

SENATE SUBSTITUTE  
FOR  
HOUSE BILL NO. 269  
AN ACT

To amend chapter 135, RSMo, by adding thereto three new sections relating to tax credits for child care.

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

Section A. Chapter 135, RSMo, is amended by adding thereto three new sections, to be known as sections 135.1310, 135.1325, and 135.1350, to read as follows:

135.1310. 1. This section shall be known and may be cited as the "Child Care Contribution Tax Credit Act".

2. For purposes of this section, the following terms shall mean:

(1) "Child care", the same as defined in section 210.201;

(2) "Child care desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a child care provider in urbanized areas or at least ten miles away in rural areas;

(3) "Child care provider", a child care provider as defined in section 210.201 that is licensed pursuant to section 210.221, or that is unlicensed and that is registered with the department of elementary and secondary education;

(4) "Contribution", an eligible donation of cash, stock, bonds or other marketable securities, or real property. "Contribution" shall include the reasonable purchase price paid for an employer's purchase of child care

23 from a child care provider for the children of the  
24 employer's employees;

25 (5) "Department", the Missouri department of economic  
26 development;

27 (6) "Intermediary", a nonprofit organization that is,  
28 or agrees to become, subject to the jurisdiction of this  
29 state for the purposes of the administration and enforcement  
30 of this section, and that distributes funds for the purposes  
31 of supporting a child care provider;

32 (7) "Person related to the taxpayer", an individual  
33 connected with the taxpayer by blood, adoption, or marriage,  
34 or an individual, corporation, partnership, limited  
35 liability company, trust, or association controlled by, or  
36 under the control of, the taxpayer directly, or through an  
37 individual, corporation, limited liability company,  
38 partnership, trust, or association under the control of the  
39 taxpayer;

40 (8) "Rural area", a town or community within the state  
41 that is not within a metropolitan statistical area and has a  
42 population of six thousand or fewer inhabitants as  
43 established by the United States Census Bureau, or any  
44 unincorporated area not within a metropolitan statistical  
45 area;

46 (9) "State tax liability", any liability incurred by a  
47 taxpayer pursuant to chapter 143 or chapter 148, exclusive  
48 of the provisions relating to the withholding of tax as  
49 provided for in sections 143.191 to 143.265 and related  
50 provisions;

51 (10) "Tax credit", a credit against the taxpayer's  
52 state tax liability;

53 (11) "Taxpayer", a corporation as defined in section  
54 143.441 or 143.471, any charitable organization that is  
55 exempt from federal income tax and whose Missouri unrelated

56 business taxable income, if any, would be subject to the  
57 state income tax imposed pursuant to chapter 143, or  
58 individuals or partnerships subject to the state income tax  
59 imposed by the provisions of chapter 143.

60 3. For all tax years beginning on or after January 1,  
61 2026, a taxpayer may claim the tax credit authorized in this  
62 section against the taxpayer's state tax liability for the  
63 tax year in which a verified contribution was made in an  
64 amount equal to seventy-five percent of the verified  
65 contribution to a child care provider or intermediary. The  
66 minimum amount of any tax credit issued shall not be less  
67 than one hundred dollars and shall not exceed two hundred  
68 thousand dollars per tax year.

69 (1) A child care provider or intermediary shall apply  
70 to the department to participate in the program established  
71 in this section, using a form prescribed by the department.  
72 The department shall determine eligibility and enter into an  
73 agreement that meets the requirements of section 620.017  
74 with an eligible child care facility or intermediary. Only  
75 contributions to child care providers and intermediaries  
76 that have entered into an agreement with the department may  
77 receive a tax credit pursuant to this section.

78 (2) The child care provider or intermediary receiving  
79 a contribution shall, within sixty days of the date it  
80 received the contribution, file a contribution verification  
81 with the department and issue a copy of the contribution  
82 verification to the taxpayer. The contribution verification  
83 shall be in the form established by the department and shall  
84 include the taxpayer's name, taxpayer's state or federal tax  
85 identification number or last four digits of the taxpayer's  
86 Social Security number, amount of tax credit sought, amount  
87 or description of contribution, legal name and address of  
88 the child care provider receiving the tax credit, the child

care provider's federal employer identification number, the child care provider's department of elementary and secondary education vendor number or license number, the date the child care provider received the contribution from the taxpayer, and any other information requested by the department. The contribution verification shall include a signed attestation stating, in the case of a child care provider, that the child care provider will use the contribution solely to promote child care and, in the case of an intermediary, that the intermediary will distribute the contribution and any income thereon in full to one or more child care providers within two years of receipt.

(3) The failure of the child care provider or intermediary to timely issue the contribution verification to the taxpayer or file it with the department shall entitle the taxpayer to a refund of the contribution from the child care provider or intermediary.

4. A contribution, whether received from the taxpayer claiming the tax credit pursuant to this section or from an intermediary, is eligible when:

(1) The contribution is used directly by the child care provider to promote child care for children twelve years of age or younger, including by acquiring or improving child care facilities, equipment, or services, staff salaries, staff training, or improving the quality of child care;

(2) The contribution, if made to an intermediary, is distributed in full by the intermediary within two years of receipt to one or more child care providers for the sole purpose of promoting child care for children twelve years of age or younger;

120       (3) The contribution is made to a child care provider  
121 or intermediary in which the taxpayer or a person related to  
122 the taxpayer does not have a direct financial interest;

123       (4) The contribution made to an intermediary is not  
124 designated for a child care provider in which the taxpayer  
125 or a person related to the taxpayer has a direct financial  
126 interest; and

127       (5) The contribution is not made in exchange for care  
128 of a child or children, unless the contribution is made by  
129 an employer in purchasing child care for the children of the  
130 employer's employees.

131       5. A child care provider or intermediary that uses the  
132 contribution for an ineligible purpose shall repay to the  
133 department the value of the tax credit for the contribution  
134 amount used for such ineligible purpose. An intermediary  
135 that accepts a contribution and issues a taxpayer a  
136 contribution verification is itself permanently ineligible  
137 to claim or redeem a tax credit pursuant to this section.

138       6. (1) The tax credits authorized by this section  
139 shall not be refundable and shall not be transferred, sold,  
140 or otherwise conveyed. Any amount of approved tax credits  
141 that a taxpayer is prohibited by this subsection from using  
142 for the tax year in which the credit is first claimed may be  
143 carried forward to the taxpayer's subsequent tax year for up  
144 to six succeeding tax years.

145       (2) In the case of a taxpayer that has or elects pass-  
146 through taxation pursuant to federal income tax law, the tax  
147 credits issued pursuant to this section shall be apportioned  
148 in proportion to the share of ownership of the taxpayer on  
149 the last day of the taxpayer's tax period for which such tax  
150 credits will be issued, to the following:

151       (a) The shareholders of the S corporation;

152       (b) The partners in a partnership; or

153       (c) The members of a limited liability company that  
154 has or elects pass-through taxation pursuant to federal  
155 income tax law.

156       (3) A taxpayer shall not claim a tax credit pursuant  
157 to this section and a tax credit pursuant to section  
158 135.1325 for the same contribution or expenditure.

159       7. Notwithstanding any provision of subsection 6 of  
160 this section to the contrary, a taxpayer that is exempt,  
161 under 26 U.S.C. Section 501(c)(3), and any amendments  
162 thereto, from all or part of the federal income tax shall be  
163 eligible for a refund of its tax credit issued under this  
164 section, without regard to whether it has incurred any state  
165 tax liability. Such exempt taxpayer may claim a refund of  
166 the tax credit on its tax return required to be filed under  
167 the provisions of chapter 143, exclusive of the return for  
168 the withholding of tax under sections 143.191 to 143.265.  
169 If such exempt taxpayer is not required to file a tax return  
170 under the provisions of chapter 143, the exempt taxpayer may  
171 claim a refund of the tax credit on a refund claim form  
172 prescribed by the department of revenue. The department of  
173 revenue shall prescribe such forms, instructions, and rules  
174 as it deems appropriate to carry out the provisions of this  
175 subsection.

176       8. (1) The amount of tax credits authorized pursuant  
177 to this section shall not exceed twenty million dollars for  
178 each calendar year. The department shall approve tax credit  
179 applications on a first-come, first-served basis until the  
180 tax credit authorization limit is reached for the calendar  
181 year. A taxpayer shall apply to the department for the  
182 child care contribution tax credit by submitting a copy of  
183 the contribution verification provided by a child care  
184 provider or intermediary to such taxpayer. Upon receipt of

185 such contribution verification, the department shall issue a  
186 tax credit certificate to the taxpayer.

187 (2) If the maximum amount of tax credits allowed in  
188 any calendar year as provided pursuant to subdivision (1) of  
189 this subsection is authorized, the maximum amount of tax  
190 credits allowed pursuant to subdivision (1) of this  
191 subsection shall be increased by fifteen percent, provided  
192 that all such increases in the allowable amount of tax  
193 credits shall be reserved for contributions made to child  
194 care providers located in a child care desert. The director  
195 of the department shall publish such adjusted amount.

196 9. The tax credits allowed under this section shall be  
197 considered a domestic and social tax credit under  
198 subdivision (5) of subsection 2 of section 135.800.

199 10. All action and communication undertaken or  
200 required under this section shall be exempt from section  
201 105.1500.

202 11. The department may promulgate rules to implement  
203 and administer the provisions of this section. Any rule or  
204 portion of a rule, as that term is defined in section  
205 536.010, that is created pursuant to the authority delegated  
206 in this section shall become effective only if it complies  
207 with and is subject to all of the provisions of chapter 536  
208 and, if applicable, section 536.028. This section and  
209 chapter 536 are nonseverable and if any of the powers vested  
210 with the general assembly pursuant to chapter 536 to review,  
211 to delay the effective date, or to disapprove and annul a  
212 rule are subsequently held unconstitutional, then the grant  
213 of rulemaking authority and any rule proposed or adopted  
214 after August 28, 2025, shall be invalid and void.

215 12. Pursuant to section 23.253 of the Missouri sunset  
216 act:

217       (1) The program authorized under this section shall  
218 expire on December 31, 2031, unless reauthorized by the  
219 general assembly;

220       (2) The act shall terminate on September first of the  
221 calendar year immediately following the calendar year in  
222 which the program authorized under this section is sunset;

223       (3) If such program is reauthorized, the program  
224 authorized under this act shall automatically sunset six  
225 years after the effective date of the reauthorization of  
226 this section; and

227       (4) The provisions of this subsection shall not be  
228 construed to limit or in any way impair the department of  
229 revenue's ability to redeem tax credits authorized on or  
230 before the date the program authorized pursuant to this  
231 section expires or a taxpayer's ability to redeem such tax  
232 credits.

135.1325. 1. This section shall be known and may be  
2 cited as the "Employer Provided Child Care Assistance Tax  
3 Credit Act".

4       2. For purposes of this section, the following terms  
5 shall mean:

6       (1) "Child care desert", a census tract that has a  
7 poverty rate of at least twenty percent or a median family  
8 income of less than eighty percent of the statewide average  
9 and where at least five hundred people or thirty-three  
10 percent of the population are located at least one-half mile  
11 away from a child care provider in urbanized areas or at  
12 least ten miles away in rural areas;

13       (2) "Child care facility", a child care facility as  
14 defined in section 210.201 that is licensed pursuant to  
15 section 210.221, or that is unlicensed and that is  
16 registered with the department of elementary and secondary  
17 education;



18       (3) "Child care provider", a child care provider as  
19 defined in section 210.201 that is licensed pursuant to  
20 section 210.221, or that is unlicensed and that is  
21 registered with the department of elementary and secondary  
22 education;

23       (4) "Department", the Missouri department of economic  
24 development;

25       (5) "Employer matching contribution", a contribution  
26 made by the taxpayer to a cafeteria plan, as that term is  
27 used in 26 U.S.C. Section 125, of an employee of the  
28 taxpayer, which matches a dollar amount or percentage of the  
29 employee's contribution to the cafeteria plan. "Employer  
30 matching contribution" shall not include the amount of any  
31 salary reduction or other compensation foregone by the  
32 employee in connection with the cafeteria plan;

33       (6) "Qualified child care expenditure", an amount paid  
34 of reasonable costs incurred that meet any of the following:

35       (a) To acquire, construct, rehabilitate, or expand  
36 property that will be, or is, used as part of a child care  
37 facility that is either operated by the taxpayer or  
38 contracted with by the taxpayer and which does not  
39 constitute part of the principal residence of the taxpayer  
40 or any employee of the taxpayer;

41       (b) For the operating costs of a child care facility  
42 of the taxpayer, including costs relating to the training of  
43 child care employees, scholarship programs, and for  
44 compensation to child care employees;

45       (c) Under a contract with a child care facility to  
46 provide child care services to employees of the taxpayer; or

47       (d) As an employer matching contribution, but only to  
48 the extent such employer matching contribution is restricted  
49 by the taxpayer solely for the taxpayer's employee to obtain

child care services at a child care facility and is used for that purpose during the tax year;

(7) "Rural area", a town or community within the state that is not within a metropolitan statistical area and has a population of six thousand or fewer inhabitants as established by the United States Census Bureau, or any unincorporated area not within a metropolitan statistical area;

(8) "State tax liability", any liability incurred by the taxpayer pursuant to the provisions of chapter 143 or chapter 148, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and related provisions;

(9) "Tax credit", a credit against the taxpayer's state tax liability;

(10) "Taxpayer", a corporation as defined in section 143.441 or 143.471, any charitable organization that 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, or individuals or partnerships subject to the state income tax imposed by the provisions of chapter 143.

3. For all tax years beginning on or after January 1, 2026, a taxpayer with two or more employees may claim a tax credit authorized in this section in an amount equal to thirty percent of the qualified child care expenditures paid or incurred with respect to a child care facility in order to provide child care to the taxpayer's employees. The maximum amount of any tax credit issued under this section shall not exceed two hundred thousand dollars per taxpayer per tax year.

4. A facility shall not be treated as a child care facility with respect to a taxpayer unless enrollment in the

83 facility is open to the dependents of employees of the  
84 taxpayer during the tax year, provided that the dependents  
85 fall within the age range ordinarily cared for by, and only  
86 require a level of care ordinarily provided by, such  
87 facility.

88 5. (1) The tax credits authorized by this section  
89 shall not be refundable or transferable. The tax credits  
90 shall not be sold, assigned, or otherwise conveyed. Any  
91 amount of approved tax credits that a taxpayer is prohibited  
92 by this subsection from using for the tax year in which the  
93 credit is first claimed may be carried forward to the  
94 taxpayer's subsequent tax year for up to six succeeding tax  
95 years.

96 (2) In the case of a taxpayer that has or elects pass-  
97 through taxation pursuant to federal income tax law, the tax  
98 credits issued pursuant to this section shall be apportioned  
99 in proportion to the share of ownership of the taxpayer on  
100 the last day of the taxpayer's tax period for which such tax  
101 credits will be issued, to the following:

102 (a) The shareholders of the S corporation;  
103 (b) The partners in a partnership; or  
104 (c) The members of a limited liability company that  
105 has or elects pass-through taxation pursuant to federal  
106 income tax law.

107 (3) A taxpayer shall not claim a tax credit pursuant  
108 to this section and a tax credit pursuant to section  
109 135.1310 or 135.1350 for the same contribution or  
110 expenditure.

111 6. Notwithstanding any provision of subsection 5 of  
112 this section to the contrary, a taxpayer that is exempt,  
113 under 26 U.S.C. Section 501(c)(3), and any amendments  
114 thereto, from all or part of the federal income tax shall be  
115 eligible for a refund of its tax credit issued under this

section, without regard to whether it has incurred any state tax liability. Such exempt taxpayer may claim a refund of the tax credit on its tax return required to be filed under the provisions of chapter 143, exclusive of the return for the withholding of tax under sections 143.191 to 143.265. If such exempt taxpayer is not required to file a tax return under the provisions of chapter 143, the exempt taxpayer may claim a refund of the tax credit on a refund claim form prescribed by the department of revenue. The department of revenue shall prescribe such forms, instructions, and rules as it deems appropriate to carry out the provisions of this subsection.

7. (1) The amount of tax credits authorized pursuant to this section shall not exceed twenty million dollars for each calendar year. The department shall approve tax credit applications on a first-come, first-served basis until the tax credit authorization limit is reached for the calendar year.

(2) If the maximum amount of tax credits allowed in any calendar year as provided pursuant to subdivision (1) of this subsection is authorized, the maximum amount of tax credits allowed pursuant to subdivision (1) of this subsection shall be increased by fifteen percent, provided that all such increases in the allowable amount of tax credits shall be reserved for qualified child care expenditures for child care facilities located in a child care desert. The director of the department shall publish such adjusted amount.

8. A taxpayer who has been issued a tax credit under this section shall notify the department within sixty days of any cessation of operation, change in ownership, or agreement to assume recapture liability as such terms are defined by 26 U.S.C. Section 45F, in the form and manner

149 prescribed by department rule or instruction. If there is a  
150 cessation of operation or change in ownership relating to a  
151 child care facility, the department may require the taxpayer  
152 to repay the department an amount equal to the credit issued  
153 under this section, but this recapture amount shall be  
154 limited to the tax credit allowed under this section. The  
155 recapture amount shall be considered a tax liability arising  
156 on the tax payment due date for the tax year in which the  
157 cessation of operation, change in ownership, or agreement to  
158 assume recapture liability occurred and shall be assessed  
159 and collected under the same provisions that apply to a tax  
160 liability under chapter 143 or chapter 148, provided that no  
161 interest shall be assessed against any amounts recaptured  
162 pursuant to this subsection.

163 9. The tax credit allowed pursuant to this section  
164 shall be considered a domestic and social tax credit under  
165 subdivision (5) of subsection 2 of section 135.800.

166 10. All action and communication undertaken or  
167 required under this section shall be exempt from section  
168 105.1500.

169 11. The department may promulgate rules to implement  
170 and administer the provisions of this section. Any rule or  
171 portion of a rule, as that term is defined in section  
172 536.010, that is created pursuant to the authority delegated  
173 in this section shall become effective only if it complies  
174 with and is subject to all of the provisions of chapter 536  
175 and, if applicable, section 536.028. This section and  
176 chapter 536 are nonseverable and if any of the powers vested  
177 with the general assembly pursuant to chapter 536 to review,  
178 to delay the effective date, or to disapprove and annul a  
179 rule are subsequently held unconstitutional, then the grant  
180 of rulemaking authority and any rule proposed or adopted  
181 after August 28, 2025, shall be invalid and void.

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

(1) The program authorized under this act shall expire  
on December 31, 2031, unless reauthorized by the general  
assembly;

(2) The act shall terminate on September first of the  
calendar year immediately following the calendar year in  
which the program authorized under the act is sunset;

(3) If such program is reauthorized, the program  
authorized under this act shall automatically sunset six  
years after the effective date of the reauthorization of the  
act; and

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

135.1350. 1. This section shall be known and may be  
cited as the "Child Care Providers Tax Credit Act".

2. For purposes of this section, the following terms  
shall mean:

(1) "Capital expenditures", expenses incurred by a  
child care provider, during the tax year for which a tax  
credit is claimed pursuant to this section, for the  
construction, renovation, or rehabilitation of a child care  
facility to the extent necessary to operate a child care  
facility and comply with applicable child care facility  
regulations promulgated by the department of elementary and  
secondary education;

(2) "Child care desert", a census tract that has a  
poverty rate of at least twenty percent or a median family  
income of less than eighty percent of the statewide average

16 and where at least five hundred people or thirty-three  
17 percent of the population are located at least one-half mile  
18 away from a child care provider in urbanized areas or at  
19 least ten miles away in rural areas;

20 (3) "Child care facility", a child care facility as  
21 defined in section 210.201 that is licensed pursuant to  
22 section 210.221, or that is unlicensed and that is  
23 registered with the department of elementary and secondary  
24 education;

25 (4) "Child care provider", a child care provider as  
26 defined in section 210.201 that is licensed pursuant to  
27 section 210.221, or that is unlicensed and that is  
28 registered with the department of elementary and secondary  
29 education;

30 (5) "Department", the department of elementary and  
31 secondary education;

32 (6) "Employee", an employee, as that term is used in  
33 subsection 2 of section 143.191, of a child care provider  
34 who worked for the child care provider for an average of at  
35 least ten hours per week for at least a three-month period  
36 during the tax year for which a tax credit is claimed  
37 pursuant to this section and who is not an immediate family  
38 member of the child care provider;

39 (7) "Eligible employer withholding tax", the total  
40 amount of tax that the child care provider was required,  
41 under section 143.191, to deduct and withhold from the wages  
42 it paid to employees during the tax year for which the child  
43 care provider is claiming a tax credit pursuant to this  
44 section, to the extent actually paid. "Eligible employer  
45 withholding tax" shall not include any additional voluntary  
46 withholding requested by an employee;

47 (8) "Rural area", a town or community within the state  
48 that is not within a metropolitan statistical area and has a

49 population of six thousand or fewer inhabitants as  
50 established by the United States Census Bureau, or any  
51 unincorporated area not within a metropolitan statistical  
52 area;

53 (9) "State tax liability", any liability incurred by  
54 the taxpayer pursuant to the provisions of chapter 143,  
55 exclusive of the provisions relating to the withholding of  
56 tax as provided for in sections 143.191 to 143.265 and  
57 related provisions;

58 (10) "Tax credit", a credit against the taxpayer's  
59 state tax liability;

60 (11) "Taxpayer", a corporation as defined in section  
61 143.441 or 143.471, any charitable organization that is  
62 exempt from federal income tax and whose Missouri unrelated  
63 business taxable income, if any, would be subject to the  
64 state income tax imposed under chapter 143, or an individual  
65 or partnership subject to the state income tax imposed by  
66 the provisions of chapter 143.

67 3. For all tax years beginning on or after January 1,  
68 2026, a child care provider with three or more employees may  
69 claim a tax credit authorized in this section in an amount  
70 equal to the child care provider's eligible employer  
71 withholding tax, and may also claim a tax credit in an  
72 amount up to thirty percent of the child care provider's  
73 capital expenditures. No tax credit for capital  
74 expenditures shall be allowed if the capital expenditures  
75 are less than one thousand dollars. The amount of any tax  
76 credit issued under this section shall not exceed two  
77 hundred thousand dollars per child care provider per tax  
78 year.

79 4. To claim a tax credit authorized pursuant to this  
80 section, a child care provider shall submit to the  
81 department, for preliminary approval, an application for the



82 tax credit on a form provided by the department and at such  
83 times as the department may require. If the child care  
84 provider is applying for a tax credit for capital  
85 expenditures, the child care provider shall present proof  
86 acceptable to the department that the child care provider's  
87 capital expenditures satisfy the requirements of subdivision  
88 (1) of subsection 2 of this section. Upon final approval of  
89 an application, the department shall issue the child care  
90 provider a certificate of tax credit.

91 5. (1) The tax credits authorized by this section  
92 shall not be refundable and shall not be transferred, sold,  
93 assigned, or otherwise conveyed. Any amount of credit that  
94 exceeds the child care provider's state tax liability for  
95 the tax year for which the tax credit is issued may be  
96 carried forward to the child care provider's subsequent tax  
97 year for up to six succeeding tax years.

98 (2) In the case of a taxpayer that has or elects pass-  
99 through taxation pursuant to federal income tax law, the tax  
100 credits issued pursuant to this section shall be apportioned  
101 in proportion to the share of ownership of the taxpayer on  
102 the last day of the taxpayer's tax period for which such tax  
103 credits will be issued, to the following:

104 (a) The shareholders of the S corporation;  
105 (b) The partners in a partnership; or  
106 (c) The members of a limited liability company that  
107 has or elects pass-through taxation pursuant to federal  
108 income tax law.

109 (3) A taxpayer shall not claim a tax credit pursuant  
110 to this section and a tax credit pursuant to section  
111 135.1325 for the same contribution or expenditure.

112 6. Notwithstanding any provision of subsection 5 of  
113 this section to the contrary, a child care provider that is  
114 exempt, under 26 U.S.C. Section 501(c)(3), and any

115 amendments thereto, from all or part of the federal income  
116 tax shall be eligible for a refund of its tax credit issued  
117 under this section, without regard to whether it has  
118 incurred any state tax liability. Such exempt child care  
119 provider may claim a refund of the tax credit on its tax  
120 return required to be filed under the provisions of chapter  
121 143, exclusive of the return for the withholding of tax  
122 under sections 143.191 to 143.265. If such exempt child  
123 care provider is not required to file a tax return under the  
124 provisions of chapter 143, the exempt child care provider  
125 may claim a refund of the tax credit on a refund claim form  
126 prescribed by the department of revenue. The department of  
127 revenue shall prescribe such forms, instructions, and rules  
128 as it deems appropriate to carry out the provisions of this  
129 subsection.

130 7. (1) The amount of tax credits authorized pursuant  
131 to this section shall not exceed twenty million dollars for  
132 each calendar year. The department shall approve tax credit  
133 applications on a first-come, first-served basis until the  
134 tax credit authorization limit is reached for the calendar  
135 year.

136 (2) If the maximum amount of tax credits allowed in  
137 any calendar year as provided pursuant to subdivision (1) of  
138 this subsection is authorized, the maximum amount of tax  
139 credits allowed pursuant to subdivision (1) of this  
140 subsection shall be increased by fifteen percent, provided  
141 that all such increases in the allowable amount of tax  
142 credits shall be reserved for child care providers located  
143 in a child care desert. The director of the department  
144 shall publish such adjusted amount.

145 8. The tax credit authorized by this section shall be  
146 considered a domestic and social tax credit under  
147 subdivision (5) of subsection 2 of section 135.800.

148       9. All action and communication undertaken or required  
149 with respect to this section shall be exempt from section  
150 105.1500. Notwithstanding section 32.057 or any other tax  
151 confidentiality law to the contrary, the department of  
152 revenue may disclose tax information to the department for  
153 the purpose of the verification of a child care provider's  
154 eligible employer withholding tax under this section.

155       10. The department may promulgate rules and adopt  
156 statements of policy, procedures, forms and guidelines to  
157 implement and administer the provisions of this section.  
158 Any rule or portion of a rule, as that term is defined in  
159 section 536.010, that is created pursuant to the authority  
160 delegated in this section shall become effective only if it  
161 complies with and is subject to all of the provisions of  
162 chapter 536 and, if applicable, section 536.028. This  
163 section and chapter 536 are nonseverable and if any of the  
164 powers vested with the general assembly pursuant to chapter  
165 536 to review, to delay the effective date, or to disapprove  
166 and annul a rule are subsequently held unconstitutional,  
167 then the grant of rulemaking authority and any rule proposed  
168 or adopted after August 28, 2025, shall be invalid and void.

169       11. Pursuant to section 23.253 of the Missouri sunset  
170 act:

171       (1) The program authorized under this section shall  
172 expire on December 31, 2031, unless reauthorized by the  
173 general assembly;

174       (2) The act shall terminate on September first of the  
175 calendar year immediately following the calendar year in  
176 which the program authorized under this section is sunset;

177       (3) If such program is reauthorized, the program  
178 authorized under this section shall automatically sunset six  
179 years after the effective date of the reauthorization of  
180 this section; and

181       (4) The provisions of this subsection shall not be  
182 construed to limit or in any way impair the department of  
183 revenue's ability to redeem tax credits authorized on or  
184 before the date the program authorized pursuant to this  
185 section expires or a taxpayer's ability to redeem such tax  
186 credits.