

SECOND REGULAR SESSION

HOUSE BILL NO. 1919

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WEBBER (Sponsor), STILL, KELLY,
HOBBS AND QUINN (Co-sponsors).

3841L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for donations for capital improvements for universities.

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 135.1000, to read as follows:

135.1000. 1. As used in this section, the following terms mean:

2 (1) "Capital improvements donations", any donation or aggregate of donations that
3 total at least five thousand dollars and are donated to the capital improvements fund of any
4 public university located in this state to be used solely for capital improvements for the
5 university's nursing or allied health professions programs;

6 (2) "Tax credit", a credit against the tax otherwise due under chapter 143,
7 excluding withholding tax imposed by sections 143.191 to 143.265, or otherwise due under
8 chapter 147, 148, or 153;

9 (3) "Taxpayer", any individual or entity subject to the tax imposed in chapter 143,
10 excluding withholding tax imposed by sections 143.191 to 143.265, or the tax imposed in
11 chapter 147, 148, or 153.

12 2. For all taxable years beginning on or after January 1, 2010, a taxpayer shall be
13 allowed a tax credit for capital improvements donations. The amount of the tax credit
14 issued shall not exceed fifty percent of the total amount of the taxpayer's capital
15 improvements donations made in the taxable year for which the tax credit is claimed. If
16 the amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability

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 for the tax year for which the credit is claimed, the difference shall not be refundable but
18 may be carried forward to any of the taxpayer's four subsequent taxable years. Any tax
19 credit issued under this section may be transferred, sold, or assigned. The tax credits
20 issued under this section shall be issued on a first-come, first-served filing basis.

21 3. The department of revenue may promulgate rules to implement the provisions
22 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
23 is created under the authority delegated in this section shall become effective only if it
24 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
25 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
26 vested with the general assembly under chapter 536 to review, to delay the effective date,
27 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
28 of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be
29 invalid and void.

30 4. Under section 23.253 of the Missouri sunset act:

31 (1) The provisions of the new program authorized under this section shall
32 automatically sunset on December thirty-first six years after the effective date of this
33 section unless reauthorized by an act of the general assembly; and

34 (2) If such program is reauthorized, the program authorized under this section
35 shall automatically sunset on December thirty-first twelve years after the effective date of
36 the reauthorization of this section; and

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

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