

SECOND REGULAR SESSION

# HOUSE BILL NO. 2741

## 102ND GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE LAVENDER.

5627H.011

DANA RADEMAN MILLER, Chief Clerk

---

### AN ACT

To repeal section 135.630, RSMo, and to enact in lieu thereof one new section relating to pregnancy resource center donation tax credits.

---

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

Section A. Section 135.630, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.630, to read as follows:

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 and families  
7 with crisis pregnancies or unplanned pregnancies by offering pregnancy testing, counseling,  
8 emotional and material support, and other similar services or by offering services as described  
9 under subsection 2 of section 188.325, to encourage and assist such women and families in  
10 carrying their pregnancies to term; ~~and~~
  - 11 (b) Where childbirths are not performed; ~~and~~
  - 12 (c) Which does not perform, induce, or refer for abortions and which does not hold  
13 itself out as performing, inducing, or referring for abortions; ~~and~~
  - 14 (d) Which provides direct client services at the facility, as opposed to merely  
15 providing counseling or referral services by telephone; ~~and~~
  - 16 (e) Which provides its services at no cost to its clients; ~~and~~

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

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

21 **(h) Which has at least one staff member who is licensed under chapter 334**  
22 **present at all times on the premises when the facility is open to the public;**

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

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

39 2. (1) Beginning on March 29, 2013, any contribution to a pregnancy resource center  
40 made on or after January 1, 2013, shall be eligible for tax credits as provided by this section.

41 (2) For all tax years beginning on or after January 1, 2007, and ending on or before  
42 December 31, 2020, a taxpayer shall be allowed to claim a tax credit against the taxpayer's  
43 state tax liability in an amount equal to fifty percent of the amount such taxpayer contributed  
44 to a pregnancy resource center. For all tax years beginning on or after January 1, 2021, a  
45 taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an  
46 amount equal to seventy percent of the amount such taxpayer contributed to a pregnancy  
47 resource center.

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

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

58 5. (1) The director shall determine, at least annually, which facilities in this state may  
59 be classified as pregnancy resource centers. The director may require of a facility seeking to  
60 be classified as a pregnancy resource center whatever information which is reasonably  
61 necessary to make such a determination. The director shall classify a facility as a pregnancy  
62 resource center if such facility meets the definition set forth in subsection 1 of this section.

63 (2) **The state auditor shall conduct biannual audits of any facility classified as a**  
64 **pregnancy resource center receiving contributions to determine if such facility is**  
65 **abiding by the provisions required under this section to maintain eligibility for**  
66 **contributions under this section. The auditor shall report its findings to the director as**  
67 **soon as practicable following completion of the audit.**

68 (3) **Any material violation of the requirements for classification under this**  
69 **section shall be grounds for declassification under this section. If the director**  
70 **determines that a facility is not in compliance with any requirements for continuing in**  
71 **classification, the director shall, by written notice, inform the facility that the facility**  
72 **may be declassified in sixty days from the date of mailing of the notice unless the**  
73 **deficiencies are corrected and the facility is again in compliance with the requirements**  
74 **for classification as a pregnancy resource center.**

75 (4) **At the end of the sixty-day grace period, if the facility is still not in**  
76 **compliance, the director may send a notice of declassification to the facility and notice to**  
77 **cease operations as a pregnancy resource center. Declassification of a facility shall not**  
78 **trigger recapture of any tax credits already redeemed by a taxpayer but shall forfeit any**  
79 **credits claimed for the period in the tax year that declassification arose and for future**  
80 **tax years that the facility did not meet classification standards to qualify under this**  
81 **section. A final notice of declassification under this section is subject to administrative**  
82 **review in accordance with chapter 621.**

83 (5) **The treasurer and the department of social services may request and review**  
84 **any documents or other information necessary to comply with this subsection and may**  
85 **promulgate any additional rules in order to effectuate the provisions of this subsection.**

86 6. The director shall establish a procedure by which a taxpayer can determine if a  
87 facility has been classified as a pregnancy resource center. Pregnancy resource centers shall  
88 be permitted to decline a contribution from a taxpayer. The cumulative amount of tax credits  
89 which may be claimed by all the taxpayers contributing to pregnancy resource centers in any  
90 one fiscal year shall not exceed two million dollars for all fiscal years ending on or before

91 June 30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on  
92 or after July 1, 2014, and ending on or before June 30, 2019, and three million five hundred  
93 thousand dollars for all fiscal years beginning on or after July 1, 2019, and ending on or  
94 before June 30, 2021. For all fiscal years beginning on or after July 1, 2021, there shall be no  
95 limit imposed on the cumulative amount of tax credits that may be claimed by all taxpayers  
96 contributing to pregnancy resource centers under the provisions of this section. Tax credits  
97 shall be issued in the order contributions are received. If the amount of tax credits redeemed  
98 in a fiscal year is less than the cumulative amount authorized under this subsection, the  
99 difference shall be carried over to a subsequent fiscal year or years and shall be added to the  
100 cumulative amount of tax credits that may be authorized in that fiscal year or years.

101         7. For all fiscal years ending on or before June 30, 2021, the director shall establish a  
102 procedure by which, from the beginning of the fiscal year until some point in time later in the  
103 fiscal year to be determined by the director, the cumulative amount of tax credits are equally  
104 apportioned among all facilities classified as pregnancy resource centers. If a pregnancy  
105 resource center fails to use all, or some percentage to be determined by the director, of its  
106 apportioned tax credits during this predetermined period of time, the director may reapportion  
107 these unused tax credits to those pregnancy resource centers that have used all, or some  
108 percentage to be determined by the director, of their apportioned tax credits during this  
109 predetermined period of time. The director may establish more than one period of time and  
110 reapportion more than once during each fiscal year. To the maximum extent possible, the  
111 director shall establish the procedure described in this subsection in such a manner as to  
112 ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax  
113 credits available for the fiscal year.

114         8. Each pregnancy resource center shall provide information to the director  
115 concerning the identity of each taxpayer making a contribution to the pregnancy resource  
116 center who is claiming a tax credit pursuant to this section and the amount of the contribution.  
117 The director shall provide the information to the director of revenue. The director shall be  
118 subject to the confidentiality and penalty provisions of section 32.057 relating to the  
119 disclosure of tax information.

120         9. The provisions of section 23.253 shall not apply to this section.

✓