

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE SUBSTITUTE NO. 2 FOR  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR

# HOUSE BILL NOS. 1288, 1377 & 2050

## 99TH GENERAL ASSEMBLY

4663S.06T

2018

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### AN ACT

To repeal sections 135.341, 135.600, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof seven new sections relating to tax credits for contributions to certain benevolent organizations.

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

Section A. Sections 135.341, 135.600, 135.630, 135.647, and 135.800, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as sections 135.341, 135.600, 135.621, 135.630, 135.647, 135.800, and 135.1125, to read as follows:

135.341. 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, **including an association based in this state, affiliated with a national association, and organized to provide support to entities listed in subsection 2 of section 210.001;**

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

31 3. The cumulative amount of the tax credits redeemed shall not exceed one million  
32 dollars ~~[in any tax year]~~ **for all fiscal years ending on or before June 30, 2019, and one**  
33 **million five hundred thousand dollars for all fiscal years beginning on or after July 1, 2019.**  
34 The amount available shall be equally divided among the three qualified agencies: CASA, child  
35 advocacy centers, or crisis care centers, to be used towards tax credits issued. In the event tax  
36 credits claimed under one agency do not total the allocated amount for that agency, the unused  
37 portion for that agency will be made available to the remaining agencies equally. In the event  
38 the total amount of tax credits claimed for any one agency exceeds the amount available for that  
39 agency, the amount redeemed shall and will be apportioned equally to all eligible taxpayers  
40 claiming the credit under that agency.

41 4. Prior to December thirty-first of each year, each qualified agency shall apply to the  
42 department of social services in order to verify their qualified agency status. Upon a  
43 determination that the agency is eligible to be a qualified agency, the department of social  
44 services shall provide a letter of eligibility to such agency. No later than February first of each  
45 year, the department of social services shall provide a list of qualified agencies to the department  
46 of revenue. All tax credit applications to claim the champion for children tax credit shall be filed

47 between July first and April fifteenth of each fiscal year. A taxpayer shall apply for the  
48 champion for children tax credit by attaching a copy of the contribution verification provided by  
49 a qualified agency to such taxpayer's income tax return.

50 5. Any amount of tax credit which exceeds the tax due or which is applied for and  
51 otherwise eligible for issuance but not issued shall not be refunded but may be carried over to  
52 any subsequent ~~taxable~~ tax year, not to exceed a total of five years.

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

54 7. (1) In the event a credit denial, due to lack of available funds, causes a balance-due  
55 notice to be generated by the department of revenue, or any other redeeming agency, the taxpayer  
56 will not be held liable for any penalty or interest, provided the balance is paid, or approved  
57 payment arrangements have been made, within sixty days from the notice of denial.

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

60 8. The department may promulgate such rules or regulations as are necessary to  
61 administer the provisions of this section. Any rule or portion of a rule, as that term is defined  
62 in section 536.010, that is created under the authority delegated in this section shall become  
63 effective only if it complies with and is subject to all of the provisions of chapter 536 and, if  
64 applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the  
65 powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective  
66 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of  
67 rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid  
68 and void.

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

70 (1) The program authorized under this section shall be reauthorized as of ~~[March 29,~~  
71 ~~2013]~~ **December 31, 2019**, and shall expire on December 31, ~~[2019]~~ **2025**, unless reauthorized  
72 by the general assembly; and

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

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

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

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 securities, or  
3 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 pregnant women  
6 who are carrying their pregnancies to term[;] ;

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

9 (c) **That provides services at no cost to clients;** and ~~which~~

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

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

17 (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S  
18 corporation doing business in the state of Missouri and subject to the state income tax imposed  
19 by the provisions of chapter 143, including any charitable organization which is exempt from  
20 federal income tax and whose Missouri unrelated business taxable income, if any, would be  
21 subject to the state income tax imposed under chapter 143, or a corporation subject to the annual  
22 corporation franchise tax imposed by the provisions of chapter 147, or an insurance company  
23 paying an annual tax on its gross premium receipts in this state, or other financial institution  
24 paying taxes to the state of Missouri or any political subdivision of this state pursuant to the  
25 provisions of chapter 148, or an express company which pays an annual tax on its gross receipts  
26 in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by  
27 the provisions of chapter 143.

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

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

38 4. Except for any excess credit which is carried over pursuant to subsection 3 of this  
39 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such

40 taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's  
41 [~~taxable~~] tax year has a value of at least one hundred dollars.

42 5. The director of the department of social services shall determine, at least annually,  
43 which facilities in this state may be classified as maternity homes. The director of the  
44 department of social services may require of a facility seeking to be classified as a maternity  
45 home whatever information is reasonably necessary to make such a determination. The director  
46 of the department of social services shall classify a facility as a maternity home if such facility  
47 meets the definition set forth in subsection 1 of this section.

48 6. The director of the department of social services shall establish a procedure by which  
49 a taxpayer can determine if a facility has been classified as a maternity home, and by which such  
50 taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes  
51 shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax  
52 credits which may be claimed by all the taxpayers contributing to maternity homes in any one  
53 fiscal year shall not exceed two million dollars for all fiscal years ending on or before June 30,  
54 2014, and two million five hundred thousand dollars for all fiscal years beginning on or after July  
55 1, 2014, **and ending on or before June 30, 2019, and three million five hundred thousand**  
56 **dollars for all fiscal years beginning on or after July 1, 2019. Tax credits shall be issued**  
57 **in the order contributions are received. If the amount of tax credits redeemed in a fiscal**  
58 **year is less than the cumulative amount authorized under this subsection, the difference**  
59 **shall be carried over to a subsequent fiscal year or years and shall be added to the**  
60 **cumulative amount of tax credits that may be authorized in that fiscal year or years.**

61 7. The director of the department of social services shall establish a procedure by which,  
62 from the beginning of the fiscal year until some point in time later in the fiscal year to be  
63 determined by the director of the department of social services, the cumulative amount of tax  
64 credits are equally apportioned among all facilities classified as maternity homes. If a maternity  
65 home fails to use all, or some percentage to be determined by the director of the department of  
66 social services, of its apportioned tax credits during this predetermined period of time, the  
67 director of the department of social services may reapportion these unused tax credits to those  
68 maternity homes that have used all, or some percentage to be determined by the director of the  
69 department of social services, of their apportioned tax credits during this predetermined period  
70 of time. The director of the department of social services may establish more than one period  
71 of time and reapportion more than once during each fiscal year. To the maximum extent  
72 possible, the director of the department of social services shall establish the procedure described  
73 in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits  
74 possible up to the cumulative amount of tax credits available for the fiscal year.

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

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

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

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

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

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

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

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

4           **(2) "Department", the department of social services;**

5           **(3) "Diaper bank", a nonprofit entity located in this state established and operating**  
6 **primarily for the purpose of collecting or purchasing disposable diapers or other hygiene**  
7 **products for infants, children, or incontinent adults and that regularly distributes such**  
8 **diapers or other hygiene products through two or more schools, health care facilities,**  
9 **governmental agencies, or other nonprofit entities for eventual distribution to individuals**  
10 **free of charge;**

11           **(4) "Tax credit", a credit against the tax otherwise due under chapter 143,**  
12 **excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due**  
13 **under chapter 148 or 153;**

14           **(5) "Taxpayer", a person, firm, partner in a firm, corporation, or shareholder in**  
15 **an S corporation doing business in the state of Missouri and subject to the state income tax**  
16 **imposed under chapter 143; an insurance company paying an annual tax on its gross**  
17 **premium receipts in this state; any other financial institution paying taxes to the state of**  
18 **Missouri or any political subdivision of this state under chapter 148; an express company**  
19 **that pays an annual tax on its gross receipts in this state under chapter 153; an individual**

20 subject to the state income tax under chapter 143; or any charitable organization that is  
21 exempt from federal income tax and whose Missouri unrelated business taxable income,  
22 if any, would be subject to the state income tax imposed under chapter 143.

23       2. For all fiscal years beginning on or after July 1, 2019, a taxpayer shall be allowed  
24 to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty  
25 percent of the amount of such taxpayer's contributions to a diaper bank.

26       3. The amount of the tax credit claimed shall not exceed the amount of the  
27 taxpayer's state tax liability for the tax year for which the credit is claimed, and such  
28 taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per  
29 tax year. However, any tax credit that cannot be claimed in the tax year the contribution  
30 was made may be carried over only to the next subsequent tax year. No tax credit issued  
31 under this section shall be assigned, transferred, or sold.

32       4. Except for any excess credit that is carried over under subsection 3 of this  
33 section, no taxpayer shall be allowed to claim a tax credit unless the taxpayer contributes  
34 at least one hundred dollars to one or more diaper banks during the tax year for which the  
35 credit is claimed.

36       5. The department shall determine, at least annually, which entities in this state  
37 qualify as diaper banks. The department may require of an entity seeking to be classified  
38 as a diaper bank any information which is reasonably necessary to make such a  
39 determination. The department shall classify an entity as a diaper bank if such entity  
40 satisfies the definition under subsection 1 of this section.

41       6. The department shall establish a procedure by which a taxpayer can determine  
42 if an entity has been classified as a diaper bank.

43       7. Diaper banks may decline a contribution from a taxpayer.

44       8. The cumulative amount of tax credits that may be claimed by all the taxpayers  
45 contributing to diaper banks in any one fiscal year shall not exceed five hundred thousand  
46 dollars. Tax credits shall be issued in the order contributions are received. If the amount  
47 of tax credits redeemed in a tax year is less than five hundred thousand dollars, the  
48 difference shall be added to the cumulative limit created under this subsection for the next  
49 fiscal year and carried over to subsequent fiscal years until claimed.

50       9. The department shall establish a procedure by which, from the beginning of the  
51 fiscal year until some point in time later in the fiscal year to be determined by the  
52 department, the cumulative amount of tax credits are equally apportioned among all  
53 entities classified as diaper banks. If a diaper bank fails to use all, or some percentage to  
54 be determined by the department, of its apportioned tax credits during this predetermined  
55 period of time, the department may reapportion such unused tax credits to diaper banks

56 that have used all, or some percentage to be determined by the department, of their  
57 apportioned tax credits during this predetermined period of time. The department may  
58 establish multiple periods each fiscal year and reapportion accordingly. To the maximum  
59 extent possible, the department shall establish the procedure described under this  
60 subsection in such a manner as to ensure that taxpayers can claim as many of the tax  
61 credits as possible, up to the cumulative limit created under subsection 8 of this section.

62 **10. Each diaper bank shall provide information to the department concerning the**  
63 **identity of each taxpayer making a contribution and the amount of the contribution. The**  
64 **department shall provide the information to the department of revenue. The department**  
65 **shall be subject to the confidentiality and penalty provisions of section 32.057 relating to**  
66 **the disclosure of tax information.**

67 **11. Under section 23.253 of the Missouri sunset act:**

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

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

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

77 **(4) The provisions of this subsection shall not be construed to limit or in any way**  
78 **impair the department's ability to issue tax credits authorized on or before the date the**  
79 **program authorized under this section expires or a taxpayer's ability to redeem such tax**  
80 **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 securities, or**  
3 **real property;**

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

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

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

10 **(b) Where childbirths are not performed; and**



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

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

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

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

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

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

25 (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S  
26 corporation doing business in the state of Missouri and subject to the state income tax imposed  
27 by the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax  
28 imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its  
29 gross premium receipts in this state, or other financial institution paying taxes to the state of  
30 Missouri or any political subdivision of this state pursuant to the provisions of chapter 148, or  
31 an express company which pays an annual tax on its gross receipts in this state pursuant to  
32 chapter 153, or an individual subject to the state income tax imposed by the provisions of chapter  
33 143, or any charitable organization which is exempt from federal income tax and whose Missouri  
34 unrelated business taxable income, if any, would be subject to the state income tax imposed  
35 under chapter 143.

36 2. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center  
37 made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

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

41 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's  
42 state tax liability for the ~~taxable~~ tax year for which the credit is claimed, and such taxpayer  
43 shall not be allowed to claim a tax credit in excess of fifty thousand dollars per ~~taxable~~ tax  
44 year. However, any tax credit that cannot be claimed in the ~~taxable~~ tax year the contribution  
45 was made may be carried over **only** to the next ~~four~~ succeeding ~~taxable years until the full~~

46 ~~credit has been claimed~~ tax year. **No tax credit issued under this section shall be assigned,**  
47 **transferred, or sold.**

48 4. Except for any excess credit which is carried over pursuant to subsection 3 of this  
49 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such  
50 taxpayer's contribution or contributions to a pregnancy resource center or centers in such  
51 taxpayer's ~~taxable~~ tax year has a value of at least one hundred dollars.

52 5. The director shall determine, at least annually, which facilities in this state may be  
53 classified as pregnancy resource centers. The director may require of a facility seeking to be  
54 classified as a pregnancy resource center whatever information which is reasonably necessary  
55 to make such a determination. The director shall classify a facility as a pregnancy resource  
56 center if such facility meets the definition set forth in subsection 1 of this section.

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

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

81           8. Each pregnancy resource center shall provide information to the director concerning  
82 the identity of each taxpayer making a contribution to the pregnancy resource center who is  
83 claiming a tax credit pursuant to this section and the amount of the contribution. The director  
84 shall provide the information to the director of revenue. The director shall be subject to the  
85 confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax  
86 information.

87           9. ~~Pursuant to~~ **Under** section 23.253 of the Missouri sunset act:

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

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

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

97           ~~[(3)]~~ (4) The provisions of this subsection shall not be construed to limit or in any way  
98 impair the department's ability to issue tax credits authorized on or before the date the program  
99 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:

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

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

5           (b) Distributing emergency food supplies to Missouri low-income people who would  
6 otherwise not have access to food supplies in the area in which the taxpayer claiming the tax  
7 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 Revenue Code of**  
10 **1986, as amended; and**

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

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

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

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

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

24           2. (1) Beginning on March 29, 2013, any donation of cash or food made **to a local food**  
25 **pantry on or after January 1, 2013, unless such food is donated after the food's expiration**  
26 **date**, shall be eligible for tax credits as provided by this section.

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

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

49           3. The cumulative amount of tax credits under this section which may be allocated to all  
50 taxpayers contributing to a local food pantry, **local soup kitchen, or local homeless shelter** in  
51 any one fiscal year shall not exceed one million seven hundred fifty thousand dollars. The  
52 director of revenue shall establish a procedure by which the cumulative amount of tax credits is  
53 apportioned among all taxpayers claiming the credit by April fifteenth of the fiscal year in which

54 the tax credit is claimed. To the maximum extent possible, the director of revenue shall establish  
55 the procedure described in this subsection in such a manner as to ensure that taxpayers can claim  
56 all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

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

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

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

71 (1) The program authorized under this section shall be reauthorized as of ~~[March 29,~~  
72 ~~2013]~~ **August 28, 2018**, and shall expire on December 31, ~~[2019]~~ **2026**, unless reauthorized by  
73 the general assembly; and

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

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

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

3 2. As used in sections 135.800 to 135.830, the following terms mean:

4 (1) "Administering agency", the state agency or department charged with administering  
5 a particular tax credit program, as set forth by the program's enacting statute; where no  
6 department or agency is set forth, the department of revenue;

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

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

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

25 (5) "Community development tax credits", the neighborhood assistance tax credit created  
26 pursuant to sections 32.100 to 32.125, the family development account tax credit created  
27 pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created pursuant to  
28 section 320.093, and the transportation development tax credit created pursuant to section  
29 135.545;

30 (6) "Domestic and social tax credits", the youth opportunities tax credit created pursuant  
31 to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of domestic  
32 violence created pursuant to section 135.550, the senior citizen or disabled person property tax  
33 credit created pursuant to sections 135.010 to 135.035, the special needs adoption tax credit  
34 created pursuant to sections 135.325 to 135.339, the champion for children tax credit created  
35 pursuant to section 135.341, the maternity home tax credit created pursuant to section 135.600,  
36 the surviving spouse tax credit created pursuant to section 135.090, the residential treatment  
37 agency tax credit created pursuant to section 135.1150, the pregnancy resource center tax credit  
38 created pursuant to section 135.630, the food pantry tax credit created pursuant to section  
39 135.647, the health care access fund tax credit created pursuant to section 135.575, the  
40 residential dwelling access tax credit created pursuant to section 135.562, the developmental  
41 disability care provider tax credit created under section 135.1180, ~~and~~ the shared care tax credit  
42 created pursuant to section 192.2015, **and the diaper bank tax credit created pursuant to**  
43 **section 135.621;**

44 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections  
45 135.400 to 135.429, the certified capital company tax credit created pursuant to sections 135.500  
46 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to 348.318, the new  
47 enterprise creation tax credit created pursuant to sections 620.635 to 620.653, the research tax

48 credit created pursuant to section 620.1039, the small business incubator tax credit created  
49 pursuant to section 620.495, the guarantee fee tax credit created pursuant to section 135.766, and  
50 the new generation cooperative tax credit created pursuant to sections 32.105 to 32.125;

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

54 (9) "Financial and insurance tax credits", the bank franchise tax credit created pursuant  
55 to section 148.030, the bank tax credit for S corporations created pursuant to section 143.471,  
56 the exam fee tax credit created pursuant to section 148.400, the health insurance pool tax credit  
57 created pursuant to section 376.975, the life and health insurance guaranty tax credit created  
58 pursuant to section 376.745, the property and casualty guaranty tax credit created pursuant to  
59 section 375.774, and the self-employed health insurance tax credit created pursuant to section  
60 143.119;

61 (10) "Housing tax credits", the neighborhood preservation tax credit created pursuant to  
62 sections 135.475 to 135.487, the low-income housing tax credit created pursuant to sections  
63 135.350 to 135.363, and the affordable housing tax credit created pursuant to sections 32.105 to  
64 32.125;

65 (11) "Recipient", the individual or entity who is the original applicant for and who  
66 receives proceeds from a tax credit program directly from the administering agency, the person  
67 or entity responsible for the reporting requirements established in section 135.805;

68 (12) "Redevelopment tax credits", the historic preservation tax credit created pursuant  
69 to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created  
70 pursuant to sections 447.700 to 447.718, the community development corporations tax credit  
71 created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant to  
72 subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section  
73 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets tax  
74 credit created pursuant to section 135.680, and the distressed areas land assemblage tax credit  
75 created pursuant to section 99.1205;

76 (13) "Training and educational tax credits", the Missouri works new jobs tax credit and  
77 Missouri works retained jobs credit created pursuant to sections 620.800 to 620.809.

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

2 (1) "Certificate", a tax credit certificate issued under this section;

3 (2) "Department", the Missouri department of social services;

4 (3) "Eligible donation", a donation of cash, stock, bonds or other marketable  
5 securities, or real property made to an eligible provider;

6 (4) "Eligible provider", an organization that provides funding for unmet health,  
7 hunger, and hygiene needs of children in school;

8 (5) "Taxpayer", a person, firm, partner in a firm, corporation, or a shareholder in  
9 an S corporation doing business in the state of Missouri and subject to the state income tax  
10 imposed in chapter 143, an insurance company paying an annual tax on its gross premium  
11 receipts in this state, any other financial institution paying taxes to the state of Missouri  
12 or any political subdivision of this state under chapter 148, or any charitable organization  
13 which is exempt from federal income tax and whose Missouri unrelated business taxable  
14 income, if any, would be subject to the state income tax imposed under chapter 143.

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

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

27 (1) A valid application in the form and format required by the department;

28 (2) A statement attesting to the eligible donation received, which shall include the  
29 name and taxpayer identification number of the individual making the eligible donation,  
30 the amount of the eligible donation, and the date the eligible donation was received by the  
31 provider; and

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

34

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

37 4. Tax credits issued under this section may be assigned, transferred, sold, or  
38 otherwise conveyed, and the new owner of the tax credit shall have the same rights in the  
39 credit as the taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise  
40 conveyed, a notarized endorsement shall be filed with the department specifying the name  
41 and address of the new owner of the tax credit or the value of the credit.



42           **5. The department shall promulgate rules to implement the provisions of this**  
43 **section. Any rule or portion of a rule, as that term is defined in section 536.010 that is**  
44 **created under the authority delegated in this section shall become effective only if it**  
45 **complies with and is subject to all of the provisions of chapter 536, and, if applicable,**  
46 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
47 **vested with the general assembly pursuant to chapter 536, to review, to delay the effective**  
48 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
49 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,**  
50 **shall be invalid and void.**

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

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

54           **(2) If such program is reauthorized, the program authorized under this section**  
55 **shall automatically sunset twelve years after the effective date of the reauthorization of this**  
56 **section; and**

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

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