

SECOND REGULAR SESSION

HOUSE BILL NO. 2119

97TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES RIDDLE (Sponsor) AND ENGLER (Co-sponsor).

6356H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 135.600, RSMo, and to enact in lieu thereof one new section relating to a tax credit for donations to maternity homes.

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

Section A. Section 135.600, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.600, to read as follows:

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

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

(2) "Maternity home", a residential facility located in this state established for the purpose of providing housing and assistance to pregnant women who are carrying their pregnancies to term, and which is exempt from income taxation under the United States Internal Revenue Code;

(3) "State tax liability", in the case of a business taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265, and related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer pursuant to the provisions of chapter 143;

(4) "Taxpayer", a person, firm, a partner in a firm, corporation or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, including any charitable organization which is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143, or a corporation subject to the annual

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.

18 corporation franchise tax imposed by the provisions of chapter 147, or an insurance company
19 paying an annual tax on its gross premium receipts in this state, or other financial institution
20 paying taxes to the state of Missouri or any political subdivision of this state pursuant to the
21 provisions of chapter 148, or an express company which pays an annual tax on its gross receipts
22 in this state pursuant to chapter 153, or an individual subject to the state income tax imposed by
23 the provisions of chapter 143.

24 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax
25 liability, in an amount equal to fifty percent of the amount such taxpayer contributed to a
26 maternity home.

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

32 4. Except for any excess credit which is carried over pursuant to subsection 3 of this
33 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such
34 taxpayer's contribution or contributions to a maternity home or homes in such taxpayer's taxable
35 year has a value of at least one hundred dollars.

36 5. The director of the department of social services shall determine, at least annually,
37 which facilities in this state may be classified as maternity homes. The director of the
38 department of social services may require of a facility seeking to be classified as a maternity
39 home whatever information is reasonably necessary to make such a determination. The director
40 of the department of social services shall classify a facility as a maternity home if such facility
41 meets the definition set forth in subsection 1 of this section.

42 6. The director of the department of social services shall establish a procedure by which
43 a taxpayer can determine if a facility has been classified as a maternity home, and by which such
44 taxpayer can then contribute to such maternity home and claim a tax credit. Maternity homes
45 shall be permitted to decline a contribution from a taxpayer. The cumulative amount of tax
46 credits which may be claimed by all the taxpayers contributing to maternity homes in any one
47 fiscal year shall not exceed two million dollars **for all fiscal years ending on or before June**
48 **30, 2014, and two million five hundred thousand dollars for all fiscal years beginning on**
49 **or after July 1, 2014.**

50 7. The director of the department of social services shall establish a procedure by which,
51 from the beginning of the fiscal year until some point in time later in the fiscal year to be
52 determined by the director of the department of social services, the cumulative amount of tax
53 credits are equally apportioned among all facilities classified as maternity homes. If a maternity

54 home fails to use all, or some percentage to be determined by the director of the department of
55 social services, of its apportioned tax credits during this predetermined period of time, the
56 director of the department of social services may reapportion these unused tax credits to those
57 maternity homes that have used all, or some percentage to be determined by the director of the
58 department of social services, of their apportioned tax credits during this predetermined period
59 of time. The director of the department of social services may establish more than one period
60 of time and reapportion more than once during each fiscal year. To the maximum extent
61 possible, the director of the department of social services shall establish the procedure described
62 in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits
63 possible up to the cumulative amount of tax credits available for the fiscal year.

64 8. This section shall become effective January 1, 2000, and shall apply to all tax years
65 after December 31, 1999.

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