

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

Offered By

1 AMEND House Committee Substitute for House Bill No. 1695, Page 1, Section A, Line 2, by  
2 inserting after all of said section and line the following:

3  
4 "135.347. 1. As used in this section, the following terms mean:

5 (1) "Qualified taxpayer", any employer subject to the state income tax imposed under  
6 chapter 143, excluding the withholding tax imposed under sections 143.191 to 143.265, who pays  
7 for or provides child day care services, including the provision of the service of locating such  
8 services, to its employees or that provides facilities and necessary equipment for child day care  
9 services;

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

12 2. For all tax years beginning on or after January 1, 2023, a qualified taxpayer shall be  
13 allowed to claim a tax credit against the qualified taxpayer's state tax liability as follows:

14 (1) Thirty percent of the total amount expended in the state during the tax year by a  
15 qualified taxpayer for child day care services purchased to provide care for the dependent children  
16 of the qualified taxpayer's employees or for the provision of the service of locating such services for  
17 such children;

18 (2) (a) In the tax year in which a facility providing child day care services in the state for  
19 use primarily by the dependent children of the qualified taxpayer's employees is established, fifty  
20 percent of the total amount expended during such year by a qualified taxpayer in the establishment  
21 and operation of such facility;

22 (b) For all tax years beginning on or after January 1, 2023, in the tax years other than the tax  
23 year to which paragraph (a) of this subdivision applies, fifty percent of the total amount expended  
24 during the tax year by a qualified taxpayer for the operation of a facility described in this  
25 subdivision less the amount of moneys received by the qualified taxpayer for use of such facility for  
26 child day care services;

27 (3) (a) In the tax year in which a facility providing child day care services in the state for  
28 use primarily by the dependent children of the qualified taxpayer's employees is established in  
29 conjunction with one or more other qualified taxpayers, fifty percent of the total amount expended  
30 during such year by a qualified taxpayer in the establishment and operation of such facility;

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1       **(b) For all tax years beginning on or after January 1, 2023, in the tax years other than the tax**  
2 **year to which paragraph (a) of this subdivision applies, fifty percent of the total amount expended**  
3 **during the tax year by a qualified taxpayer for the operation of a facility described in this**  
4 **subdivision less the amount of moneys received by the qualified taxpayer for use of such facility for**  
5 **child day care services; and**

6       **(4) For all tax years beginning on or after January 1, 2023, fifty percent of the total amount**  
7 **expended during the tax year by a qualified taxpayer as payments to an organization providing**  
8 **access to available child day care services for the qualified taxpayer's employees.**

9       **3. No credit shall be allowed under this section unless the child day care facility or provider**  
10 **is licensed or registered under Missouri law.**

11       **4. The credit allowed by subdivision (1) of subsection 2, paragraph (b) of subdivision (2) of**  
12 **subsection 2, and paragraph (b) of subdivision (3) of subsection 2 shall not exceed thirty thousand**  
13 **dollars for any qualified taxpayer during any tax year. The credit allowed by paragraph (a) of**  
14 **subdivision (2) of subsection 2, paragraph (a) of subdivision (3) of subsection 2, and subdivision (4)**  
15 **of subsection 2 shall not exceed forty-five thousand dollars for any qualified taxpayer during any tax**  
16 **year.**

17       **5. The amount of the credit that exceeds the tax liability for the tax year shall be refunded to**  
18 **the qualified taxpayer.**

19       **6. If the qualified taxpayer is a corporation having an election in effect under Subchapter S**  
20 **of the federal Internal Revenue Code or a partnership, the credit provided by this section shall be**  
21 **claimed by the shareholders of such corporation or the partners of such partnership in the same**  
22 **manner as such shareholders or partners account for their proportionate shares of the income or loss**  
23 **of the corporation or partnership.**

24       **7. The cumulative amount of tax credits allowed to all qualified taxpayers under this section**  
25 **shall not exceed ten million dollars per tax year. If the amount of tax credits claimed in a tax year**  
26 **under this section exceeds ten million dollars, tax credits shall be allowed based on the order in**  
27 **which they are claimed.**

28       **8. No tax credit claimed under this section shall be carried forward to any subsequent tax**  
29 **year.**

30       **9. No tax credit claimed under this section shall be assigned, transferred, sold, or otherwise**  
31 **conveyed.**

32       **10. The department of revenue shall promulgate all necessary rules and regulations for the**  
33 **administration of this section. Any rule or portion of a rule, as that term is defined in section**  
34 **536.010, that is created under the authority delegated in this section shall become effective only if it**  
35 **complies with and is subject to all of the provisions of chapter 536 and, if applicable, section**  
36 **536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the**  
37 **general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and**  
38 **annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
39 **rule proposed or adopted after August 28, 2022, shall be invalid and void.**

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

2        (1) The provisions of the new program authorized under this section shall automatically  
3 sunset six years after the effective date of this section unless reauthorized by an act of the general  
4 assembly;

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

7        (3) This section shall terminate on September first of the calendar year immediately  
8 following the calendar year in which the provisions authorized under this section are sunset."; and

9  
10 Further amend said bill by amending the title, enacting clause, and intersectional references  
11 accordingly.