

FIRST REGULAR SESSION

HOUSE BILL NO. 397

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TAYLOR (48).

0746H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 143, RSMo, by adding thereto one new section relating to tax deductions for individuals making certain charitable contributions.

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

Section A. Chapter 143, RSMo, is amended by adding thereto one new section, to be known as section 143.1300, to read as follows:

143.1300. 1. As used in this section, the following terms mean:

(1) "Charitable contribution", the same meaning as given to such term under 26 U.S.C. Section 170;

(2) "Deduction", an amount subtracted from a taxpayer's Missouri adjusted gross income to determine the taxpayer's Missouri taxable income for a given tax year;

(3) "Fire department", the same meaning as provided under section 320.200;

(4) "Qualified amount", the total dollar amount of charitable contributions made by a taxpayer to a fire department in a given tax year, up to one thousand dollars. For purposes of determining a taxpayer's qualified amount, nonmonetary contributions of property shall be valued according to the fair market value of such contributions at the time such contributions were made;

(5) "Qualified taxpayer", any individual who is subject to the state income tax imposed under this chapter for a given tax year, excluding withholding tax imposed under sections 143.191 to 143.265, who has filed, for the same tax year, a federal income tax return on which such individual claimed the standard deduction described under 26 U.S.C. Section 63, and who has made charitable contributions to a fire department in a given tax year.

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 **2. In addition to all other deductions provided for under this chapter, for all tax**
19 **years beginning on or after January 1, 2024, a qualified taxpayer shall be allowed to**
20 **claim a deduction in an amount up to or equal to his or her qualified amount.**

21 **3. A qualified taxpayer claiming the deduction authorized under this section**
22 **shall retain records sufficient to verify the amounts of any charitable contributions to a**
23 **fire department used to calculate his or her qualified amount. The department of**
24 **revenue shall promulgate rules and regulations relating to this subsection including, but**
25 **not limited to, rules describing when a qualified taxpayer may be required to provide**
26 **copies of such records to the department.**

27 **4. Notwithstanding any provision of this section or any other provision of law to**
28 **the contrary, no taxpayer shall be permitted to claim the deduction authorized under**
29 **this section in any tax year in which the taxpayer claims a tax credit for which the**
30 **taxpayer's eligibility is based, in whole or in part, on a charitable contribution made by**
31 **the taxpayer.**

32 **5. The department of revenue may promulgate all necessary rules and**
33 **regulations for the administration of this section. Any rule or portion of a rule, as that**
34 **term is defined in section 536.010, that is created under the authority delegated in this**
35 **section shall become effective only if it complies with and is subject to all of the**
36 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
37 **536 are nonseverable and if any of the powers vested with the general assembly**
38 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
39 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
40 **and any rule proposed or adopted after August 28, 2023, shall be invalid and void.**

41 **6. Under section 23.253 of the Missouri sunset act:**

42 **(1) The provisions of this section shall automatically sunset December thirty-first**
43 **six years after the effective date of this section unless reauthorized by an act of the**
44 **general assembly;**

45 **(2) If the provisions of this section are reauthorized, such provisions shall**
46 **automatically sunset December thirty-first twelve years after the effective date of the**
47 **reauthorization of this section; and**

48 **(3) This section shall terminate on September first of the calendar year**
49 **immediately following the calendar year in which the provisions of this section are**
50 **sunset.**

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