

SECOND REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 871

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE THOMPSON.

Pre-filed December 16, 2003, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3310L.011

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for gifts of personal property to certain persons.

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
2 known as section 135.785, to read as follows:

2 **135.785. 1. For all tax years beginning on or after January 1, 2004, a taxpayer shall**
3 **receive a credit against taxes otherwise due pursuant to chapter 143, RSMo, except sections**
4 **143.191 to 143.265, RSMo, in an amount not greater than ten thousand dollars per gift of**
5 **personal property to a person whose income is below the federal poverty level.**

6 **2. The amount of the tax credit claimed under this section shall not exceed the**
7 **amount of the taxpayer's state tax liability for the taxable year that the credit is claimed,**
8 **and such taxpayer shall not be allowed to claim a tax credit under this section in excess of**
9 **fifty thousand dollars per taxable year. The credit shall be claimed by the taxpayer in the**
10 **tax year in which such gifts were made and shall be claimed at the time the taxpayer files**
11 **a tax return. Any tax credit that cannot be fully claimed in the taxable year the**
12 **contribution was made may be carried over to the next four succeeding taxable years until**
13 **the full credit has been claimed.**

14 **3. The director of the department of social services shall, by rule, establish a**
15 **procedure by which a taxpayer can determine if a person is classified as having an income**
16 **below the federal poverty level, and by which such taxpayer can give a gift of personal**
17 **property to such a person and claim a tax credit pursuant to this section.**

4. Any taxpayer claiming a credit pursuant to this section shall file as part of such

18 taxpayer's tax return any documentation the director of the department of revenue deems
19 necessary to confirm the taxpayer's eligibility for the credit.

20 **5. The director of the department of revenue may promulgate rules and regulations**
21 **for administration of this section. No rule or portion of a rule promulgated pursuant to**
22 **the authority of this section shall become effective unless it has been promulgated pursuant**
23 **to chapter 536, RSMo.**

24 **6. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

25 **(1) The provisions of the new program authorized under this section shall**
26 **automatically sunset six years after the effective date of this section unless reauthorized by**
27 **an act of the general assembly; and**

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

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