

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 614
93RD GENERAL ASSEMBLY

Reported from the Committee on Ways and Means, February 9, 2006, with recommendation that the Senate Committee Substitute do pass.

3603S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to residential treatment agency tax credits.

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 known as section 135.1142, to read as follows:

135.1142. 1. This act shall be known and may be cited as the "Residential Treatment Agency Tax Credit Act".

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

(1) "Certificate", a tax credit certificate issued under the provisions of this section;

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

(3) "Taxpayer", a person, firm, a partner in a firm, corporation, or a shareholder in an S corporation doing business in the state of Missouri and subject to the state income tax imposed by the provisions of chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax imposed by the provisions of chapter 147, RSMo, or an insurance company paying an annual tax on its gross premium receipts in this state, or other financial institution paying taxes to the state of Missouri or any political subdivision of this state under the provisions of chapter 148, RSMo, or an individual subject to the state income tax imposed by the provisions of chapter 143, RSMo;

(4) "Qualifying residential treatment agency" or "agency", a residential treatment agency that is licensed under section 210.484, RSMo, and is under contract with the Missouri department of social services to provide treatment services.

21 3. An individual who makes a monetary donation to a qualifying
22 residential treatment agency may receive credit against taxes owed
23 under chapters 143, 147, or 148, RSMo, equal to fifty percent of the
24 amount of the donation, subject to the conditions and limitations of
25 subsection 4 of this section.

26 4. The department shall authorize the issuance of residential
27 treatment agency tax credits. Application for a tax credit shall be made
28 to the department. Only a qualifying residential treatment agency may
29 submit an application for the tax credit on behalf of individuals making
30 monetary donations to the agency. Agencies may apply for tax credits
31 in an aggregate amount that does not exceed forty percent of the
32 payments made by the department to the agency in the preceding
33 twelve months. A certificate shall be issued to the individual by the
34 department after the department has verified that the agency has
35 submitted the following items accurately and completely:

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

38 (2) A statement attesting to the donation received, which shall
39 include the name and taxpayer identification number of the individual
40 making the donation, the amount of the donation, and the date the
41 donation was received by the agency; and

42 (3) Payment from the agency equal to the value of the tax credit
43 for which application is made.

44 5. For tax years beginning on or after January 1, 2007, the tax
45 credits under this subsection or subsection 4 of this section may be
46 used to satisfy taxes owed under chapters 143, 147, and 148, RSMo,
47 excluding sections 143.191 to 143.265, RSMo, in the tax year the credit
48 is certified or that was owed during the previous three years. Any
49 unused portion of the tax credit authorized under this section may be
50 carried forward for up to four years.

51 6. Certificates issued in accordance with this section may be
52 transferred, sold, or assigned by notarized endorsement, which names
53 the transferee.

54 7. The department of social services shall promulgate such rules
55 and regulations as are necessary to implement the provisions of this
56 section. Any rule or portion of a rule, as that term is defined in section
57 536.010, RSMo, that is created under the authority delegated in this

58 section shall become effective only if it complies with and is subject to
59 all of the provisions of chapter 536, RSMo, and, if applicable, section
60 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
61 and if any of the powers vested with the general assembly pursuant to
62 chapter 536, RSMo, to review, to delay the effective date, or to
63 disapprove and annul a rule are subsequently held unconstitutional,
64 then the grant of rulemaking authority and any rule proposed or
65 adopted after August 28, 2006, shall be invalid and void.

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