

FIRST REGULAR SESSION

SENATE BILL NO. 217

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Pre-filed December 20, 2016, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0909S.02I

AN ACT

To repeal section 135.647, RSMo, and to enact in lieu thereof one new section relating to soup kitchens.

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Section A. Section 135.647, RSMo, is repealed and one new section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) "Local soup kitchen", any soup kitchen that is:

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

11 (b) Providing prepared meals through an established congregate
12 feeding operation to needy low-income persons, including, but not
13 limited to, homeless persons, in the area in which the taxpayer
14 claiming the tax credit under this section resides;

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

19 2. (1) **Beginning on August 28, 2017, any donation of cash or food**

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

20 **made to local soup kitchens on or after January 1, 2017, shall be**
21 **eligible for tax credits as provided by in this section.**

22 (2) Beginning on March 29, 2013, any donation of cash or food made to
23 **local food pantries** on or after January 1, 2013, shall be eligible for tax credits
24 as provided by this section.

25 [(2) For all tax years beginning on or after January 1, 2007,] (3) Any
26 taxpayer who donates cash or food, unless such food is donated after the food's
27 expiration date, to any local food pantry **or local soup kitchen** shall be allowed
28 a credit against the tax otherwise due under chapter 143, excluding withholding
29 tax imposed by sections 143.191 to 143.265, in an amount equal to fifty percent
30 of the value of the donations made to the extent such amounts that have been
31 subtracted from federal adjusted gross income or federal taxable income are
32 added back in the determination of Missouri adjusted gross income or Missouri
33 taxable income before the credit can be claimed. Each taxpayer claiming a tax
34 credit under this section shall file an affidavit with the income tax return
35 verifying the amount of their contributions. The amount of the tax credit claimed
36 shall not exceed the amount of the taxpayer's state tax liability for the tax year
37 that the credit is claimed, and shall not exceed two thousand five hundred dollars
38 per taxpayer claiming the credit. Any amount of credit that the taxpayer is
39 prohibited by this section from claiming in a tax year shall not be refundable, but
40 may be carried forward to any of the taxpayer's three subsequent taxable years.
41 No tax credit granted under this section shall be transferred, sold, or assigned.
42 No taxpayer shall be eligible to receive a credit pursuant to this section if such
43 taxpayer employs persons who are not authorized to work in the United States
44 under federal law.

45 3. The cumulative amount of tax credits under this section which may be
46 allocated to all taxpayers contributing to a local food pantry **or a local soup**
47 **kitchen** in any one fiscal year shall not exceed one million seven hundred fifty
48 thousand dollars. The director of revenue shall establish a procedure by which
49 the cumulative amount of tax credits is apportioned among all taxpayers claiming
50 the credit by April fifteenth of the fiscal year in which the tax credit is claimed.
51 To the maximum extent possible, the director of revenue shall establish the
52 procedure described in this subsection in such a manner as to ensure that
53 taxpayers can claim all the tax credits possible up to the cumulative amount of
54 tax credits available for the fiscal year.

55 4. Any local food pantry **or local soup kitchen** may accept or reject any

56 donation of food made under this section for any reason. For purposes of this
57 section, any donations of food accepted by a local food pantry **or local soup**
58 **kitchen** shall be valued at fair market value, or at wholesale value if the
59 taxpayer making the donation of food is a retail grocery store, food broker,
60 wholesaler, or restaurant.

61 5. The department of revenue shall promulgate rules to implement the
62 provisions of this section. Any rule or portion of a rule, as that term is defined
63 in section 536.010, that is created under the authority delegated in this section
64 shall become effective only if it complies with and is subject to all of the
65 provisions of chapter 536 and, if applicable, section 536.028. This section and
66 chapter 536 are nonseverable and if any of the powers vested with the general
67 assembly pursuant to chapter 536 to review, to delay the effective date, or to
68 disapprove and annul a rule are subsequently held unconstitutional, then the
69 grant of rulemaking authority and any rule proposed or adopted after August 28,
70 2007, shall be invalid and void.

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

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

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

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