

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NOS. 1288, 1377 & 2050

99TH GENERAL ASSEMBLY

Reported from the Committee on Economic Development, April 5, 2018, with recommendation that the Senate Committee Substitute do pass.

ADRIANE D. CROUSE, Secretary.

4663S.04C

AN ACT

To repeal sections 135.090, 135.341, 135.562, 135.600, 135.630, and 135.647, RSMo, and to enact in lieu thereof seven new sections relating to tax credits for contributions to certain benevolent organizations.

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

Section A. Sections 135.090, 135.341, 135.562, 135.600, 135.630, and
2 135.647, RSMo, are repealed and seven new sections enacted in lieu thereof, to
3 be known as sections 135.090, 135.341, 135.562, 135.600, 135.630, 135.647, and
4 135.1125, to read as follows:

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

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

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

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

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

14 officer.

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

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

28 4. Any rule or portion of a rule, as that term is defined in section 536.010,
29 that is created under the authority delegated in this section shall become effective
30 only if it complies with and is subject to all of the provisions of chapter 536 and,
31 if applicable, section 536.028. This section and chapter 536 are nonseverable and
32 if any of the powers vested with the general assembly pursuant to chapter 536 to
33 review, to delay the effective date, or to disapprove and annul a rule are
34 subsequently held unconstitutional, then the grant of rulemaking authority and
35 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

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

37 (1) The program authorized under this section shall expire on December
38 31, [2019] **2026**, unless reauthorized by the general assembly; and

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

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

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

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

5 support to entities receiving funding from the court-appointed special advocate
6 fund;

7 (2) "Child advocacy centers", the regional child assessment centers listed
8 in subsection 2 of section 210.001, **including an association based in this**
9 **state, affiliated with a national association, and organized to provide**
10 **support to entities listed in subsection 2 of section 210.001;**

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

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

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

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

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

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

24 2. For all tax years beginning on or after January 1, 2013, a tax credit
25 may be claimed in an amount equal to up to fifty percent of a verified
26 contribution to a qualified agency and shall be named the champion for children
27 tax credit. The minimum amount of any tax credit issued shall not be less than
28 fifty dollars and shall be applied to taxes due under chapter 143, excluding
29 sections 143.191 to 143.265. A contribution verification shall be issued to the
30 taxpayer by the agency receiving the contribution. Such contribution verification
31 shall include the taxpayer's name, Social Security number, amount of tax credit,
32 amount of contribution, the name and address of the agency receiving the credit,
33 and the date the contribution was made. The tax credit provided under this
34 subsection shall be initially filed for the year in which the verified contribution
35 is made.

36 3. The cumulative amount of the tax credits redeemed shall not exceed
37 one million dollars [in any tax year] **for all fiscal years ending on or before**
38 **June 30, 2019, and one million five hundred thousand dollars for all**
39 **fiscal years beginning on or after July 1, 2019.** The amount available shall
40 be equally divided among the three qualified agencies: CASA, child advocacy

41 centers, or crisis care centers, to be used towards tax credits issued. In the event
42 tax credits claimed under one agency do not total the allocated amount for that
43 agency, the unused portion for that agency will be made available to the
44 remaining agencies equally. In the event the total amount of tax credits claimed
45 for any one agency exceeds the amount available for that agency, the amount
46 redeemed shall and will be apportioned equally to all eligible taxpayers claiming
47 the credit under that agency.

48 4. Prior to December thirty-first of each year, each qualified agency shall
49 apply to the department of social services in order to verify their qualified agency
50 status. Upon a determination that the agency is eligible to be a qualified agency,
51 the department of social services shall provide a letter of eligibility to such
52 agency. No later than February first of each year, the department of social
53 services shall provide a list of qualified agencies to the department of revenue.
54 All tax credit applications to claim the champion for children tax credit shall be
55 filed between July first and April fifteenth of each fiscal year. A taxpayer shall
56 apply for the champion for children tax credit by attaching a copy of the
57 contribution verification provided by a qualified agency to such taxpayer's income
58 tax return.

59 5. Any amount of tax credit which exceeds the tax due or which is applied
60 for and otherwise eligible for issuance but not issued shall not be refunded but
61 may be carried over to any subsequent [taxable] tax year, not to exceed a total
62 of five years.

63 6. Tax credits may **not** be assigned, transferred or sold.

64 7. (1) In the event a credit denial, due to lack of available funds, causes
65 a balance-due notice to be generated by the department of revenue, or any other
66 redeeming agency, the taxpayer will not be held liable for any penalty or interest,
67 provided the balance is paid, or approved payment arrangements have been
68 made, within sixty days from the notice of denial.

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

72 8. The department may promulgate such rules or regulations as are
73 necessary to administer the provisions of this section. Any rule or portion of a
74 rule, as that term is defined in section 536.010, that is created under the
75 authority delegated in this section shall become effective only if it complies with
76 and is subject to all of the provisions of chapter 536 and, if applicable, section

77 536.028. This section and chapter 536 are nonseverable and if any of the powers
78 vested with the general assembly pursuant to chapter 536 to review, to delay the
79 effective date, or to disapprove and annul a rule are subsequently held
80 unconstitutional, then the grant of rulemaking authority and any rule proposed
81 or adopted after August 28, 2013, shall be invalid and void.

82 9. Pursuant to section 23.253, of the Missouri sunset act:

83 (1) The program authorized under this section shall be reauthorized as of
84 **[March 29, 2013] December 31, 2019**, and shall expire on December 31, **[2019]**
85 **2025**, unless reauthorized by the general assembly; and

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

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

93 10. Beginning on March 29, 2013, any verified contribution to a qualified
94 agency made on or after January 1, 2013, shall be eligible for tax credits as
95 provided by this section.

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

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

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

20 4. Eligible costs for which the credit may be claimed include:

21 (1) Constructing entrance or exit ramps;

22 (2) Widening exterior or interior doorways;

23 (3) Widening hallways;

24 (4) Installing handrails or grab bars;

25 (5) Moving electrical outlets and switches;

26 (6) Installing stairway lifts;

27 (7) Installing or modifying fire alarms, smoke detectors, and other alerting
28 systems;

29 (8) Modifying hardware of doors; or

30 (9) Modifying bathrooms.

31 5. The tax credits allowed, including the maximum amount that may be
32 claimed, pursuant to this section shall be reduced by an amount sufficient to
33 offset any amount of such costs a taxpayer has already deducted from such
34 taxpayer's federal adjusted gross income or to the extent such taxpayer has
35 applied any other state or federal income tax credit to such costs.

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

39 7. The department may, in consultation with the department of social
40 services, promulgate such rules or regulations as are necessary to administer the
41 provisions of this section. Any rule or portion of a rule, as that term is defined
42 in section 536.010, that is created under the authority delegated in this section
43 shall become effective only if it complies with and is subject to all of the
44 provisions of chapter 536 and, if applicable, section 536.028. This section and
45 chapter 536 are nonseverable and if any of the powers vested with the general
46 assembly pursuant to chapter 536 to review, to delay the effective date or to
47 disapprove and annul a rule are subsequently held unconstitutional, then the
48 grant of rulemaking authority and any rule proposed or adopted after August 28,
49 2007, shall be invalid and void.

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

52 9. The provisions of this section shall expire December 31, [2019] **2026**,
53 unless reauthorized by the general assembly. This section shall terminate on

54 September first of the calendar year immediately following the calendar year in
55 which the program authorized under this section is sunset. The provisions of this
56 subsection shall not be construed to limit or in any way impair the department's
57 ability to redeem tax credits authorized on or before the date the program
58 authorized under this section expires or a taxpayer's ability to redeem such tax
59 credits.

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

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

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

4 (2) "Maternity home", a residential facility located in this state:

5 (a) Established for the purpose of providing housing and assistance to
6 pregnant women who are carrying their pregnancies to term[.];

7 (b) **That does not perform, induce, or refer for abortions and that**
8 **does not hold itself out as performing, inducing, or referring for**
9 **abortions;**

10 (c) **That provides services at no cost to clients;** and [which]

11 (d) **That** is exempt from income taxation under the United States
12 Internal Revenue Code;

13 (3) "State tax liability", in the case of a business taxpayer, any liability
14 incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147,
15 chapter 148, and chapter 153, exclusive of the provisions relating to the
16 withholding of tax as provided for in sections 143.191 to 143.265, and related
17 provisions, and in the case of an individual taxpayer, any liability incurred by
18 such taxpayer pursuant to the provisions of chapter 143;

19 (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a
20 shareholder in an S corporation doing business in the state of Missouri and
21 subject to the state income tax imposed by the provisions of chapter 143,
22 including any charitable organization which is exempt from federal income tax
23 and whose Missouri unrelated business taxable income, if any, would be subject
24 to the state income tax imposed under chapter 143, or a corporation subject to the
25 annual corporation franchise tax imposed by the provisions of chapter 147, or an
26 insurance company paying an annual tax on its gross premium receipts in this

27 state, or other financial institution paying taxes to the state of Missouri or any
28 political subdivision of this state pursuant to the provisions of chapter 148, or an
29 express company which pays an annual tax on its gross receipts in this state
30 pursuant to chapter 153, or an individual subject to the state income tax imposed
31 by the provisions of chapter 143.

32 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's
33 state tax liability, in an amount equal to fifty percent of the amount such
34 taxpayer contributed to a maternity home.

35 3. The amount of the tax credit claimed shall not exceed the amount of the
36 taxpayer's state tax liability for the [taxable] tax year that the credit is claimed,
37 and such taxpayer shall not be allowed to claim a tax credit in excess of fifty
38 thousand dollars per [taxable] tax year. However, any tax credit that cannot be
39 claimed in the [taxable] tax year the contribution was made may be carried over
40 **only** to the next [four] succeeding [taxable years until the full credit has been
41 claimed] tax year. **No tax credit issued under this section shall be**
42 **assigned, transferred, or sold.**

43 4. Except for any excess credit which is carried over pursuant to
44 subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit
45 unless the total amount of such taxpayer's contribution or contributions to a
46 maternity home or homes in such taxpayer's [taxable] tax year has a value of at
47 least one hundred dollars.

48 5. The director of the department of social services shall determine, at
49 least annually, which facilities in this state may be classified as maternity
50 homes. The director of the department of social services may require of a facility
51 seeking to be classified as a maternity home whatever information is reasonably
52 necessary to make such a determination. The director of the department of social
53 services shall classify a facility as a maternity home if such facility meets the
54 definition set forth in subsection 1 of this section.

55 6. The director of the department of social services shall establish a
56 procedure by which a taxpayer can determine if a facility has been classified as
57 a maternity home, and by which such taxpayer can then contribute to such
58 maternity home and claim a tax credit. Maternity homes shall be permitted to
59 decline a contribution from a taxpayer. The cumulative amount of tax credits
60 which may be claimed by all the taxpayers contributing to maternity homes in
61 any one fiscal year shall not exceed two million dollars for all fiscal years ending
62 on or before June 30, 2014, and two million five hundred thousand dollars for all

63 fiscal years beginning on or after July 1, 2014, and ending on or before June
64 30, 2019, and three million five hundred thousand dollars for all fiscal
65 years beginning on or after July 1, 2019. Tax credits shall be issued in
66 the order contributions are received. If the amount of tax credits
67 redeemed in a fiscal year is less than the cumulative amount authorized
68 under this subsection, the difference shall be carried over to a
69 subsequent fiscal year or years and shall be added to the cumulative
70 amount of tax credits that may be authorized in that fiscal year or
71 years.

72 7. The director of the department of social services shall establish a
73 procedure by which, from the beginning of the fiscal year until some point in time
74 later in the fiscal year to be determined by the director of the department of
75 social services, the cumulative amount of tax credits are equally apportioned
76 among all facilities classified as maternity homes. If a maternity home fails to
77 use all, or some percentage to be determined by the director of the department of
78 social services, of its apportioned tax credits during this predetermined period of
79 time, the director of the department of social services may reapportion these
80 unused tax credits to those maternity homes that have used all, or some
81 percentage to be determined by the director of the department of social services,
82 of their apportioned tax credits during this predetermined period of time. The
83 director of the department of social services may establish more than one period
84 of time and reapportion more than once during each fiscal year. To the maximum
85 extent possible, the director of the department of social services shall establish
86 the procedure described in this subsection in such a manner as to ensure that
87 taxpayers can claim all the tax credits possible up to the cumulative amount of
88 tax credits available for the fiscal year.

89 8. This section shall become effective January 1, 2000, and shall apply to
90 all tax years after December 31, 1999, **until sunset**. [No tax credits shall be
91 issued under this section after June 30, 2020.]

92 **9. Under section 23.253 of the Missouri sunset act:**

93 **(1) The provisions of the program authorized under this section**
94 **shall automatically sunset on December thirty-first six years after the**
95 **effective date of this subsection unless reauthorized by an act of the**
96 **general assembly;**

97 **(2) If such program is reauthorized, the program authorized**
98 **under this section shall automatically sunset on December thirty-first**

99 **six years after the effective date of the reauthorization of this section;**
100 **(3) This section shall terminate on September first of the**
101 **calendar year immediately following the calendar year in which the**
102 **program authorized under this section is sunset; and**

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

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

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

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

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

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

11 (b) Where childbirths are not performed; and

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

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

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

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

19 (g) Which is exempt from income taxation pursuant to the Internal
20 Revenue Code of 1986, as amended;

21 (4) "State tax liability", in the case of a business taxpayer, any liability
22 incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148,
23 and 153, excluding sections 143.191 to 143.265 and related provisions, and in the
24 case of an individual taxpayer, any liability incurred by such taxpayer pursuant
25 to the provisions of chapter 143, excluding sections 143.191 to 143.265 and
26 related provisions;

27 (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a
28 shareholder in an S corporation doing business in the state of Missouri and

29 subject to the state income tax imposed by the provisions of chapter 143, or a
30 corporation subject to the annual corporation franchise tax imposed by the
31 provisions of chapter 147, or an insurance company paying an annual tax on its
32 gross premium receipts in this state, or other financial institution paying taxes
33 to the state of Missouri or any political subdivision of this state pursuant to the
34 provisions of chapter 148, or an express company which pays an annual tax on
35 its gross receipts in this state pursuant to chapter 153, or an individual subject
36 to the state income tax imposed by the provisions of chapter 143, or any
37 charitable organization which is exempt from federal income tax and whose
38 Missouri unrelated business taxable income, if any, would be subject to the state
39 income tax imposed under chapter 143.

40 2. (1) Beginning on March 29, 2013, any contribution to a pregnancy
41 resource center made on or after January 1, 2013, shall be eligible for tax credits
42 as provided by this section.

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

47 3. The amount of the tax credit claimed shall not exceed the amount of the
48 taxpayer's state tax liability for the [taxable] **tax** year for which the credit is
49 claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of
50 fifty thousand dollars per [taxable] **tax** year. However, any tax credit that
51 cannot be claimed in the [taxable] **tax** year the contribution was made may be
52 carried over **only** to the next [four] succeeding [taxable years until the full credit
53 has been claimed] **tax year. No tax credit issued under this section shall**
54 **be assigned, transferred, or sold.**

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

60 5. The director shall determine, at least annually, which facilities in this
61 state may be classified as pregnancy resource centers. The director may require
62 of a facility seeking to be classified as a pregnancy resource center whatever
63 information which is reasonably necessary to make such a determination. The
64 director shall classify a facility as a pregnancy resource center if such facility

65 meets the definition set forth in subsection 1 of this section.

66 6. The director shall establish a procedure by which a taxpayer can
67 determine if a facility has been classified as a pregnancy resource
68 center. Pregnancy resource centers shall be permitted to decline a contribution
69 from a taxpayer. The cumulative amount of tax credits which may be claimed by
70 all the taxpayers contributing to pregnancy resource centers in any one fiscal year
71 shall not exceed two million dollars for all fiscal years ending on or before June
72 30, 2014, and two million five hundred thousand dollars for all fiscal years
73 beginning on or after July 1, 2014, **and ending on or before June 30, 2019,**
74 **and three million five hundred thousand dollars for all fiscal years**
75 **beginning on or after July 1, 2019.** Tax credits shall be issued in the order
76 contributions are received. **If the amount of tax credits redeemed in a**
77 **fiscal year is less than the cumulative amount authorized under this**
78 **subsection, the difference shall be carried over to a subsequent fiscal**
79 **year or years and shall be added to the cumulative amount of tax**
80 **credits that may be authorized in that fiscal year or years.**

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

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

101 9. [Pursuant to] **Under** section 23.253 of the Missouri sunset act:

102 (1) The **provisions of the** program authorized under this section shall
103 [be reauthorized as of March 29, 2013, and shall expire] **automatically sunset**
104 on December [31, 2019,] **thirty-first six years after the effective date of**
105 **this section** unless reauthorized by **an act of** the general assembly; [and]

106 (2) **If such program is reauthorized, the program authorized**
107 **under this section shall automatically sunset on December thirty-first**
108 **six years after the effective date of the reauthorization of this section;**

109 (3) This section shall terminate on September first of the calendar year
110 immediately following the calendar year in which a program authorized under
111 this section is sunset; and

112 [(3)] (4) The provisions of this subsection shall not be construed to limit
113 or in any way impair the department's ability to issue tax credits authorized on
114 or before the date the program authorized under this section expires or a
115 taxpayer's ability to redeem such tax credits.

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 homeless shelter**", any homeless shelter 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 temporary living arrangements, in the area in
12 which the taxpayer claiming the tax credit under this section resides,
13 for individuals and families who otherwise lack a fixed, regular, and
14 adequate nighttime residence and lack the resources or support
15 networks to obtain other permanent housing;

16 (3) "**Local soup kitchen**", any soup kitchen that is:

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

19 (b) Providing prepared meals through an established congregate
20 feeding operation to needy, low-income persons including, but not
21 limited to, homeless persons in the area in which the taxpayer claiming

22 **the tax credit under this section resides;**

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

27 2. (1) Beginning on March 29, 2013, any donation of cash or food made
28 **to a local food pantry on or after January 1, 2013, unless such food is**
29 **donated after the food's expiration date,** shall be eligible for tax credits as
30 provided by this section.

31 (2) [For all tax years beginning on or after January 1, 2007,] **Beginning**
32 **on August 28, 2018, any donation of cash or food made to a local soup**
33 **kitchen or local homeless shelter on or after January 1, 2018, unless**
34 **such food is donated after the food's expiration date, shall be eligible**
35 **for a tax credit as provided under this section.**

36 (3) Any taxpayer who [donates cash or food, unless such food is donated
37 after the food's expiration date, to any local food pantry] **makes a donation**
38 **that is eligible for a tax credit under this section** shall be allowed a credit
39 against the tax otherwise due under chapter 143, excluding withholding tax
40 imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the
41 value of the donations made to the extent such amounts that have been
42 subtracted from federal adjusted gross income or federal taxable income are
43 added back in the determination of Missouri adjusted gross income or Missouri
44 taxable income before the credit can be claimed. Each taxpayer claiming a tax
45 credit under this section shall file an affidavit with the income tax return
46 verifying the amount of their contributions. The amount of the tax credit claimed
47 shall not exceed the amount of the taxpayer's state tax liability for the tax year
48 that the credit is claimed[,] and shall not exceed two thousand five hundred
49 dollars per taxpayer claiming the credit. Any amount of credit that the taxpayer
50 is prohibited by this section from claiming in a tax year shall not be refundable,
51 but may be carried forward to any of the taxpayer's three subsequent [taxable]
52 **tax years.** No tax credit granted under this section shall be transferred, sold, or
53 assigned. No taxpayer shall be eligible to receive a credit pursuant to this section
54 if such taxpayer employs persons who are not authorized to work in the United
55 States under federal law. **No taxpayer shall be able to claim more than**
56 **one credit under this section for a single donation.**

57 3. The cumulative amount of tax credits under this section which may be

58 allocated to all taxpayers contributing to a local food pantry, **local soup**
59 **kitchen, or local homeless shelter** in any one fiscal year shall not exceed one
60 million seven hundred fifty thousand dollars. The director of revenue shall
61 establish a procedure by which the cumulative amount of tax credits is
62 apportioned among all taxpayers claiming the credit by April fifteenth of the
63 fiscal year in which the tax credit is claimed. To the maximum extent possible,
64 the director of revenue shall establish the procedure described in this subsection
65 in such a manner as to ensure that taxpayers can claim all the tax credits
66 possible up to the cumulative amount of tax credits available for the fiscal year.

67 4. Any local food pantry, **local soup kitchen, or local homeless**
68 **shelter** may accept or reject any donation of food made under this section for any
69 reason. For purposes of this section, any donations of food accepted by a local
70 food pantry, **local soup kitchen, or local homeless shelter** shall be valued
71 at fair market value, or at wholesale value if the taxpayer making the donation
72 of food is a retail grocery store, food broker, wholesaler, or restaurant.

73 5. The department of revenue shall promulgate rules to implement the
74 provisions of this section. Any rule or portion of a rule, as that term is defined
75 in section 536.010, that is created under the authority delegated in this section
76 shall become effective only if it complies with and is subject to all of the
77 provisions of chapter 536 and, if applicable, section 536.028. This section and
78 chapter 536 are nonseverable and if any of the powers vested with the general
79 assembly pursuant to chapter 536 to review, to delay the effective date, or to
80 disapprove and annul a rule are subsequently held unconstitutional, then the
81 grant of rulemaking authority and any rule proposed or adopted after August 28,
82 2007, shall be invalid and void.

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

84 (1) The program authorized under this section shall be reauthorized as of
85 **[March 29, 2013] August 28, 2018**, and shall expire on December 31, **[2019]**
86 **2026**, unless reauthorized by the general assembly; and

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

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

135.1125. 1. As used in this section, the following terms shall
2 mean:

- 3 (1) "Certificate", a tax credit certificate issued under this section;
- 4 (2) "Department", the Missouri department of social services;
- 5 (3) "Eligible donation", a donation of cash, stock, bonds or other
6 marketable securities, or real property made to an eligible provider;
- 7 (4) "Eligible provider", an organization that provides funding for
8 unmet health, hunger, and hygiene needs of children in school;
- 9 (5) "Taxpayer", a person, firm, partner in a firm, corporation, or
10 a shareholder in an S corporation doing business in the state of
11 Missouri and subject to the state income tax imposed in chapter 143, an
12 insurance company paying an annual tax on its gross premium receipts
13 in this state, any other financial institution paying taxes to the state of
14 Missouri or any political subdivision of this state under chapter 148, or
15 any charitable organization which is exempt from federal income tax
16 and whose Missouri unrelated business taxable income, if any, would
17 be subject to the state income tax imposed under chapter 143.

18 2. For all taxable years beginning on or after January 1, 2019,
19 any taxpayer shall be allowed a credit against the taxes otherwise due
20 under chapter 143 or 148, excluding withholding tax under sections
21 143.191 to 143.265, in an amount equal to fifty percent of the amount of
22 an eligible donation. The amount of the tax credit claimed shall not
23 exceed the amount of the taxpayer's state income tax liability in the tax
24 year for which the credit is claimed. Any amount of credit that the
25 taxpayer is prohibited by this section from claiming in a tax year shall
26 not be refundable, but may be carried forward to any of the taxpayer's
27 four subsequent taxable years.

28 3. To claim the credit authorized in this section, a provider may
29 submit to the department an application for the tax credit authorized
30 by this section on behalf of taxpayers. The department shall verify that
31 the provider has submitted the following items accurately and
32 completely:

- 33 (1) A valid application in the form and format required by the
34 department;
- 35 (2) A statement attesting to the eligible donation received, which
36 shall include the name and taxpayer identification number of the
37 individual making the eligible donation, the amount of the eligible

38 donation, and the date the eligible donation was received by the
39 provider; and

40 (3) A payment from the eligible provider in an amount equal to
41 fifty percent of the eligible donation.

42 If the provider applying for the tax credit meets all criteria required
43 by this subsection, the department shall issue a certificate in the
44 appropriate amount.

45 4. Tax credits issued under this section may be assigned,
46 transferred, sold, or otherwise conveyed, and the new owner of the tax
47 credit shall have the same rights in the credit as the
48 taxpayer. Whenever a certificate is assigned, transferred, sold, or
49 otherwise conveyed, a notarized endorsement shall be filed with the
50 department specifying the name and address of the new owner of the
51 tax credit or the value of the credit.

52 5. The department shall promulgate rules to implement the
53 provisions of this section. Any rule or portion of a rule, as that term is
54 defined in section 536.010 that is created under the authority delegated
55 in this section shall become effective only if it complies with and is
56 subject to all of the provisions of chapter 536, and, if applicable, section
57 536.028. This section and chapter 536 are nonseverable and if any of
58 the powers vested with the general assembly pursuant to chapter 536,
59 to review, to delay the effective date, or to disapprove and annul a rule
60 are subsequently held unconstitutional, then the grant of rulemaking
61 authority and any rule proposed or adopted after August 28, 2018, shall
62 be invalid and void.

63 6. Pursuant to section 23.253 of the Missouri sunset act:

64 (1) The provisions of this section shall automatically sunset six
65 years after the effective date of this section, unless reauthorized by an
66 act of the general assembly; and

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

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

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