

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND Senate Substitute for Senate Bill No. 802, Page 1, Section A, Line 4, by inserting after all  
2 of said section and line the following:

3  
4 "135.621. 1. As used in this section, the following terms mean:

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

7 (2) "Department", the department of social services;

8 (3) "Diaper bank", a nonprofit entity located in this state ~~[established and operating~~  
9 ~~primarily for the purpose of collecting or purchasing]~~ that meets the following criteria:

10 (a) Collects, purchases, warehouses, and manages a community inventory of disposable  
11 diapers or other hygiene products for infants, children, or incontinent adults [and that];

12 (b) Regularly distributes a consistent and reliable supply of such diapers or other hygiene  
13 products through two or more schools, health care facilities, governmental agencies, or other  
14 nonprofit entities for eventual distribution to individuals free of charge, with the intention of  
15 reducing diaper need; and

16 (c) Is a member of a national network organization serving all fifty states through which  
17 certification demonstrates nonprofit best practices, data-driven program design, and equitable  
18 distribution focused on best serving infants, children and incontinent adults;

19 (4) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding  
20 withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapter 148 or  
21 153;

22 (5) "Taxpayer", a person, firm, partner in a firm, corporation, or shareholder in an S  
23 corporation doing business in the state of Missouri and subject to the state income tax imposed  
24 under chapter 143; an insurance company paying an annual tax on its gross premium receipts in this  
25 state; any other financial institution paying taxes to the state of Missouri or any political subdivision  
26 of this state under chapter 148; an express company that pays an annual tax on its gross receipts in  
27 this state under chapter 153; an individual subject to the state income tax under chapter 143; or any  
28 charitable organization that is exempt from federal income tax and whose Missouri unrelated  
29 business taxable income, if any, would be subject to the state income tax imposed under chapter  
30 143.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1           2. For all fiscal years beginning on or after July 1, 2019, a taxpayer shall be allowed to  
2 claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the  
3 amount of such taxpayer's contributions to a diaper bank.

4           3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state  
5 tax liability for the tax year for which the credit is claimed, and such taxpayer shall not be allowed  
6 to claim a tax credit in excess of fifty thousand dollars per tax year. However, any tax credit that  
7 cannot be claimed in the tax year the contribution was made may be carried over only to the next  
8 subsequent tax year. No tax credit issued under this section shall be assigned, transferred, or sold.

9           4. Except for any excess credit that is carried over under subsection 3 of this section, no  
10 taxpayer shall be allowed to claim a tax credit unless the taxpayer contributes at least one hundred  
11 dollars to one or more diaper banks during the tax year for which the credit is claimed.

12           5. The department shall determine, at least annually, which entities in this state qualify as  
13 diaper banks. The department may require of an entity seeking to be classified as a diaper bank any  
14 information which is reasonably necessary to make such a determination. The department shall  
15 classify an entity as a diaper bank if such entity satisfies the definition under subsection 1 of this  
16 section.

17           6. The department shall establish a procedure by which a taxpayer can determine if an entity  
18 has been classified as a diaper bank.

19           7. Diaper banks may decline a contribution from a taxpayer.

20           8. The cumulative amount of tax credits that may be claimed by all the taxpayers  
21 contributing to diaper banks in any one fiscal year shall not exceed five hundred thousand dollars.  
22 Tax credits shall be issued in the order contributions are received. If the amount of tax credits  
23 redeemed in a tax year is less than [~~five~~] eight hundred thousand dollars, the difference shall be  
24 added to the cumulative limit created under this subsection for the next fiscal year and carried over  
25 to subsequent fiscal years until claimed.

26           9. The department shall establish a procedure by which, from the beginning of the fiscal  
27 year until some point in time later in the fiscal year to be determined by the department, the  
28 cumulative amount of tax credits are equally apportioned among all entities classified as diaper  
29 banks. If a diaper bank fails to use all, or some percentage to be determined by the department, of  
30 its apportioned tax credits during this predetermined period of time, the department may reapportion  
31 such unused tax credits to diaper banks that have used all, or some percentage to be determined by  
32 the department, of their apportioned tax credits during this predetermined period of time. The  
33 department may establish multiple periods each fiscal year and reapportion accordingly. To the  
34 maximum extent possible, the department shall establish the procedure described under this  
35 subsection in such a manner as to ensure that taxpayers can claim as many of the tax credits as  
36 possible, up to the cumulative limit created under subsection 8 of this section.

37           10. Each diaper bank shall provide information to the department concerning the identity of  
38 each taxpayer making a contribution and the amount of the contribution. The department shall

1 provide the information to the department of revenue. The department shall be subject to the  
2 confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax information.

3 11. Under section 23.253 of the Missouri sunset act:

4 (1) The provisions of the program authorized under this section shall automatically sunset  
5 on December thirty-first six years after August 28, [~~2018~~2024], unless reauthorized by an act of the  
6 general assembly;

7 (2) If such program is reauthorized, the program authorized under this section shall  
8 automatically sunset on December thirty-first six years after the effective date of the reauthorization  
9 of this section;

10 (3) 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 (4) The provisions of this subsection shall not be construed to limit or in any way impair the  
13 department's ability to issue tax credits authorized on or before the date the program authorized  
14 under this section expires or a taxpayer's ability to redeem such tax credits."; and

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