

FIRST REGULAR SESSION

HOUSE BILL NO. 266

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WHORTON (Sponsor), WALLACE AND MOORE (Co-sponsors).

Read 1st time January 8, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

0720L.01I

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to an income tax credit for donations to certain cemeteries.

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 135.654, to read as follows:

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

(1) "Cemetery", any private family burying ground or cemetery maintained by residents of this state who are family members or descendants of the person who secured the cemetery under section 214.090, RSMo;

(2) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

(3) "Taxpayer", any individual subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

2. For all taxable years beginning on or after January 1, 2007, a taxpayer shall be allowed a tax credit for cash donations made to a cemetery. The tax credit amount shall be equal to fifty percent of the total amount of cash donations made to any cemetery in the tax year for which the credit is claimed, but shall not exceed two thousand five hundred dollars per taxpayer claiming the credit. If the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for which the credit is claimed, the difference shall not be refundable but may be carried forward to any of the taxpayer's

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.

16 **four subsequent taxable years. No tax credit granted under this section shall be**
17 **transferred, sold, or assigned.**

18 **3. The department of revenue may promulgate rules to implement the provisions**
19 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010,**
20 **RSMo, that is created under the authority delegated in this section shall become effective**
21 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**
22 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**
23 **nonseverable and if any of the powers vested with the general assembly pursuant to**
24 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**
25 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**
26 **rule proposed or adopted after August 28, 2007, shall be invalid and void.**

27 **4. Under section 23.253, RSMo, of the Missouri Sunset Act:**

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

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

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

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