

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

Offered By

1 AMEND House Committee Substitute for House Bill No. 1605, In the Title, Lines 2 and 3, by  
2 deleting the phrase "an earned income tax credit" and inserting in lieu thereof the following:

3  
4 "tax credits"; and  
5

6 Further amend said bill, Page 2, Section 135.760, Line 51, by inserting after all of said section and  
7 line the following:

8  
9 "135.1910. 1. As used in this section, the following terms mean:

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

12 (2) "Director", the director of the department of social services;

13 (3) "Qualified organization", an organization that provides funding for unmet health,  
14 hunger, and hygiene needs for children in school;

15 (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such  
16 taxpayer under the provisions of chapters 143, 148, and 153, excluding sections 143.191 to 143.265  
17 and related provisions, and in the case of an individual taxpayer, any liability incurred by such  
18 taxpayer under the provisions of chapter 143, excluding sections 143.191 to 143.265 and related  
19 provisions;

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

29 2. For all tax years beginning on or after January 1, 2017, a taxpayer shall be allowed to  
30 claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the  
31 taxpayer's contribution to a qualified organization. The qualified organization shall use the  
32 taxpayer's contribution solely for the unmet health, hunger, and hygiene needs of children in school.

33 3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state  
34 tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be  
35 allowed to claim a tax credit in excess of fifty thousand dollars per taxable year. However, any tax  
36 credit that cannot be claimed in the taxable year in which the contribution was made may be carried

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1 over to the next four succeeding taxable years until the full credit has been claimed.

2 4. Except for any excess credit that is carried over under subsection 3 of this section, a  
3 taxpayer shall not be allowed to claim a tax credit unless the total amount of such taxpayer's  
4 contribution or contributions to a qualified organization or organizations in such taxpayer's taxable  
5 year has a value of at least one hundred dollars.

6 5. The director shall determine, at least annually, which organizations in this state may be  
7 classified as qualified organizations. The director may require of an organization seeking to be  
8 classified as a qualified organization whatever information that is reasonably necessary to make  
9 such a determination. The director shall classify an organization as a qualified organization if such  
10 organization meets the definition set forth in subsection 1 of this section.

11 6. The director shall establish a procedure by which a taxpayer can determine if an  
12 organization has been classified as a qualified organization. Qualified organizations shall be  
13 permitted to decline a contribution from a taxpayer. To claim the tax credit authorized in this  
14 section, a qualified organization may submit to the department an application for the tax credit  
15 authorized by this section on behalf of taxpayers. The department shall verify that the qualified  
16 organization has submitted the following items accurately and completely:

17 (1) A valid application in the form and format required by the department;

18 (2) A statement attesting to the contribution received, which shall include the name and  
19 taxpayer identification number of the individual making the contribution, the amount of the  
20 contribution, and the date the contribution was received by the provider; and

21 (3) Payment from the qualified organization equal to the value of the tax credit for which  
22 application is made.

23  
24 If the provider applying for the tax credit meets all criteria required by this subsection, the  
25 department shall issue a certificate in the appropriate amount.

26 7. Each qualified organization shall provide information to the director concerning the  
27 identity of each taxpayer making a contribution to the qualified organization who is claiming a tax  
28 credit under this section and the amount of the contribution. The director shall provide the  
29 information to the director of revenue. The director shall be subject to the confidentiality and  
30 penalty provisions of section 32.057 relating to the disclosure of tax information.

31 8. The provisions of this section shall not be construed to limit or in any way impair the  
32 department's ability to issue tax credits authorized on or before the date the program authorized  
33 under this section expires or a taxpayer's ability to redeem such tax credits.

34 9. Under section 23.253 of the Missouri sunset act:

35 (1) The program established under this section shall automatically expire on December 31,  
36 2022, unless reauthorized by an act of the general assembly;

37 (2) If such program is reauthorized, the program authorized under this section shall  
38 automatically sunset twelve years after the effective date of the reauthorization of this section; and

39 (3) This section shall terminate on September first of the calendar year immediately  
40 following the calendar year in which a program authorized under this section is sunset."; and

41  
42 Further amend said bill by amending the title, enacting clause, and intersectional references  
43 accordingly.