

FIRST REGULAR SESSION

HOUSE BILL NO. 98

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SWAN.

0547H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for contributions to organizations meeting hunger, health, and hygiene needs of schoolchildren.

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be known as section 135.1910, to read as follows:

135.1910. 1. As used in this section, the following terms mean:

- (1) "Contribution", a donation of cash; stock, bonds, or other marketable securities; or real property;**
- (2) "Director", the director of the department of social services;**
- (3) "Qualified organization", an organization that provides funding for unmet health, hunger, and hygiene needs of children in school;**
- (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer under the provisions of chapters 143, 148, and 153, excluding sections 143.191 to 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer under the provisions of chapter 143, excluding sections 143.191 to 143.265 and related provisions;**
- (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed under the provisions of chapter 143; an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of**

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.

17 chapter 148; an express company which pays an annual tax on its gross receipts in this
18 state under chapter 153; an individual subject to the state income tax imposed under the
19 provisions of chapter 143; or any charitable organization that is exempt from federal
20 income tax and whose Missouri unrelated business taxable income, if any, would be subject
21 to the state income tax imposed under chapter 143.

22 2. For all tax years beginning on or after January 1, 2018, a taxpayer shall be
23 allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal
24 to fifty percent of the taxpayer's contribution to a qualified organization. The qualified
25 organization shall use the taxpayer's contribution solely for the unmet health, hunger, and
26 hygiene needs of children in school.

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

33 4. Except for any excess credit that is carried over under subsection 3 of this
34 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such
35 taxpayer's contribution or contributions to a qualified organization or organizations in
36 such taxpayer's taxable year has a value of at least one hundred dollars.

37 5. The director shall determine, at least annually, which organizations in this state
38 may be classified as qualified organizations. The director may require of an organization
39 seeking to be classified as a qualified organization whatever information that is reasonably
40 necessary to make such a determination. The director shall classify an organization as a
41 qualified organization if such organization meets the definition set forth in subsection 1 of
42 this section.

43 6. The director shall establish a procedure by which a taxpayer can determine if
44 an organization has been classified as a qualified organization. Qualified organizations
45 shall be permitted to decline a contribution from a taxpayer. To claim the tax credit
46 authorized in this section, a qualified organization may submit to the department an
47 application for the tax credit authorized by this section on behalf of taxpayers. The
48 department shall verify that the qualified organization has submitted the following items
49 accurately and completely:

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

51 (2) A statement attesting to the contribution received, which shall include the name
52 and taxpayer identification number of the individual making the contribution, the amount
53 of the contribution, and the date the contribution was received by the provider; and

54 (3) Payment from the qualified organization equal to the value of the tax credit for
55 which application is made.

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

59 7. Each qualified organization shall provide information to the director concerning
60 the identity of each taxpayer making a contribution to the qualified organization who is
61 claiming a tax credit under this section and the amount of the contribution. The director
62 shall provide the information to the director of revenue. The director shall be subject to
63 the confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax
64 information.

65 8. The provisions of this section shall not be construed to limit or in any way impair
66 the ability to issue tax credits authorized on or before the date the program authorized
67 under this section expires or a taxpayer's ability to redeem such tax credits.

68 9. Under section 23.253 of the Missouri sunset act:

69 (1) The program established under this section shall automatically expire on
70 December 31, 2023, unless 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 twelve years after the effective date of the reauthorization of this
73 section; and

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

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