

FIRST REGULAR SESSION
[TRULY AGREED TO AND FINALLY PASSED]
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE SUBSTITUTE FOR
SENATE COMMITTEE SUBSTITUTE FOR

SENATE BILLS NOS. 20, 15 & 19

97TH GENERAL ASSEMBLY

2013

0063H.10T

AN ACT

To repeal sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, and 135.800, RSMo, and to enact in lieu thereof eight new sections relating to certain benevolent tax credits, with an emergency clause.

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

Section A. Sections 135.090, 135.327, 135.535, 135.562, 135.630, 135.647, 2 and 135.800, RSMo, are repealed and eight new sections enacted in lieu thereof, 3 to be known as sections 135.090, 135.327, 135.341, 135.535, 135.562, 135.630, 4 135.647, and 135.800, to read as follows:

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

2 (1) "Homestead", the dwelling in Missouri owned by the surviving spouse
3 and not exceeding five acres of land surrounding it as is reasonably necessary for
4 use of the dwelling as a home. As used in this section, "homestead" shall not
5 include any dwelling which is occupied by more than two families;

6 (2) "Public safety officer", any firefighter, police officer, capitol police
7 officer, parole officer, probation officer, correctional employee, water patrol officer,
8 park ranger, conservation officer, commercial motor enforcement officer,
9 emergency medical technician, first responder, or highway patrolman employed
10 by the state of Missouri or a political subdivision thereof who is killed in the line
11 of duty, unless the death was the result of the officer's own misconduct or abuse
12 of alcohol or drugs;

13 (3) "Surviving spouse", a spouse, who has not remarried, of a public safety

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 officer.

15 2. For all tax years beginning on or after January 1, 2008, a surviving
16 spouse shall be allowed a credit against the tax otherwise due under chapter 143,
17 excluding withholding tax imposed by sections 143.191 to 143.265, in an amount
18 equal to the total amount of the property taxes on the surviving spouse's
19 homestead paid during the tax year for which the credit is claimed. A surviving
20 spouse may claim the credit authorized under this section for each tax year
21 beginning the year of death of the public safety officer spouse until the tax year
22 in which the surviving spouse remarries. No credit shall be allowed for the tax
23 year in which the surviving spouse remarries. If the amount allowable as a credit
24 exceeds the income tax reduced by other credits, then the excess shall be
25 considered an overpayment of the income tax.

26 3. The department of revenue shall promulgate rules to implement the
27 provisions of this section.

28 4. Any rule or portion of a rule, as that term is defined in section 536.010,
29 that is created under the authority delegated in this section shall become effective
30 only if it complies with and is subject to all of the provisions of chapter 536 and,
31 if applicable, section 536.028. This section and chapter 536 are nonseverable and
32 if any of the powers vested with the general assembly pursuant to chapter 536 to
33 review, to delay the effective date, or to disapprove and annul a rule are
34 subsequently held unconstitutional, then the grant of rulemaking authority and
35 any rule proposed or adopted after August 28, 2007, shall be invalid and void.

36 5. Pursuant to section 23.253 of the Missouri sunset act:

37 (1) [The provisions of the new program authorized under this section shall
38 automatically sunset six years after August 28, 2007, unless reauthorized by an
39 act of the general assembly; and

40 (2) If such program is reauthorized,] The program authorized under this
41 section shall [automatically sunset twelve years after the effective date of the
42 reauthorization of this section] **expire on December 31, 2019, unless**
43 **reauthorized by the general assembly;** and

44 [(3)] **(2)** This section shall terminate on September first of the calendar
45 year immediately following the calendar year in which the program authorized
46 under this section is sunset; **and**

47 **(3) The provisions of this subsection shall not be construed to**
48 **limit or in any way impair the department's ability to redeem tax**
49 **credits authorized on or before the date the program authorized under**

50 **this section expires or a taxpayer's ability to redeem such tax credits.**

135.327. 1. [As used in this section, the following terms shall mean:

2 (1) "CASA", an entity which receives funding from the court-appointed
3 special advocate fund established under section 476.777, including an association
4 based in this state, affiliated with a national association, organized to provide
5 support to entities receiving funding from the court-appointed special advocate
6 fund;

7 (2) "Child advocacy centers", the regional child assessment centers listed
8 in subsection 2 of section 210.001;

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

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

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

22 2.] Any person residing in this state who legally adopts a special needs
23 child on or after January 1, 1988, and before January 1, 2000, shall be eligible to
24 receive a tax credit of up to ten thousand dollars for nonrecurring adoption
25 expenses for each child adopted that may be applied to taxes due under chapter
26 143. Any business entity providing funds to an employee to enable that employee
27 to legally adopt a special needs child shall be eligible to receive a tax credit of up
28 to ten thousand dollars for nonrecurring adoption expenses for each child adopted
29 that may be applied to taxes due under such business entity's state tax liability,
30 except that only one ten thousand dollar credit is available for each special needs
31 child that is adopted.

32 [3.] 2. Any person residing in this state who proceeds in good faith with
33 the adoption of a special needs child on or after January 1, 2000, shall be eligible
34 to receive a tax credit of up to ten thousand dollars for nonrecurring adoption
35 expenses for each child that may be applied to taxes due under chapter 143;

36 provided, however, that beginning on [or after July 1, 2004, two million dollars
37 of] **the effective date of this act**, the tax credits [allowed] shall **only** be
38 allocated for the adoption of special needs children who are residents or wards of
39 residents of this state at the time the adoption is initiated. Any business entity
40 providing funds to an employee to enable that employee to proceed in good faith
41 with the adoption of a special needs child shall be eligible to receive a tax credit
42 of up to ten thousand dollars for nonrecurring adoption expenses for each child
43 that may be applied to taxes due under such business entity's state tax liability,
44 except that only one ten thousand dollar credit is available for each special needs
45 child that is adopted.

46 [4.] **3.** Individuals and business entities may claim a tax credit for their
47 total nonrecurring adoption expenses in each year that the expenses are incurred.
48 A claim for fifty percent of the credit shall be allowed when the child is placed in
49 the home. A claim for the remaining fifty percent shall be allowed when the
50 adoption is final. The total of these tax credits shall not exceed the maximum
51 limit of ten thousand dollars per child. The cumulative amount of tax credits
52 which may be claimed by taxpayers claiming the credit for nonrecurring adoption
53 expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million
54 dollars. The cumulative amount of tax credits that may be claimed by taxpayers
55 claiming the credit for nonrecurring adoption expenses shall not be more than
56 [four] **two** million dollars but may be increased by appropriation in any fiscal
57 year beginning on or after July 1, 2004[; provided, however, that by December
58 thirty-first following each July, if less than two million dollars in credits have
59 been issued for adoption of special needs children who are not residents or wards
60 of residents of this state at the time the adoption is initiated, the remaining
61 amount of the cap shall be available for the adoption of special needs children
62 who are residents or wards of residents of this state at the time the adoption is
63 initiated]. For all fiscal years beginning on or after July 1, 2006, applications to
64 claim the adoption tax credit for special needs children who are residents or
65 wards of residents of this state at the time the adoption is initiated shall be filed
66 between July first and April fifteenth of each fiscal year. [For all fiscal years
67 beginning on or after July 1, 2006, applications to claim the adoption tax credit
68 for special needs children who are not residents or wards of residents of this state
69 at the time the adoption is initiated shall be filed between July first and
70 December thirty-first of each fiscal year.]

71 [5.] **4.** Notwithstanding any provision of law to the contrary, any

72 individual or business entity may assign, transfer or sell tax credits allowed in
73 this section. Any sale of tax credits claimed pursuant to this section shall be at
74 a discount rate of seventy-five percent or greater of the amount sold.

75 [6. The director of revenue shall establish a procedure by which, for each
76 fiscal year, the cumulative amount of tax credits authorized in this section is
77 equally apportioned among all taxpayers within the two categories specified in
78 subsection 3 of this section claiming the credit in that fiscal year. To the
79 maximum extent possible, the director of revenue shall establish the procedure
80 described in this subsection in such a manner as to ensure that taxpayers within
81 each category can claim all the tax credits possible up to the cumulative amount
82 of tax credits available for the fiscal year.

83 7. For all tax years beginning on or after January 1, 2006, a tax credit
84 may be claimed in an amount equal to up to fifty percent of a verified
85 contribution to a qualified agency and shall be named the children in crisis tax
86 credit. The minimum amount of any tax credit issued shall not be less than fifty
87 dollars and shall be applied to taxes due under chapter 143, excluding sections
88 143.191 to 143.265. A contribution verification shall be issued to the taxpayer by
89 the agency receiving the contribution. Such contribution verification shall include
90 the taxpayer's name, Social Security number, amount of tax credit, amount of
91 contribution, the name and address of the agency receiving the credit, and the
92 date the contribution was made. The tax credit provided under this subsection
93 shall be initially filed for the year in which the verified contribution is made.

94 8. The cumulative amount of the tax credits redeemed shall not exceed the
95 unclaimed portion of the resident adoption category allocation as described in this
96 section. The director of revenue shall determine the unclaimed portion
97 available. The amount available shall be equally divided among the three
98 qualified agencies: CASA, child advocacy centers, or crisis care centers to be used
99 towards tax credits issued. In the event tax credits claimed under one agency do
100 not total the allocated amount for that agency, the unused portion for that agency
101 will be made available to the remaining agencies equally. In the event the total
102 amount of tax credits claimed for any one agency exceeds the amount available
103 for that agency, the amount redeemed shall and will be apportioned equally to all
104 eligible taxpayers claiming the credit under that agency. After all children in
105 crisis tax credits have been claimed, any remaining unclaimed portion of the
106 reserved allocation for adoptions of special needs children who are residents or
107 wards of residents of this state shall then be made available for adoption tax

108 credit claims of special needs children who are not residents or wards of residents
109 of this state at the time the adoption is initiated.

110 9. Prior to December thirty-first of each year, the entities listed under the
111 definition of qualified agency shall apply to the department of social services in
112 order to verify their qualified agency status. Upon a determination that the
113 agency is eligible to be a qualified agency, the department of social services shall
114 provide a letter of eligibility to such agency. No later than February first of each
115 year, the department of social services shall provide a list of qualified agencies
116 to the department of revenue. All tax credit applications to claim the children in
117 crisis tax credit shall be filed between July first and April fifteenth of each fiscal
118 year. A taxpayer shall apply for the children in crisis tax credit by attaching a
119 copy of the contribution verification provided by a qualified agency to such
120 taxpayer's income tax return.

121 10. The tax credits provided under this section shall be subject to the
122 provisions of section 135.333.

123 11. (1) In the event a credit denial, due to lack of available funds, causes
124 a balance-due notice to be generated by the department of revenue, or any other
125 redeeming agency, the taxpayer will not be held liable for any penalty or interest,
126 provided the balance is paid, or approved payment arrangements have been
127 made, within sixty days from the notice of denial.

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

131 12. The director shall calculate the level of appropriation necessary to
132 issue all tax credits for nonresident special needs adoptions applied for under this
133 section and provide such calculation to the speaker of the house of
134 representatives, the president pro tempore of the senate, and the director of the
135 division of budget and planning in the office of administration by January
136 thirty-first of each year.

137 13. The department may promulgate such rules or regulations as are
138 necessary to administer the provisions of this section. Any rule or portion of a
139 rule, as that term is defined in section 536.010, that is created under the
140 authority delegated in this section shall become effective only if it complies with
141 and is subject to all of the provisions of chapter 536 and, if applicable, section
142 536.028. This section and chapter 536 are nonseverable and if any of the powers
143 vested with the general assembly pursuant to chapter 536 to review, to delay the

144 effective date, or to disapprove and annul a rule are subsequently held
145 unconstitutional, then the grant of rulemaking authority and any rule proposed
146 or adopted after August 28, 2006, shall be invalid and void.

147 14. Pursuant to section 23.253 of the Missouri sunset act:

148 (1) The provisions of the new program authorized under subsections 7 to
149 12 of this section shall automatically sunset six years after August 28, 2006,
150 unless reauthorized by an act of the general assembly; and

151 (2) If such program is reauthorized, the program authorized under this
152 section shall automatically sunset twelve years after the effective date of the
153 reauthorization of this section; and

154 (3) This section shall terminate on September first of the calendar year
155 immediately following the calendar year in which the program authorized under
156 this section is sunset.]

135.341. 1. As used in this section, the following terms shall
2 mean:

3 (1) "CASA", an entity which receives funding from the
4 court-appointed special advocate fund established under section
5 476.777, including an association based in this state, affiliated with a
6 national association, organized to provide support to entities receiving
7 funding from the court-appointed special advocate fund;

8 (2) "Child advocacy centers", the regional child assessment
9 centers listed in subsection 2 of section 210.001;

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

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

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

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

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

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

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

37 3. The cumulative amount of the tax credits redeemed shall not
38 exceed one million dollars in any tax year. The amount available shall
39 be equally divided among the three qualified agencies: CASA, child
40 advocacy centers, or crisis care centers to be used towards tax credits
41 issued. In the event tax credits claimed under one agency do not total
42 the allocated amount for that agency, the unused portion for that
43 agency will be made available to the remaining agencies equally. In the
44 event the total amount of tax credits claimed for any one agency
45 exceeds the amount available for that agency, the amount redeemed
46 shall and will be apportioned equally to all eligible taxpayers claiming
47 the credit under that agency.

48 4. Prior to December thirty-first of each year, each qualified
49 agency shall apply to the department of social services in order to
50 verify their qualified agency status. Upon a determination that the
51 agency is eligible to be a qualified agency, the department of social
52 services shall provide a letter of eligibility to such agency. No later
53 than February first of each year, the department of social services shall
54 provide a list of qualified agencies to the department of revenue. All
55 tax credit applications to claim the champion for children tax credit
56 shall be filed between July first and April fifteenth of each fiscal year.
57 A taxpayer shall apply for the champion for children tax credit by
58 attaching a copy of the contribution verification provided by a
59 qualified agency to such taxpayer's income tax return.

60 5. Any amount of tax credit which exceeds the tax due or which

61 is applied for and otherwise eligible for issuance but not issued shall
62 not be refunded but may be carried over to any subsequent taxable
63 year, not to exceed a total of five years.

64 6. Tax credits may be assigned, transferred or sold.

65 7. (1) In the event a credit denial, due to lack of available funds,
66 causes a balance-due notice to be generated by the department of
67 revenue, or any other redeeming agency, the taxpayer will not be held
68 liable for any penalty or interest, provided the balance is paid, or
69 approved payment arrangements have been made, within sixty days
70 from the notice of denial.

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

74 8. The department may promulgate such rules or regulations as
75 are necessary to administer the provisions of this section. Any rule or
76 portion of a rule, as that term is defined in section 536.010, that is
77 created under the authority delegated in this section shall become
78 effective only if it complies with and is subject to all of the provisions
79 of chapter 536 and, if applicable, section 536.028. This section and
80 chapter 536 are nonseverable and if any of the powers vested with the
81 general assembly pursuant to chapter 536 to review, to delay the
82 effective date, or to disapprove and annul a rule are subsequently held
83 unconstitutional, then the grant of rulemaking authority and any rule
84 proposed or adopted after August 28, 2013, shall be invalid and void.

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

86 (1) The program authorized under this section shall be
87 reauthorized as of the effective date of this act and shall expire on
88 December 31, 2019, unless reauthorized by the general assembly; and

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

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

96 10. Beginning on the effective date of this act, any verified
97 contribution to a qualified agency made on or after January 1, 2013,

98 **shall be eligible for tax credits as provided by this section.**

135.535. 1. A corporation, limited liability corporation, partnership or
2 sole proprietorship, which moves its operations from outside Missouri or outside
3 a distressed community into a distressed community, or which commences
4 operations in a distressed community on or after January 1, 1999, and in either
5 case has more than seventy-five percent of its employees at the facility in the
6 distressed community, and which has fewer than one hundred employees for
7 whom payroll taxes are paid, and which is a manufacturing, biomedical, medical
8 devices, scientific research, animal research, computer software design or
9 development, computer programming, including internet, web hosting, and other
10 information technology, wireless or wired or other telecommunications or a
11 professional firm shall receive a forty percent credit against income taxes owed
12 pursuant to chapter 143, 147 or 148, other than taxes withheld pursuant to
13 sections 143.191 to 143.265, for each of the three years after such move, if
14 approved by the department of economic development, which shall issue a
15 certificate of eligibility if the department determines that the taxpayer is eligible
16 for such credit. The maximum amount of credits per taxpayer set forth in this
17 subsection shall not exceed one hundred twenty-five thousand dollars for each of
18 the three years for which the credit is claimed. The department of economic
19 development, by means of rule or regulation promulgated pursuant to the
20 provisions of chapter 536, shall assign appropriate North American Industry
21 Classification System numbers to the companies which are eligible for the tax
22 credits provided for in this section. Such three-year credits shall be awarded only
23 one time to any company which moves its operations from outside of Missouri or
24 outside of a distressed community into a distressed community or to a company
25 which commences operations within a distressed community. A taxpayer shall
26 file an application for certification of the tax credits for the first year in which
27 credits are claimed and for each of the two succeeding taxable years for which
28 credits are claimed.

29 2. Employees of such facilities physically working and earning wages for
30 that work within a distressed community whose employers have been approved
31 for tax credits pursuant to subsection 1 of this section by the department of
32 economic development for whom payroll taxes are paid shall also be eligible to
33 receive a tax credit against individual income tax, imposed pursuant to chapter
34 143, equal to one and one-half percent of their gross salary paid at such facility
35 earned for each of the three years that the facility receives the tax credit provided

36 by this section, so long as they were qualified employees of such entity. The
37 employer shall calculate the amount of such credit and shall report the amount
38 to the employee and the department of revenue.

39 3. A tax credit against income taxes owed pursuant to chapter 143, 147
40 or 148, other than the taxes withheld pursuant to sections 143.191 to 143.265, in
41 lieu of the credit against income taxes as provided in subsection 1 of this section,
42 may be taken by such an entity in a distressed community in an amount of forty
43 percent of the amount of funds expended for computer equipment and its
44 maintenance, medical laboratories and equipment, research laboratory
45 equipment, manufacturing equipment, fiber optic equipment, high speed
46 telecommunications, wiring or software development expense up to a maximum
47 of seventy-five thousand dollars in tax credits for such equipment or expense per
48 year per entity and for each of three years after commencement in or moving
49 operations into a distressed community.

50 4. A corporation, partnership or sole partnership, which has no more than
51 one hundred employees for whom payroll taxes are paid, which is already located
52 in a distressed community and which expends funds for such equipment pursuant
53 to subsection 3 of this section in an amount exceeding its average of the prior two
54 years for such equipment, shall be eligible to receive a tax credit against income
55 taxes owed pursuant to chapters 143, 147 and 148 in an amount equal to the
56 lesser of seventy-five thousand dollars or twenty-five percent of the funds
57 expended for such additional equipment per such entity. Tax credits allowed
58 pursuant to this subsection or subsection 1 of this section may be carried back to
59 any of the three prior tax years and carried forward to any of the **next** five tax
60 years.

61 5. An existing corporation, partnership or sole proprietorship that is
62 located within a distressed community and that relocates employees from another
63 facility outside of the distressed community to its facility within the distressed
64 community, and an existing business located within a distressed community that
65 hires new employees for that facility may both be eligible for the tax credits
66 allowed by subsections 1 and 3 of this section. To be eligible for such tax credits,
67 such a business, during one of its tax years, shall employ within a distressed
68 community at least twice as many employees as were employed at the beginning
69 of that tax year. A business hiring employees shall have no more than one
70 hundred employees before the addition of the new employees. This subsection
71 shall only apply to a business which is a manufacturing, biomedical, medical

72 devices, scientific research, animal research, computer software design or
73 development, computer programming or telecommunications business, or a
74 professional firm.

75 6. Tax credits shall be approved for applicants meeting the requirements
76 of this section in the order that such applications are received. Certificates of tax
77 credits issued in accordance with this section may be transferred, sold or assigned
78 by notarized endorsement which names the transferee.

79 7. The tax credits allowed pursuant to subsections 1, 2, 3, 4 and 5 of this
80 section shall be for an amount of no more than ten million dollars for each year
81 beginning in 1999. [To the extent there are available tax credits remaining under
82 the ten million dollar cap provided in this section, up to one hundred thousand
83 dollars in the remaining credits shall first be used for tax credits authorized
84 under section 135.562.] The total maximum credit for all entities already located
85 in distressed communities and claiming credits pursuant to subsection 4 of this
86 section shall be seven hundred and fifty thousand dollars. The department of
87 economic development in approving taxpayers for the credit as provided for in
88 subsection 6 of this section shall use information provided by the department of
89 revenue regarding taxes paid in the previous year, or projected taxes for those
90 entities newly established in the state, as the method of determining when this
91 maximum will be reached and shall maintain a record of the order of
92 approval. Any tax credit not used in the period for which the credit was approved
93 may be carried over until the full credit has been allowed.

94 8. A Missouri employer relocating into a distressed community and having
95 employees covered by a collective bargaining agreement at the facility from which
96 it is relocating shall not be eligible for the credits in subsection 1, 3, 4 or 5 of this
97 section, and its employees shall not be eligible for the credit in subsection 2 of
98 this section if the relocation violates or terminates a collective bargaining
99 agreement covering employees at the facility, unless the affected collective
100 bargaining unit concurs with the move.

101 9. Notwithstanding any provision of law to the contrary, no taxpayer shall
102 earn the tax credits allowed in this section and the tax credits otherwise allowed
103 in section 135.110, or the tax credits, exemptions, and refund otherwise allowed
104 in sections 135.200, 135.220, 135.225 and 135.245, respectively, for the same
105 business for the same tax period.

135.562. 1. If any taxpayer with a federal adjusted gross income of thirty
2 thousand dollars or less incurs costs for the purpose of making all or any portion

3 of such taxpayer's principal dwelling accessible to an individual with a disability
4 who permanently resides with the taxpayer, such taxpayer shall receive a tax
5 credit against such taxpayer's Missouri income tax liability in an amount equal
6 to the lesser of one hundred percent of such costs or two thousand five hundred
7 dollars per taxpayer, per tax year.

8 2. Any taxpayer with a federal adjusted gross income greater than thirty
9 thousand dollars but less than sixty thousand dollars who incurs costs for the
10 purpose of making all or any portion of such taxpayer's principal dwelling
11 accessible to an individual with a disability who permanently resides with the
12 taxpayer shall receive a tax credit against such taxpayer's Missouri income tax
13 liability in an amount equal to the lesser of fifty percent of such costs or two
14 thousand five hundred dollars per taxpayer per tax year. No taxpayer shall be
15 eligible to receive tax credits under this section in any tax year immediately
16 following a tax year in which such taxpayer received tax credits under the
17 provisions of this section.

18 3. Tax credits issued pursuant to this section may be refundable in an
19 amount not to exceed two thousand five hundred dollars per tax year.

20 4. Eligible costs for which the credit may be claimed include:

- 21 (1) Constructing entrance or exit ramps;
- 22 (2) Widening exterior or interior doorways;
- 23 (3) Widening hallways;
- 24 (4) Installing handrails or grab bars;
- 25 (5) Moving electrical outlets and switches;
- 26 (6) Installing stairway lifts;
- 27 (7) Installing or modifying fire alarms, smoke detectors, and other alerting
28 systems;
- 29 (8) Modifying hardware of doors; or
- 30 (9) Modifying bathrooms.

31 5. The tax credits allowed, including the maximum amount that may be
32 claimed, pursuant to this section shall be reduced by an amount sufficient to
33 offset any amount of such costs a taxpayer has already deducted from such
34 taxpayer's federal adjusted gross income or to the extent such taxpayer has
35 applied any other state or federal income tax credit to such costs.

36 6. A taxpayer shall claim a credit allowed by this section in the same
37 taxable year as the credit is issued, and at the time such taxpayer files his or her
38 Missouri income tax return; provided that such return is timely filed.

39 7. The department may, in consultation with the department of social
40 services, promulgate such rules or regulations as are necessary to administer the
41 provisions of this section. Any rule or portion of a rule, as that term is defined
42 in section 536.010, that is created under the authority delegated in this section
43 shall become effective only if it complies with and is subject to all of the
44 provisions of chapter 536 and, if applicable, section 536.028. This section and
45 chapter 536 are nonseverable and if any of the powers vested with the general
46 assembly pursuant to chapter 536 to review, to delay the effective date or to
47 disapprove and annul a rule are subsequently held unconstitutional, then the
48 grant of rulemaking authority and any rule proposed or adopted after August 28,
49 2007, shall be invalid and void.

50 8. The provisions of this section shall apply to all tax years beginning on
51 or after January 1, 2008.

52 9. The provisions of this section shall expire December 31, [2013] **2019,**
53 **unless reauthorized by the general assembly. This section shall**
54 **terminate on September first of the calendar year immediately**
55 **following the calendar year in which the program authorized under**
56 **this section is sunset. The provisions of this subsection shall not be**
57 **construed to limit or in any way impair the department's ability to**
58 **redeem tax credits authorized on or before the date the program**
59 **authorized under this section expires or a taxpayer's ability to redeem**
60 **such tax credits.**

61 10. In no event shall the aggregate amount of all tax credits allowed
62 pursuant to this section exceed one hundred thousand dollars in any given fiscal
63 year. The tax credits issued pursuant to this section shall be on a first-come,
64 first-served filing basis.

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

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

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

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

7 (a) Established and operating primarily to provide assistance to women
8 with crisis pregnancies or unplanned pregnancies by offering pregnancy testing,
9 counseling, emotional and material support, and other similar services to
10 encourage and assist such women in 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
13 not hold itself out as performing, inducing, or referring for abortions; and
- 14 (d) Which provides direct client services at the facility, as opposed to
15 merely providing counseling or referral services by telephone; and
- 16 (e) Which provides its services at no cost to its clients; and
- 17 (f) When providing medical services, such medical services must be
18 performed in accordance with Missouri statute; and
- 19 (g) Which is exempt from income taxation pursuant to the Internal
20 Revenue Code of 1986, as amended;
- 21 (4) "State tax liability", in the case of a business taxpayer, any liability
22 incurred by such taxpayer pursuant to the provisions of chapters 143, 147, 148,
23 and 153, excluding sections 143.191 to 143.265 and related provisions, and in the
24 case of an individual taxpayer, any liability incurred by such taxpayer pursuant
25 to the provisions of chapter 143, excluding sections 143.191 to 143.265 and
26 related provisions;
- 27 (5) "Taxpayer", a person, firm, a partner in a firm, corporation, or a
28 shareholder in an S corporation doing business in the state of Missouri and
29 subject to the state income tax imposed by the provisions of chapter 143, or a
30 corporation subject to the annual corporation franchise tax imposed by the
31 provisions of chapter 147, or an insurance company paying an annual tax on its
32 gross premium receipts in this state, or other financial institution paying taxes
33 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
35 its gross receipts in this state pursuant to chapter 153, or an individual subject
36 to the state income tax imposed by the provisions of chapter 143, or any
37 charitable organization which is exempt from federal income tax and whose
38 Missouri unrelated business taxable income, if any, would be subject to the state
39 income tax imposed under chapter 143.

40 **2. (1) Beginning on the effective date of this act, any contribution**
41 **to a pregnancy resource center made on or after January 1, 2013, shall**
42 **be eligible for tax credits as provided by this section;**

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

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

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

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

64 6. The director shall establish a procedure by which a taxpayer can
65 determine if a facility has been classified as a pregnancy resource
66 center. Pregnancy resource centers shall be permitted to decline a contribution
67 from a taxpayer. The cumulative amount of tax credits which may be claimed by
68 all the taxpayers contributing to pregnancy resource centers in any one fiscal year
69 shall not exceed two million dollars. Tax credits shall be issued in the order
70 contributions are received.

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

83 manner as to ensure that taxpayers can claim all the tax credits possible up to
84 the cumulative amount of tax credits available for the fiscal year.

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

91 9. [Notwithstanding any other law to the contrary, any tax credits granted
92 under this section may be assigned, transferred, sold, or otherwise conveyed
93 without consent or approval. Such taxpayer, hereinafter the assignor for
94 purposes of this section, may sell, assign, exchange, or otherwise transfer earned
95 tax credits:

96 (1) For no less than seventy-five percent of the par value of such credits;
97 and

98 (2) In an amount not to exceed one hundred percent of annual earned
99 credits.

100 10.] Pursuant to section 23.253 of the Missouri sunset act:

101 (1) [Any new program authorized under this section shall automatically
102 sunset six years after August 28, 2006, unless reauthorized by an act of the
103 general assembly; and

104 (2) If such program is reauthorized,] The program authorized under this
105 section shall [automatically sunset twelve years after the effective date of the
106 reauthorization of this section] **be reauthorized as of the effective date of
107 this act and shall expire on December 31, 2019, unless reauthorized by
108 the general assembly; and**

109 [(3)] **(2)** This section shall terminate on September first of the calendar
110 year immediately following the calendar year in which a program authorized
111 under this section is sunset; **and**

112 **(3) The provisions of this subsection shall not be construed to**
113 **limit or in any way impair the department's ability to issue tax credits**
114 **authorized on or before the date the program authorized under this**
115 **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

4 Code of 1986, as amended; and

5 (b) Distributing emergency food supplies to Missouri low-income people
6 who would otherwise not have access to food supplies in the area in which the
7 taxpayer claiming the tax credit under this section resides;

8 (2) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or
9 a shareholder in an S corporation doing business in this state and subject to the
10 state income tax imposed by chapter 143, excluding withholding tax imposed by
11 sections 143.191 to 143.265.

12 2. **(1) Beginning on the effective date of this act, any donation of**
13 **cash or food made on or after January 1, 2013, shall be eligible for tax**
14 **credits as provided by this section;**

15 (2) For all tax years beginning on or after January 1, 2007, any taxpayer
16 who donates cash or food, unless such food is donated after the food's expiration
17 date, to any local food pantry shall be allowed a credit against the tax otherwise
18 due under chapter 143, excluding withholding tax imposed by sections 143.191
19 to 143.265, in an amount equal to fifty percent of the value of the donations made
20 to the extent such amounts that have been subtracted from federal adjusted gross
21 income or federal taxable income are added back in the determination of Missouri
22 adjusted gross income or Missouri taxable income before the credit can be
23 claimed. Each taxpayer claiming a tax credit under this section shall file an
24 affidavit with the income tax return verifying the amount of their
25 contributions. The amount of the tax credit claimed shall not exceed the amount
26 of the taxpayer's state tax liability for the tax year that the credit is claimed, and
27 shall not exceed two thousand five hundred dollars per taxpayer claiming the
28 credit. Any amount of credit that the taxpayer is prohibited by this section from
29 claiming in a tax year shall not be refundable, but may be carried forward to any
30 of the taxpayer's three subsequent taxable years. No tax credit granted under
31 this section shall be transferred, sold, or assigned. No taxpayer shall be eligible
32 to receive a credit pursuant to this section if such taxpayer employs persons who
33 are not authorized to work in the United States under federal law.

34 3. The cumulative amount of tax credits under this section which may be
35 allocated to all taxpayers contributing to a local food pantry in any one fiscal year
36 shall not exceed [two million] **one million two hundred fifty thousand**
37 dollars. The director of revenue shall establish a procedure by which the
38 cumulative amount of tax credits is apportioned among all taxpayers claiming the
39 credit by April fifteenth of the fiscal year in which the tax credit is claimed. To

40 the maximum extent possible, the director of revenue shall establish the
41 procedure described in this subsection in such a manner as to ensure that
42 taxpayers can claim all the tax credits possible up to the cumulative amount of
43 tax credits available for the fiscal year.

44 4. Any local food pantry may accept or reject any donation of food made
45 under this section for any reason. For purposes of this section, any donations of
46 food accepted by a local food pantry shall be valued at fair market value, or at
47 wholesale value if the taxpayer making the donation of food is a retail grocery
48 store, food broker, wholesaler, or restaurant.

49 5. The department of revenue shall promulgate rules to implement the
50 provisions of this section. Any rule or portion of a rule, as that term is defined
51 in section 536.010, that is created under the authority delegated in this section
52 shall become effective only if it complies with and is subject to all of the
53 provisions of chapter 536 and, if applicable, section 536.028. This section and
54 chapter 536 are nonseverable and if any of the powers vested with the general
55 assembly pursuant to chapter 536 to review, to delay the effective date, or to
56 disapprove and annul a rule are subsequently held unconstitutional, then the
57 grant of rulemaking authority and any rule proposed or adopted after August 28,
58 2007, shall be invalid and void.

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

60 (1) [The provisions of the new program authorized under this section shall
61 automatically sunset four years after August 28, 2007, unless reauthorized by an
62 act of the general assembly; and

63 (2) If such program is reauthorized,] The program authorized under this
64 section shall [automatically sunset twelve years after the effective date of the
65 reauthorization of this section] **be reauthorized as of the effective date of
66 this act and shall expire on December 31, 2019, unless reauthorized by
67 the general assembly; and**

68 [(3)] (2) This section shall terminate on September first of the calendar
69 year immediately following the calendar year in which the program authorized
70 under this section is sunset; **and**

71 (3) **The provisions of this subsection shall not be construed to
72 limit or in any way impair the department's ability to redeem tax
73 credits authorized on or before the date the program authorized under
74 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

2 and may be 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
5 administering a particular tax credit program, as set forth by the program's
6 enacting statute; where no department or agency is set forth, the department of
7 revenue;

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

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

20 (4) "Business recruitment tax credits", the business facility tax credit
21 created pursuant to sections 135.110 to 135.150 and section 135.258, the
22 enterprise zone tax benefits created pursuant to sections 135.200 to 135.270, the
23 business use incentives for large-scale development programs created pursuant
24 to sections 100.700 to 100.850, the development tax credits created pursuant to
25 sections 32.100 to 32.125, the rebuilding communities tax credit created pursuant
26 to section 135.535, the film production tax credit created pursuant to section
27 135.750, the enhanced enterprise zone created pursuant to sections 135.950 to
28 **[135.975] 135.970**, and the Missouri quality jobs program created pursuant to
29 sections 620.1875 to 620.1900;

30 (5) "Community development tax credits", the neighborhood assistance tax
31 credit created pursuant to sections 32.100 to 32.125, the family development
32 account tax credit created pursuant to sections 208.750 to 208.775, the dry fire
33 hydrant tax credit created pursuant to section 320.093, and the transportation
34 development tax credit created pursuant to section 135.545;

35 (6) "Domestic and social tax credits", the youth opportunities tax credit
36 created pursuant to section 135.460 and sections 620.1100 to 620.1103, the
37 shelter for victims of domestic violence created pursuant to section 135.550, the

38 senior citizen or disabled person property tax credit created pursuant to sections
39 135.010 to 135.035, the special needs adoption tax credit [and children in crisis
40 tax credit] created pursuant to sections 135.325 to 135.339, **the champion for**
41 **children tax credit created pursuant to section 135.341**, the maternity
42 home tax credit created pursuant to section 135.600, the surviving spouse tax
43 credit created pursuant to section 135.090, the residential treatment agency tax
44 credit created pursuant to section 135.1150, the pregnancy resource center tax
45 credit created pursuant to section 135.630, the food pantry tax credit created
46 pursuant to section 135.647, the health care access fund tax credit created
47 pursuant to section 135.575, the residential dwelling access tax credit created
48 pursuant to section 135.562, **the developmental disability care provider tax**
49 **credit created under section 135.1180**, and the shared care tax credit created
50 pursuant to section 660.055;

51 (7) "Entrepreneurial tax credits", the capital tax credit created pursuant
52 to sections 135.400 to 135.429, the certified capital company tax credit created
53 pursuant to sections 135.500 to 135.529, the seed capital tax credit created
54 pursuant to sections 348.300 to 348.318, the new enterprise creation tax credit
55 created pursuant to sections 620.635 to 620.653, the research tax credit created
56 pursuant to section 620.1039, the small business incubator tax credit created
57 pursuant to section 620.495, the guarantee fee tax credit created pursuant to
58 section 135.766, and the new generation cooperative tax credit created pursuant
59 to sections 32.105 to 32.125;

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

64 (9) "Financial and insurance tax credits", the bank franchise tax credit
65 created pursuant to section 148.030, the bank tax credit for S corporations
66 created pursuant to section 143.471, the exam fee tax credit created pursuant to
67 section 148.400, the health insurance pool tax credit created pursuant to section
68 376.975, the life and health insurance guaranty tax credit created pursuant to
69 section 376.745, the property and casualty guaranty tax credit created pursuant
70 to section 375.774, and the self-employed health insurance tax credit created
71 pursuant to section 143.119;

72 (10) "Housing tax credits", the neighborhood preservation tax credit
73 created pursuant to sections 135.475 to 135.487, the low-income housing tax

74 credit created pursuant to sections 135.350 to 135.363, and the affordable housing
75 tax credit created pursuant to sections 32.105 to 32.125;

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

80 (12) "Redevelopment tax credits", the historic preservation tax credit
81 created pursuant to sections 253.545 to [253.561] **253.559**, the brownfield
82 redevelopment program tax credit created pursuant to sections 447.700 to
83 447.718, the community development corporations tax credit created pursuant to
84 sections 135.400 to 135.430, the infrastructure tax credit created pursuant to
85 subsection 6 of section 100.286, the bond guarantee tax credit created pursuant
86 to section 100.297, the disabled access tax credit created pursuant to section
87 135.490, the new markets tax credit created pursuant to section 135.680, and the
88 distressed areas land assemblage tax credit created pursuant to section 99.1205;

89 (13) "Training and educational tax credits", the community college new
90 jobs tax credit created pursuant to sections 178.892 to 178.896.

Section B. Because immediate action is necessary to ensure continued
2 operation of certain benevolent tax credits, section A of this act is deemed
3 necessary for the immediate preservation of the public health, welfare, peace and
4 safety, and is hereby declared to be an emergency act within the meaning of the
5 constitution, and section A of this act shall be in full force and effect upon its
6 passage and approval.

✓
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