

SECOND REGULAR SESSION

SENATE BILL NO. 953

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR NASHEED.

Read 1st time February 26, 2014, and ordered printed.

TERRY L. SPIELER, Secretary.

6260S.011

AN ACT

To repeal section 135.600, RSMo, and to enact in lieu thereof one new section relating to a tax credit for donations to maternity homes.

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

Section A. Section 135.600, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 135.600, to read as follows:

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 established for the purpose of providing housing and assistance to pregnant
6 women who are carrying their pregnancies to term, and which is exempt from
7 income taxation under the United States Internal Revenue Code;

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

14 (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a
15 shareholder in an S corporation doing business in the state of Missouri and
16 subject to the state income tax imposed by the provisions of chapter 143,
17 including any charitable organization which is exempt from federal income tax
18 and whose Missouri unrelated business taxable income, if any, would be subject
19 to the state income tax imposed under chapter 143, or a corporation subject to the
20 annual corporation franchise tax imposed by the provisions of chapter 147, or an

21 insurance company paying an annual tax on its gross premium receipts in this
22 state, or other financial institution paying taxes to the state of Missouri or any
23 political subdivision of this state pursuant to the provisions of chapter 148, or an
24 express company which pays an annual tax on its gross receipts in this state
25 pursuant to chapter 153, or an individual subject to the state income tax imposed
26 by the provisions of chapter 143.

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

30 3. The amount of the tax credit claimed shall not exceed the amount of the
31 taxpayer's state tax liability for the taxable year that the credit is claimed, and
32 such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand
33 dollars per taxable year. However, any tax credit that cannot be claimed in the
34 taxable year the contribution was made may be carried over to the next four
35 succeeding taxable years until the full credit has been claimed.

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

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

48 6. The director of the department of social services shall establish a
49 procedure by which a taxpayer can determine if a facility has been classified as
50 a maternity home, and by which such taxpayer can then contribute to such
51 maternity home and claim a tax credit. Maternity homes shall be permitted to
52 decline a contribution from a taxpayer. The cumulative amount of tax credits
53 which may be claimed by all the taxpayers contributing to maternity homes in
54 any one fiscal year shall not exceed two million dollars **for all fiscal years**
55 **ending on or before June 30, 2014, and two million five hundred**
56 **thousand dollars for all fiscal years beginning on or after July 1, 2014.**

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

74 8. This section shall become effective January 1, 2000, and shall apply to
75 all tax years after December 31, 1999.

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