, 2013, and shall expire on December 31, 2019, unless reauthorized by
62 the general assembly; and

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

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

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Bill

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