

FIRST REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 463
98TH GENERAL ASSEMBLY

2212H.02C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal sections 135.1150 and 135.1180, RSMo, and to enact in lieu thereof three new sections relating to taxation.

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

Section A. Sections 135.1150 and 135.1180, RSMo, are repealed and three new sections
2 enacted in lieu thereof, to be known as sections 135.760, 135.1150, and 135.1180, to read as
3 follows:

**135.760. 1. This section shall be known and may be cited as the "Missouri Earned
2 Income Tax Credit Act".**

**3 2. For all taxable years beginning on or after January 1, 2021, a resident individual
4 who is allowed a federal earned income tax credit under Section 32 of the Internal Revenue
5 Code of 1986, as amended, shall be allowed a credit against the tax otherwise due under
6 chapter 143, not including sections 143.191 to 143.265, in an amount equal to twenty
7 percent of the allowable federal earned income tax credit. The tax credit allowed by this
8 section shall be claimed by such individual at the time such individual files a return and
9 shall be applied against the income tax liability imposed by chapter 143 after reduction for
10 all other credits allowed thereon. For taxpayers whose filing status is married filing
11 separately, such taxpayers may elect to apply the tax credit to the income tax liability of
12 either taxpayer, or may elect to apply the tax credit evenly to the income tax liability of
13 each spouse. If the amount of the credit exceeds the tax liability, the difference shall not
14 be refunded to the taxpayer.**

**15 3. Notwithstanding the provision of subsection 4 of section 32.057, the department
16 of revenue or any duly authorized employee or agent shall determine whether any taxpayer
17 filing a report or return with the department of revenue who has not applied for the credit**

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 allowed under this section may qualify for the credit, and shall notify any qualified
19 claimant of the claimant's potential eligibility, if the department determines such potential
20 eligibility exists. In making a determination of eligibility under this section, the
21 department shall use any appropriate and available data including, but not limited to, data
22 available from the Internal Revenue Service, the U.S. Department of Treasury, and state
23 income tax returns from previous tax years.

24 4. The department shall prepare an annual report containing statistical information
25 regarding the tax credits issued under this section for the previous tax year, including the
26 total amount of revenue expended on the earned income tax credit, the number of credits
27 claimed, and the average value of the credits issued to taxpayers whose earned income falls
28 within various income ranges determined by the department.

29 5. The department shall contract with one or more nonprofit groups to provide
30 notice of the earned income tax credit to eligible taxpayers. The department shall require
31 evidence of the effectiveness of the nonprofit group, the connection with the community in
32 which the group operates, and the ability to contact taxpayers that are unlikely to claim
33 the federal earned income tax credit including, but not limited to, non-English speakers,
34 elderly, tenants, and very low-income taxpayers who do not file tax returns annually. The
35 department shall give preference to nonprofit groups with members in low- and moderate-
36 income areas, nonprofit groups with at least fifty-one percent of the board of directors
37 having low- to moderate-incomes and residents of target communities, and to nonprofit
38 groups that have a record of effective door-to-door outreach for similar community
39 projects.

40 6. The director of the department of revenue shall promulgate rules and regulations
41 to administer the provisions of this section. Any rule or portion of a rule, as that term is
42 defined in section 536.010, that is created under the authority delegated in this section shall
43 become effective only if it complies with and is subject to all of the provisions of chapter
44 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and
45 if any of the powers vested with the general assembly pursuant to chapter 536 to review,
46 to delay the effective date, or to disapprove and annul a rule are subsequently held
47 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted
48 after August 28, 2015, shall be invalid and void.

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

50 (1) The provisions of the new program authorized under this section shall
51 automatically sunset on December thirty-first six years after the effective date of this
52 section unless reauthorized by an act of the general assembly; and

53 **(2) If such program is reauthorized, the program authorized under this section**
54 **shall automatically sunset on December thirty- first twelve years after the effective date of**
55 **the reauthorization of this section; and**

56 **(3) This section shall terminate on September first of the calendar year immediately**
57 **following the calendar year in which the program authorized under this section is sunset.**

135.1150. 1. This section shall be known and may be cited as the "Residential
2 Treatment Agency Tax Credit Act".

3 2. As used in this section, the following terms mean:

4 (1) "Certificate", a tax credit certificate issued under this section;

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

6 (3) "Eligible donation", donations received from a taxpayer by an agency that are used
7 solely to provide direct care services to children who are residents of this state. Eligible
8 donations may include cash, publicly traded stocks and bonds, and real estate that will be valued
9 and documented according to rules promulgated by the department of social services. For
10 purposes of this section, "direct care services" include but are not limited to increasing the
11 quality of care and service for children through improved employee compensation and training;

12 (4) "Qualified residential treatment agency" or "agency", a residential care facility that
13 is licensed under section 210.484, accredited by the Council on Accreditation (COA), the Joint
14 Commission on Accreditation of Healthcare Organizations (JCAHO), or the Commission on
15 Accreditation of Rehabilitation Facilities (CARF), and is under contract with the Missouri
16 department of social services to provide treatment services for children who are residents or
17 wards of residents of this state, and that receives eligible donations. Any agency that operates
18 more than one facility or at more than one location shall be eligible for the tax credit under this
19 section only for any eligible donation made to facilities or locations of the agency which are
20 licensed and accredited;

21 (5) "Taxpayer", any of the following individuals or entities who make an eligible
22 donation to an agency:

23 (a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation
24 doing business in the state of Missouri and subject to the state income tax imposed in chapter
25 143;

26 (b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

27 (c) An insurance company paying an annual tax on its gross premium receipts in this
28 state;

29 (d) Any other financial institution paying taxes to the state of Missouri or any political
30 subdivision of this state under chapter 148;

31 (e) An individual subject to the state income tax imposed in chapter 143;

32 (f) Any charitable organization which is exempt from federal income tax and whose
33 Missouri unrelated business taxable income, if any, would be subject to the state income tax
34 imposed under chapter 143.

35 3. For all taxable years beginning on or after January 1, 2007, any taxpayer shall be
36 allowed a credit against the taxes otherwise due under chapter [147, 148, or] 143, **147, or 148**,
37 excluding withholding tax imposed by sections 143.191 to 143.265, in an amount equal to fifty
38 percent of the amount of an eligible donation, subject to the restrictions in this section. The
39 amount of the tax credit claimed shall not exceed the amount of the taxpayer's state income tax
40 liability in the tax year for which the credit is claimed. Any amount of credit that the taxpayer
41 is prohibited by this section from claiming in a tax year shall not be refundable, but may be
42 carried forward to any of the taxpayer's four subsequent taxable years.

43 4. To claim the credit authorized in this section, an agency may submit to the department
44 an application for the tax credit authorized by this section on behalf of taxpayers. The
45 department shall verify that the agency has submitted the following items accurately and
46 completely:

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

48 (2) A statement attesting to the eligible donation received, which shall include the name
49 and taxpayer identification number of the individual making the eligible donation, the amount
50 of the eligible donation, and the date the eligible donation was received by the agency; and

51 (3) Payment from the agency equal to the value of the tax credit for which application
52 is made. If the agency applying for the tax credit meets all criteria required by this subsection,
53 the department shall issue a certificate in the appropriate amount.

54 5. An agency may apply for tax credits in an aggregate amount that does not exceed the
55 payments made by the department to the agency in the preceding twelve months.

56 6. Tax credits issued under this section may be assigned, transferred, sold, or otherwise
57 conveyed, and the new owner of the tax credit shall have the same rights in the credit as the
58 taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a
59 notarized endorsement shall be filed with the department specifying the name and address of the
60 new owner of the tax credit or the value of the credit.

61 7. The department shall promulgate rules to implement the provisions of this section.
62 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
63 authority delegated in this section shall become effective only if it complies with and is subject
64 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
65 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
66 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are

67 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
68 or adopted after August 28, 2006, shall be invalid and void.

69 [8. Under section 23.253 of the Missouri sunset act:

70 (1) The program authorized under this section shall expire on December 31, 2015; and

71 (2) This section shall terminate on September 1, 2016.]

135.1180. 1. This section shall be known and may be cited as the "Developmental
2 Disability Care Provider Tax Credit Program".

3 2. As used in this section, the following terms mean:

4 (1) "Certificate", a tax credit certificate issued under this section;

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

6 (3) "Eligible donation", donations received by a provider from a taxpayer that are used
7 solely to provide direct care services to persons with developmental disabilities who are residents
8 of this state. Eligible donations may include cash, publicly traded stocks and bonds, and real
9 estate that will be valued and documented according to rules promulgated by the department of
10 social services. For purposes of this section, "direct care services" include, but are not limited
11 to, increasing the quality of care and service for persons with developmental disabilities through
12 improved employee compensation and training;

13 (4) "Qualified developmental disability care provider" or "provider", a care provider that
14 provides assistance to persons with developmental disabilities, and is accredited by the Council
15 on Accreditation (COA), the Joint Commission on Accreditation of Healthcare Organizations
16 (JCAHO), or the Commission on Accreditation of Rehabilitation Facilities (CARF), or is under
17 contract with the Missouri department of social services or department of mental health to
18 provide treatment services for such persons, and that receives eligible donations. Any provider
19 that operates more than one facility or at more than one location shall be eligible for the tax
20 credit under this section only for any eligible donation made to facilities or locations of the
21 provider which are licensed or accredited;

22 (5) "Taxpayer", any of the following individuals or entities who make an eligible
23 donation to a provider:

24 (a) A person, firm, partner in a firm, corporation, or a shareholder in an S corporation
25 doing business in the state of Missouri and subject to the state income tax imposed in chapter
26 143;

27 (b) A corporation subject to the annual corporation franchise tax imposed in chapter 147;

28 (c) An insurance company paying an annual tax on its gross premium receipts in this
29 state;

30 (d) Any other financial institution paying taxes to the state of Missouri or any political
31 subdivision of this state under chapter 148;

32 (e) An individual subject to the state income tax imposed in chapter 143;

33 (f) Any charitable organization which is exempt from federal income tax and whose
34 Missouri unrelated business taxable income, if any, would be subject to the state income tax
35 imposed under chapter 143.

36 3. For all taxable years beginning on or after January 1, 2012, any taxpayer shall be
37 allowed a credit against the taxes otherwise due under chapter 143, 147, or 148 excluding
38 withholding tax imposed by sections 143.191 to 143.265 in an amount equal to fifty percent of
39 the amount of an eligible donation, subject to the restrictions in this section. The amount of the
40 tax credit claimed shall not exceed the amount of the taxpayer's state income tax liability in the
41 tax year for which the credit is claimed. Any amount of credit that the taxpayer is prohibited by
42 this section from claiming in a tax year shall not be refundable, but may be carried forward to
43 any of the taxpayer's four subsequent taxable years.

44 4. To claim the credit authorized in this section, a provider may submit to the department
45 an application for the tax credit authorized by this section on behalf of taxpayers. The
46 department shall verify that the provider has submitted the following items accurately and
47 completely:

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

49 (2) A statement attesting to the eligible donation received, which shall include the name
50 and taxpayer identification number of the individual making the eligible donation, the amount
51 of the eligible donation, and the date the eligible donation was received by the provider; and

52 (3) Payment from the provider equal to the value of the tax credit for which application
53 is made. If the provider applying for the tax credit meets all criteria required by this subsection,
54 the department shall issue a certificate in the appropriate amount.

55 5. Tax credits issued under this section may be assigned, transferred, sold, or otherwise
56 conveyed, and the new owner of the tax credit shall have the same rights in the credit as the
57 taxpayer. Whenever a certificate is assigned, transferred, sold, or otherwise conveyed, a
58 notarized endorsement shall be filed with the department specifying the name and address of the
59 new owner of the tax credit or the value of the credit.

60 6. The department shall promulgate rules to implement the provisions of this section.
61 Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the
62 authority delegated in this section shall become effective only if it complies with and is subject
63 to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and
64 chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant
65 to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
66 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed
67 or adopted after August 28, 2012, shall be invalid and void.

68 [7. Under section 23.253 of the Missouri sunset act:

69 (1) The provisions of the new program authorized under this section shall automatically
70 sunset on December 31, 2016, unless reauthorized by an act of the general assembly; and

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

74 (3) This section shall terminate on September first of the calendar year immediately
75 following the calendar year in which the program authorized under this section is sunset.]

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