

# HOUSE BILL NO. 364

## 103RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE AMATO.

0283H.02I

DANA RADEMAN MILLER, Chief Clerk

---

### AN ACT

To repeal section 135.800, RSMo, and to enact in lieu thereof two new sections relating to a tax credit for certain charitable donations.

---

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

Section A. Section 135.800, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 135.640 and 135.800, to read as follows:

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

**(1) "Local hospital foundation", any hospital foundation that:**

**(a) Is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended; and**

**(b) Provides financial relief for unpaid hospital bills for services provided at not-for-profit hospitals to any person whom the foundation deems to be in need of relief in the area in which the taxpayer claiming the tax credit under this section resides, but donations made by a qualified taxpayer to such foundation may be utilized by the foundation to support programs, equipment purchases, or any other manner the foundation determines as necessary that aligns with the foundation's purpose and goals;**

**(2) "Qualified amount", for any qualified taxpayer in a given tax year, an amount equal to fifty percent of the value of the donations made to a local hospital foundation, to the extent such amount was subtracted from federal adjusted gross income or federal taxable income is added back in to the determination of Missouri adjusted gross income or Missouri taxable income before the credit can be claimed;**

**(3) "Qualified taxpayer", any individual subject to the state income tax imposed under chapter 143 who makes a donation to a local hospital foundation;**

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           (4) "Tax credit", a credit against the tax otherwise due under chapter 143,  
19 excluding withholding tax imposed under sections 143.191 to 143.265.

20           2. For all tax years beginning on or after January 1, 2026, a qualified taxpayer  
21 shall be allowed to claim a tax credit against the taxpayer's state income tax liability in  
22 an amount equal to the taxpayer's qualified amount. Each taxpayer claiming a tax  
23 credit under this section shall file an affidavit with his or her income tax return  
24 verifying the amount of the taxpayer's donations. The amount of the tax credit claimed  
25 shall not exceed the amount of the taxpayer's state income tax liability for the tax year  
26 that the credit is claimed and shall not exceed two thousand five hundred dollars per  
27 taxpayer claiming the credit.

28           3. The cumulative amount of tax credits allowed to all taxpayers under this  
29 section shall not exceed two million dollars per calendar year. If the amount of tax  
30 credits claimed in a calendar year under this section exceeds two million dollars, tax  
31 credits shall be allowed based on the order in which they are claimed.

32           4. No tax credit claimed under this section shall be refundable, but the unused  
33 portion of a tax credit that has been claimed and allowed may be carried forward to any  
34 of the taxpayer's three subsequent tax years.

35           5. No tax credit claimed under this section shall be assigned, transferred, sold, or  
36 otherwise conveyed.

37           6. The tax credit authorized under this section shall constitute a domestic and  
38 social tax credit, as such term is defined under section 135.800, and shall be subject to  
39 the provisions of sections 135.800 to 135.830.

40           7. Notwithstanding any provision of section 105.1500 to the contrary, any  
41 requirement to provide information, documents, or records under this section, and any  
42 requirement established by the department of revenue to provide information,  
43 documents, or records for the purpose of administering and enforcing this section,  
44 shall be exempt from section 105.1500.

45           8. The department of revenue shall promulgate all necessary rules and  
46 regulations for the administration of this section including, but not limited to, rules  
47 relating to the verification of a taxpayer's qualified amount. Any rule or portion of a  
48 rule, as that term is defined in section 536.010, that is created under the authority  
49 delegated in this section shall become effective only if it complies with and is subject to  
50 all of the provisions of chapter 536 and, if applicable, section 536.028. This section and  
51 chapter 536 are nonseverable and if any of the powers vested with the general assembly  
52 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul  
53 a rule are subsequently held unconstitutional, then the grant of rulemaking authority  
54 and any rule proposed or adopted after August 28, 2025, shall be invalid and void.

55           **9. Under section 23.253 of the Missouri sunset act:**

56           **(1) The provisions of the new program authorized under this section shall**  
57 **automatically sunset December thirty-first, six years after the effective date of this**  
58 **section unless reauthorized by an act of the general assembly;**

59           **(2) If such program is reauthorized, the program authorized under this section**  
60 **shall automatically sunset December thirty-first, twelve years after the effective date of**  
61 **the reauthorization of this section;**

62           **(3) This section shall terminate on September first of the calendar year**  
63 **immediately following the calendar year in which the provisions authorized under this**  
64 **section are sunset; and**

65           **(4) The provisions of this subsection shall not be construed to limit or in any way**  
66 **impair a taxpayer's ability to redeem tax credits authorized on or before the date the**  
67 **program authorized under this section expires.**

135.800. 1. The provisions of sections 135.800 to 135.830 shall be known and may  
2 be cited as the "Tax Credit Accountability Act of 2004".

3           2. As used in sections 135.800 to 135.830, the following terms mean:

4           (1) "Administering agency", the state agency or department charged with  
5 administering a particular tax credit program, as set forth by the program's enacting  
6 statute; where no department or agency is set forth, the department of revenue;

7           (2) "Agricultural tax credits", the agricultural product utilization contributor tax credit  
8 created pursuant to section 348.430, the new generation cooperative incentive tax credit  
9 created pursuant to section 348.432, the family farm breeding livestock loan tax credit created  
10 under section 348.505, the qualified beef tax credit created under section 135.679, and the  
11 wine and grape production tax credit created pursuant to section 135.700;

12           (3) "Business recruitment tax credits", the business facility tax credit created pursuant  
13 to sections 135.110 to 135.150 and section 135.258, the enterprise zone tax benefits created  
14 pursuant to sections 135.200 to 135.270, the business use incentives for large-scale  
15 development programs created pursuant to sections 100.700 to 100.850, the development tax  
16 credits created pursuant to sections 32.100 to 32.125, the rebuilding communities tax credit  
17 created pursuant to section 135.535, the ~~film~~ **qualified motion media production project**  
18 tax credit created pursuant to section 135.750, the enhanced enterprise zone created pursuant  
19 to sections 135.950 to 135.970, and the Missouri quality jobs program created pursuant to  
20 sections 620.1875 to 620.1900;

21           (4) "Community development tax credits", the neighborhood assistance tax credit  
22 created pursuant to sections 32.100 to 32.125, the family development account tax credit  
23 created pursuant to sections 208.750 to 208.775, the dry fire hydrant tax credit created

24 pursuant to section 320.093, and the transportation development tax credit created pursuant to  
25 section 135.545;

26 (5) "Domestic and social tax credits", the youth opportunities tax credit created  
27 pursuant to section 135.460 and sections 620.1100 to 620.1103, the shelter for victims of  
28 domestic violence **or rape crisis center tax credit** created pursuant to section 135.550, the  
29 senior citizen or disabled person property tax credit created pursuant to sections 135.010 to  
30 135.035, the adoption tax credit created pursuant to sections 135.325 to 135.339, the  
31 champion for children tax credit created pursuant to section 135.341, the maternity home tax  
32 credit created pursuant to section 135.600, the surviving spouse tax credit created pursuant to  
33 section 135.090, the residential treatment agency tax credit created pursuant to section  
34 135.1150, the pregnancy resource center tax credit created pursuant to section 135.630, the  
35 food pantry tax credit created pursuant to section 135.647, the residential dwelling access tax  
36 credit created pursuant to section 135.562, the developmental disability care provider tax  
37 credit created under section 135.1180, the shared care tax credit created pursuant to section  
38 192.2015, the health, hunger, and hygiene tax credit created pursuant to section 135.1125,  
39 ~~and~~ the diaper bank tax credit created pursuant to section 135.621, **and the local hospital**  
40 **foundation charitable donation tax credit created under section 135.640;**

41 (6) "Entrepreneurial tax credits", the capital tax credit created pursuant to sections  
42 135.400 to 135.429, the certified capital company tax credit created pursuant to sections  
43 135.500 to 135.529, the seed capital tax credit created pursuant to sections 348.300 to  
44 348.318, the new enterprise creation tax credit created pursuant to sections 620.635 to  
45 620.653, the research tax credit created pursuant to section 620.1039, the small business  
46 incubator tax credit created pursuant to section 620.495, the guarantee fee tax credit created  
47 pursuant to section 135.766, and the new generation cooperative tax credit created pursuant to  
48 sections 32.105 to 32.125;

49 (7) "Environmental tax credits", the charcoal producer tax credit created pursuant to  
50 section 135.313, the wood energy tax credit created pursuant to sections 135.300 to 135.311,  
51 and the alternative fuel stations tax credit created pursuant to section 135.710;

52 (8) "Financial and insurance tax credits", the bank franchise tax credit created  
53 pursuant to section 148.030, the bank tax credit for S corporations created pursuant to section  
54 143.471, the exam fee tax credit created pursuant to section 148.400, the health insurance  
55 pool tax credit created pursuant to section 376.975, the life and health insurance guaranty  
56 **association** tax credit created pursuant to section 376.745, the property and casualty guaranty  
57 **association** tax credit created pursuant to section 375.774, and the self-employed health  
58 insurance tax credit created pursuant to section 143.119;

59 (9) "Housing tax credits", the neighborhood preservation tax credit created pursuant  
60 to sections 135.475 to 135.487, the low-income housing tax credit created pursuant to

61 sections 135.350 to 135.363, and the affordable housing tax credit created pursuant to  
62 sections 32.105 to 32.125;

63 (10) "Recipient", the individual or entity who both:

64 (a) Is the original applicant for a tax credit; and

65 (b) Who directly receives a tax credit or the right to transfer a tax credit under a tax  
66 credit program, regardless as to whether the tax credit has been used or redeemed; a recipient  
67 shall not include the transferee of a transferable tax credit;

68 (11) "Redevelopment tax credits", the historic preservation tax credit created pursuant  
69 to sections 253.545 to 253.559, the brownfield redevelopment program tax credit created  
70 pursuant to sections 447.700 to 447.718, the community development corporations tax credit  
71 created pursuant to sections 135.400 to 135.430, the infrastructure tax credit created pursuant  
72 to subsection 6 of section 100.286, the bond guarantee tax credit created pursuant to section  
73 100.297, the disabled access tax credit created pursuant to section 135.490, the new markets  
74 tax credit created pursuant to section 135.680, and the distressed areas land assemblage tax  
75 credit created pursuant to section 99.1205;

76 (12) "Tax credit program", any of the tax credit programs included in the definitions  
77 of agricultural tax credits, business recruitment tax credits, community development tax  
78 credits, domestic and social tax credits, entrepreneurial tax credits, environmental tax credits,  
79 housing tax credits, redevelopment tax credits, and training and educational tax credits;

80 (13) "Training and educational tax credits", the Missouri ~~works~~ **one start** new jobs  
81 tax credit and Missouri ~~works~~ **one start** retained jobs credit created pursuant to sections  
82 620.800 to 620.809.

✓