

# HOUSE BILL NO. 2340

## 99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE REIBOLDT.

6230H.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for customers of a sheltered workshop.

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be  
2 known as section 135.1185, to read as follows:

**135.1185. 1. As used in this section, the following terms mean:**

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

3 **(2) "Eligible expenditures", expenditures incurred by a taxpayer as a customer of**  
4 **a sheltered workshop;**

5 **(3) "Sheltered workshop", any sheltered workshop, as that term is defined under**  
6 **section 178.900, that is certified by the department of elementary and secondary education**  
7 **under section 178.920;**

8 **(4) "Taxpayer", a person, firm, partner in a firm, corporation, or a shareholder in**  
9 **an S corporation doing business in the state of Missouri and subject to taxation under**  
10 **chapter 143, excluding sections 143.191 to 143.265, chapter 148, or chapter 153.**

11 **2. For all tax years beginning on or after January 1, 2019, a taxpayer who incurs**  
12 **at least ten thousand dollars of eligible expenses during one tax year shall be allowed a tax**  
13 **credit against the tax otherwise due under to chapter 143, excluding withholding tax**  
14 **imposed by sections 143.191 to 143.265, chapter 148, or chapter 153 in an amount equal**  
15 **to five percent of such eligible expenditures.**

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.

16           **3. The amount of the tax credit claimed shall not exceed the amount of the**  
17 **taxpayer's state income tax liability in the tax year for which the credit is claimed. Any**  
18 **amount of credit that exceeds the taxpayer's tax liability shall not be refundable.**

19           **4. No more than a cumulative total of one hundred thousand dollars of tax credits**  
20 **shall be issued in one tax year.**

21           **5. To claim a tax credit authorized under this section, a taxpayer shall apply to the**  
22 **department of revenue for a certificate. The department of revenue shall issue certificates**  
23 **to eligible taxpayers on a first-come, first-served basis. A taxpayer shall submit the**  
24 **certificate with the taxpayer's state tax return.**

25           **6. The department of revenue may promulgate rules to implement the provisions**  
26 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**  
27 **is created under the authority delegated in this section shall become effective only if it**  
28 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
29 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**  
30 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**  
31 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**  
32 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2018,**  
33 **shall be invalid and void.**

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