

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1775, Page 1, Section A, Line 3, by
2 inserting after said section and line the following:

3
4 "135.341. 1. As used in this section, the following terms shall mean:

5 (1) "CASA", an entity which receives funding from the court-appointed special advocate
6 fund established under section 476.777, including an association based in this state, affiliated with a
7 national association, organized to provide support to entities receiving funding from the court-
8 appointed special advocate fund;

9 (2) "Child advocacy centers", the regional child assessment centers listed in subsection 2 of
10 section 210.001, including an association based in this state, affiliated with a national association,
11 and organized to provide support to entities listed in subsection 2 of section 210.001;

12 (3) "Contribution", the amount of donation to a qualified agency;

13 (4) "Crisis care center", entities contracted with this state which provide temporary care for
14 children whose age ranges from birth through seventeen years of age whose parents or guardian are
15 experiencing an unexpected and unstable or serious condition that requires immediate action
16 resulting in short-term care, usually three to five continuous, uninterrupted days, for children who
17 may be at risk for child abuse, neglect, or in an emergency situation;

18 (5) "Department", the department of revenue;

19 (6) "Director", the director of the department of revenue;

20 (7) "Qualified agency", CASA, child advocacy centers, or a crisis care center;

21 (8) "Tax liability", the tax due under chapter 143 other than taxes withheld under sections
22 143.191 to 143.265.

23 2. For all tax years beginning on or after January 1, 2013, a tax credit may be claimed in an
24 amount equal to up to fifty percent of a verified contribution to a qualified agency and shall be
25 named the champion for children tax credit. The minimum amount of any tax credit issued shall not
26 be less than fifty dollars and shall be applied to taxes due under chapter 143, excluding sections
27 143.191 to 143.265. A contribution verification shall be issued to the taxpayer by the agency
28 receiving the contribution. Such contribution verification shall include the taxpayer's name, Social
29 Security number, amount of tax credit, amount of contribution, the name and address of the agency

Action Taken _____ Date _____

1 receiving the credit, and the date the contribution was made. The tax credit provided under this
2 subsection shall be initially filed for the year in which the verified contribution is made.

3 3. The cumulative amount of the tax credits redeemed shall not exceed one million dollars
4 for all fiscal years ending on or before June 30, 2019, and one million five hundred thousand dollars
5 for all fiscal years beginning on or after July 1, 2019. The amount available shall be equally divided
6 among the three qualified agencies: CASA, child advocacy centers, or crisis care centers, to be used
7 towards tax credits issued. In the event tax credits claimed under one agency do not total the
8 allocated amount for that agency, the unused portion for that agency will be made available to the
9 remaining agencies equally. In the event the total amount of tax credits claimed for any one agency
10 exceeds the amount available for that agency, the amount redeemed shall and will be apportioned
11 equally to all eligible taxpayers claiming the credit under that agency.

12 4. Prior to December thirty-first of each year, each qualified agency shall apply to the
13 department of social services in order to verify their qualified agency status. Upon a determination
14 that the agency is eligible to be a qualified agency, the department of social services shall provide a
15 letter of eligibility to such agency. No later than February first of each year, the department of
16 social services shall provide a list of qualified agencies to the department of revenue. All tax credit
17 applications to claim the champion for children tax credit shall be filed between July first and April
18 fifteenth of each fiscal year. A taxpayer shall apply for the champion for children tax credit by
19 attaching a copy of the contribution verification provided by a qualified agency to such taxpayer's
20 income tax return.

21 5. Any amount of tax credit which exceeds the tax due or which is applied for and otherwise
22 eligible for issuance but not issued shall not be refunded but may be carried over to any subsequent
23 tax year, not to exceed a total of five years.

24 6. Tax credits may not be assigned, transferred or sold.

25 7. ~~[(1)]~~ In the event a full or partial credit denial, due to ~~[lack of available funds]~~ the
26 cumulative maximum amount of credits being redeemed for the fiscal year, causes ~~[a balance due~~
27 notice] an income tax balance due to be ~~[generated by the department of revenue, or any other~~
28 redeeming agency] owed to the state by the taxpayer, the taxpayer ~~[will]~~ shall not be held liable for
29 any addition to tax, penalty, or interest on that income tax balance due, provided the balance is paid,
30 or approved payment arrangements have been made, within sixty days from issuance of the notice of
31 credit denial.

32 ~~[(2)]~~In the event the balance is not paid within sixty days from the notice of denial, the
33 remaining balance shall be due and payable under the provisions of chapter 143.

34 8. The department may promulgate such rules or regulations as are necessary to administer
35 the provisions of this section. Any rule or portion of a rule, as that term is defined in section
36 536.010, that is created under the authority delegated in this section shall become effective only if it
37 complies with and is subject to all of the provisions of chapter 536 and, if applicable, section
38 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the
39 general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and

1 annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any
2 rule proposed or adopted after August 28, 2013, shall be invalid and void.

3 9. Pursuant to section 23.253, of the Missouri sunset act:

4 (1) The program authorized under this section shall be reauthorized as of December 31,
5 2019, and shall expire on December 31, 2025, unless reauthorized by the general assembly; and

6 (2) This section shall terminate on September first of the calendar year immediately
7 following the calendar year in which the program authorized under this section is sunset; and

8 (3) The provisions of this subsection shall not be construed to limit or in any way impair the
9 department's ability to redeem tax credits authorized on or before the date the program authorized
10 under this section expires or a taxpayer's ability to redeem such credits.

11 10. Beginning on March 29, 2013, any verified contribution to a qualified agency made on
12 or after January 1, 2013, shall be eligible for tax credits as provided by this section.

13 135.647. 1. As used in this section, the following terms shall mean:

14 (1) "Local food pantry", any food pantry that is:

15 (a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as
16 amended; and

17 (b) Distributing emergency food supplies to Missouri low-income people who would
18 otherwise not have access to food supplies in the area in which the taxpayer claiming the tax credit
19 under this section resides;

20 (2) "Local homeless shelter", any homeless shelter that is:

21 (a) Exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as
22 amended; and

23 (b) Providing temporary living arrangements, in the area in which the taxpayer claiming the
24 tax credit under this section resides, for individuals and families who otherwise lack a fixed, regular,
25 and adequate nighttime residence and lack the resources or support networks to obtain other
26 permanent housing;

27 (3) "Local soup kitchen", any soup kitchen that is:

28 (a) Exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, as
29 amended; and

30 (b) Providing prepared meals through an established congregate feeding operation to needy,
31 low-income persons including, but not limited to, homeless persons in the area in which the
32 taxpayer claiming the tax credit under this section resides;

33 (4) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or a shareholder in an
34 S corporation doing business in this state and subject to the state income tax imposed by chapter
35 143, excluding withholding tax imposed by sections 143.191 to 143.265.

36 2. (1) Beginning on March 29, 2013, any donation of cash or food made to a local food
37 pantry on or after January 1, 2013, unless such food is donated after the food's expiration date, shall
38 be eligible for tax credits as provided by this section.

1 (2) Beginning on August 28, 2018, any donation of cash or food made to a local soup
2 kitchen or local homeless shelter on or after January 1, 2018, unless such food is donated after the
3 food's expiration date, shall be eligible for a tax credit as provided under this section.

4 (3) Any taxpayer who makes a donation that is eligible for a tax credit under this section
5 shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax
6 imposed by sections 143.191 to 143.265, in an amount equal to fifty percent of the value of the
7 donations made to the extent such amounts that have been subtracted from federal adjusted gross
8 income or federal taxable income are added back in the determination of Missouri adjusted gross
9 income or Missouri taxable income before the credit can be claimed. Each taxpayer claiming a tax
10 credit under this section shall file an affidavit with the income tax return verifying the amount of
11 their contributions. The amount of the tax credit claimed shall not exceed the amount of the
12 taxpayer's state tax liability for the tax year that the credit is claimed and shall not exceed two
13 thousand five hundred dollars per taxpayer claiming the credit. Any amount of credit that the
14 taxpayer is prohibited by this section from claiming in a tax year shall not be refundable, but may be
15 carried forward to any of the taxpayer's three subsequent tax years. No tax credit granted under this
16 section shall be transferred, sold, or assigned. No taxpayer shall be eligible to receive a credit
17 pursuant to this section if such taxpayer employs persons who are not authorized to work in the
18 United States under federal law. No taxpayer shall be able to claim more than one credit under this
19 section for a single donation.

20 3. (1) The cumulative amount of tax credits under this section which may be allocated to all
21 taxpayers contributing to a local food pantry, local soup kitchen, or local homeless shelter in any one
22 fiscal year shall not exceed one million seven hundred fifty thousand dollars. The director of
23 revenue shall establish a procedure by which the cumulative amount of tax credits is apportioned
24 among all taxpayers claiming the credit by April fifteenth of the fiscal year in which the tax credit is
25 claimed. To the maximum extent possible, the director of revenue shall establish the procedure
26 described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits
27 possible up to the cumulative amount of tax credits available for the fiscal year.

28 (2) In the event a full or partial credit denial, due to the cumulative maximum amount of
29 credits being claimed for the fiscal year, causes a tax balance due to be owed to the state by the
30 taxpayer, the taxpayer shall not be held liable for any addition to tax, penalty, or interest on that tax
31 balance due, provided the balance is paid, or approved payment arrangements have been made,
32 within sixty days from issuance of the notice of credit denial.

33 4. Any local food pantry, local soup kitchen, or local homeless shelter may accept or reject
34 any donation of food made under this section for any reason. For purposes of this section, any
35 donations of food accepted by a local food pantry, local soup kitchen, or local homeless shelter shall
36 be valued at fair market value, or at wholesale value if the taxpayer making the donation of food is a
37 retail grocery store, food broker, wholesaler, or restaurant.

38 5. The department of revenue shall promulgate rules to implement the provisions of this
39 section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created

1 under the authority delegated in this section shall become effective only if it complies with and is
2 subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
3 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to
4 chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently
5 held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after
6 August 28, 2007, shall be invalid and void.

7 6. Under section 23.253 of the Missouri sunset act:

8 (1) The program authorized under this section shall be reauthorized as of August 28, 2018,
9 and shall expire on December 31, 2026, unless reauthorized by the general assembly; and

10 (2) This section shall terminate on September first of the calendar year immediately
11 following the calendar year in which the program authorized under this section is sunset; and

12 (3) The provisions of this subsection shall not be construed to limit or in any way impair a
13 taxpayer's ability to redeem tax credits authorized on or before the date the program authorized
14 under this section expires."; and

15
16 Further amend said bill by amending the title, enacting clause, and intersectional references
17 accordingly.