

SENATE BILL NO. 488

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR COLEMAN.

1887S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 135.647, RSMo, and to enact in lieu thereof one new section relating to food pantry donation tax credits.

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

Section A. Section 135.647, RSMo, is repealed and one new
2 section enacted in lieu thereof, to be known as section 135.647,
3 to read as follows:

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

3 (1) "Local food pantry", any food pantry that is:

4 (a) Exempt from taxation under section 501(c)(3) of
5 the Internal Revenue Code of 1986, as amended; and

6 (b) Distributing emergency food supplies to Missouri
7 low-income people who would otherwise not have access to
8 food supplies in the area in which the taxpayer claiming the
9 tax credit under this section resides;

10 (2) "Local homeless shelter", any homeless shelter
11 that is:

12 (a) Exempt from taxation under Section 501(c)(3) of
13 the Internal Revenue Code of 1986, as amended; and

14 (b) Providing temporary living arrangements, in the
15 area in which the taxpayer claiming the tax credit under
16 this section resides, for individuals and families who
17 otherwise lack a fixed, regular, and adequate nighttime

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 residence and lack the resources or support networks to
19 obtain other permanent housing;

20 (3) "Local soup kitchen", any soup kitchen that is:

21 (a) Exempt from taxation under section 501(c)(3) of
22 the Internal Revenue Code of 1986, as amended; and

23 (b) Providing prepared meals through an established
24 congregate feeding operation to needy, low-income persons
25 including, but not limited to, homeless persons in the area
26 in which the taxpayer claiming the tax credit under this
27 section resides;

28 (4) "Taxpayer", an individual, a firm, a partner in a
29 firm, corporation, or a shareholder in an S corporation
30 doing business in this state and subject to the state income
31 tax imposed by chapter 143, excluding withholding tax
32 imposed by sections 143.191 to 143.265.

33 2. (1) Beginning on March 29, 2013, any donation of
34 cash or food made to a local food pantry on or after January
35 1, 2013, unless such food is donated after the food's
36 expiration date, shall be eligible for tax credits as
37 provided by this section.

38 (2) Beginning on August 28, 2018, any donation of cash
39 or food made to a local soup kitchen or local homeless
40 shelter on or after January 1, 2018, unless such food is
41 donated after the food's expiration date, shall be eligible
42 for a tax credit as provided under this section.

43 (3) Any taxpayer who makes a donation that is eligible
44 for a tax credit under this section shall be allowed a
45 credit against the tax otherwise due under chapter 143,
46 excluding withholding tax imposed by sections 143.191 to
47 143.265, in an amount equal to fifty percent of the value of
48 the donations made to the extent such amounts that have been
49 subtracted from federal adjusted gross income or federal

50 taxable income are added back in the determination of
51 Missouri adjusted gross income or Missouri taxable income
52 before the credit can be claimed. Each taxpayer claiming a
53 tax credit under this section shall file an affidavit with
54 the income tax return verifying the amount of their
55 contributions. The amount of the tax credit claimed shall
56 not exceed the amount of the taxpayer's state tax liability
57 for the tax year that the credit is claimed and shall not
58 exceed two thousand five hundred dollars per taxpayer
59 claiming the credit. Any amount of credit that the taxpayer
60 is prohibited by this section from claiming in a tax year
61 shall not be refundable, but may be carried forward to any
62 of the taxpayer's three subsequent tax years. No tax credit
63 granted under this section shall be transferred, sold, or
64 assigned. No taxpayer shall be eligible to receive a credit
65 pursuant to this section if such taxpayer employs persons
66 who are not authorized to work in the United States under
67 federal law. No taxpayer shall be able to claim more than
68 one credit under this section for a single donation.

69 3. The cumulative amount of tax credits under this
70 section which may be allocated to all taxpayers contributing
71 to a local food pantry, local soup kitchen, or local
72 homeless shelter in any one fiscal year shall not exceed
73 **[one] two** million seven hundred fifty thousand dollars. The
74 director of revenue shall establish a procedure by which the
75 cumulative amount of tax credits is apportioned among all
76 taxpayers claiming the credit by April fifteenth of the
77 fiscal year in which the tax credit is claimed. To the
78 maximum extent possible, the director of revenue shall
79 establish the procedure described in this subsection in such
80 a manner as to ensure that taxpayers can claim all the tax

81 credits possible up to the cumulative amount of tax credits
82 available for the fiscal year.

83 4. Any local food pantry, local soup kitchen, or local
84 homeless shelter may accept or reject any donation of food
85 made under this section for any reason. For purposes of
86 this section, any donations of food accepted by a local food
87 pantry, local soup kitchen, or local homeless shelter shall
88 be valued at fair market value, or at wholesale value if the
89 taxpayer making the donation of food is a retail grocery
90 store, food broker, wholesaler, or restaurant.

91 5. The department of revenue shall promulgate rules to
92 implement the provisions of this section. Any rule or
93 portion of a rule, as that term is defined in section
94 536.010, that is created under the authority delegated in
95 this section shall become effective only if it complies with
96 and is subject to all of the provisions of chapter 536 and,
97 if applicable, section 536.028. This section and chapter
98 536 are nonseverable and if any of the powers vested with
99 the general assembly pursuant to chapter 536 to review, to
100 delay the effective date, or to disapprove and annul a rule
101 are subsequently held unconstitutional, then the grant of
102 rulemaking authority and any rule proposed or adopted after
103 August 28, 2007, shall be invalid and void.

104 6. Under section 23.253 of the Missouri sunset act:

105 (1) The program authorized under this section shall be
106 reauthorized as of August 28, 2018, and shall expire on
107 December 31, **[2026] 2027**, unless reauthorized by the general
108 assembly; and

109 (2) This section shall terminate on September first of
110 the calendar year immediately following the calendar year in
111 which the program authorized under this section is sunset;
112 and

113 (3) The provisions of this subsection shall not be
114 construed to limit or in any way impair a taxpayer's ability
115 to redeem tax credits authorized on or before the date the
116 program authorized under this section expires.

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