

John R. Ashcroft

Secretary of State
Administrative Rules Division

RULE TRANSMITTAL

Administrative Rules Stamp

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FEB 01 2019

SECRETARY OF STATE
ADMINISTRATIVE RULES

COPY

Rule Number 13 CSR 10-3.070

Use a "SEPARATE" rule transmittal sheet for EACH individual rulemaking.

COPY

Name of person to call with questions about this rule:

Content Peggy Landwehr Phone (573) 526-0414 FAX (573) 522-6092

Email address peggy.landwehr@dss.mo.gov

Data Entry Aaron Mealy Phone (573) 526-0414 FAX (573) 522-6092

Email address aaron.mealy@dss.mo.gov

Interagency mailing address DLS, Broadway Bldg, 221 W High Street, Room 230

TYPE OF RULEMAKING ACTION TO BE TAKEN

Emergency Rulemaking __ Rule __ Amendment __ Rescission __ Termination

Effective Date for the Emergency _____

Proposed Rulemaking X Rule __ Amendment __ Rescission

Rule Action Notice In Addition Rule Under Consideration

Request for Non-Substantive Change

Statement of Actual Cost

Order of Rulemaking __ Withdrawal __ Adopt __ Amendment __ Rescission

Effective Date for the Order _____

Statutory 30 days OR Specific date _____

Does the Order of Rulemaking contain changes to the rule text? NO

YES—LIST THE SECTIONS WITH CHANGES, including any deleted rule text:

Small Business Regulatory
Fairness Board (DED) Stamp

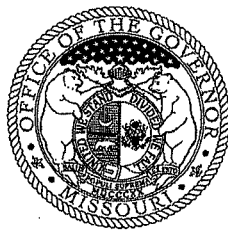
JCAR Stamp

JOINT COMMITTEE ON

FEB 01 2019

ADMINISTRATIVE RULES

STATE CAPITOL
201 W. CAPITOL AVENUE, ROOM 216
JEFFERSON CITY, MISSOURI 65101



(573) 751-3222
WWW.GOVERNOR.MO.GOV

Michael L. Parson

GOVERNOR
STATE OF MISSOURI

January 29, 2019

Mark Gutchen
General Counsel
Missouri Department of Social Services
Broadway State Office Building
Jefferson City, MO 65102

Dear Mark:

This office has received your proposed rule 13 CSR 10-3.070 Unmet Health, Hunger, and Hygiene Needs of Children in School Tax Credit.

Executive Order 17-03 requires this office's approval before state agencies release proposed regulations for notice and comment, amend existing regulations, rescind regulations, or adopt new regulations. After our review, we approve the submission of this rule to JCAR and the Secretary of State.

Sincerely,

A handwritten signature in black ink that reads "Jessie Eiler".

Jessie Eiler
Deputy Counsel

 *Missouri Department of*
SOCIAL SERVICES
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MICHAEL L. PARSON, GOVERNOR • STEVE CORSI, Psy.D., DIRECTOR

MARK A. GUTCHEN, DIRECTOR
DIVISION OF LEGAL SERVICES
P.O. BOX 1527 • BROADWAY STATE OFFICE BUILDING • JEFFERSON CITY, MO 65102-1527
WWW.DSS.MO.GOV • 573-751-3229 • 573-522-6092 FAX

February 1, 2019

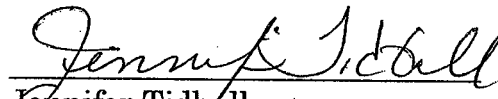
Waylene W. Hiles, Director
Joint Committee on Administrative Rules
Capitol Building, Room B-8
Jefferson City, MO 65101

Dear Ms. Hiles:

RE: 13 CSR 10-3.070 Unmet Health, Hunger, and Hygiene Needs of Children In School Tax Credit.

Attached is an accurate and complete copy of the proposed order regarding the proposed rule of 13 CSR 10-3.070. This proposed order will be filed concurrently with the Secretary of State.

Statutory authority: sections 135.1125 and 660.017, RSMo.


Jennifer Tidball
Deputy Director
Department of Social Services

Attachment

AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES

TDD / TTY: 800-735-2966

RELAY MISSOURI: 711

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February 1, 2019

John R. Ashcroft
Secretary of State
Administrative Rules Division
600 West Main Street
Jefferson City, Missouri 65101

RE: 13 CSR 10-3.070 Unmet Health, Hunger, and Hygiene Needs of Children In School Tax Credit.

Dear Secretary of State Ashcroft:

CERTIFICATION OF ADMINISTRATIVE RULE

I do hereby certify that the attached is an accurate and complete copy of the proposed rulemaking lawfully submitted by the Division of Finance and Administrative Services, Department of Social Services.

The Division of Finance and Administrative Services, Department of Social Services further certifies that it has conducted an analysis of whether or not there has been a taking of real property pursuant to section § 536.017, RSMo 2000, that the proposed rulemaking does not constitute a taking of real property under relevant state and federal law.


The Division of Finance and Administrative Services, Department of Social Services has determined and hereby also certifies that if the proposed rulemaking does affect small business pursuant to sections 536.300 to 536.310, RSMo, a small business impact statement has been filed as required by those sections. If no small business impact statement has been filed the proposed rulemaking either does not affect small business or the small business requirements do not apply pursuant to section 536.300.4, RSMo.

Statutory Authority: sections 135.1125 and 660.017, RSMo.

If there are any questions regarding the content of this proposed rulemaking, please contact:

Peggy Landwehr
221 West High Street, Room 230
Jefferson City, MO 65102
573-526-0414
peggy.landwehr@dss.mo.gov

Sincerely,


Jennifer Tidball
Deputy Director
Department of Social Services

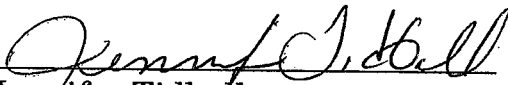
AUXILIARY AIDS AND SERVICES ARE AVAILABLE UPON REQUEST TO INDIVIDUALS WITH DISABILITIES
TDD / TTY: 800-735-2966
RELAY MISSOURI: 711

AFFIDAVIT


PUBLIC COST

STATE OF MISSOURI)
) ss.
COUNTY OF COLE)

I, Jennifer Tidball, Deputy Director of the Department of Social Services, first being duly sworn, on my oath, state that it is my opinion that the cost of the proposed rule, 13 CSR 10-3.070, is less than five hundred dollars (\$500) in the aggregate to this agency, any other agency of state government, or any political subdivision thereof.


Jennifer Tidball
Deputy Director
Department of Social Services

Subscribed and sworn to before me this 31st day of January, 2019. I am commissioned as a notary public within the County of Cole, State of Missouri, and my commission expires on March 5, 2019.


Notary Public

DONNA A. SYBOUTS
Notary Public - Notary Seal
State of Missouri
Commissioned for Cole County
My Commission Expires: March 05, 2019
Commission Number: 15633724

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**Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 10 - Division of Finance and Administrative Services
Chapter 3—Tax Credits**

SECRETARY OF STATE
ADMINISTRATIVE RULES

PROPOSED RULE

13 CSR 10-3.070 Unmet Health, Hunger, and Hygiene Needs of Children In School Tax Credit.

PURPOSE: This rule describes procedures for the implementation of section 135.1125, RSMo, to provide a tax credit for funding for unmet health, hunger, and hygiene needs of children in school.

(1) An eligible provider may apply for tax credits on behalf of taxpayers who make donations to the provider as provided herein. Those who donate to qualifying providers are eligible to receive a tax credit up to fifty percent (50%) of their donation. Qualified health, hunger and hygiene providers that accept these donations are required to remit payments equivalent to the amount of the tax credit to the state of Missouri.

(2) Definitions of terms.

(A) "Director" means the director of the Department of Social Services or designee.

(B) "Eligible donation" means a donation that meets the definition stated in section 135.1125, RSMo.

(C) "Eligible provider" means a provider that meets the definition stated in section 135.1125, RSMo.

(D) "Taxpayer" means a person or entity that meets the definition stated in section 135.1125, RSMo.

(3) An application for the Unmet Health, Hunger, and Hygiene Needs of Children In School Tax Credit must be submitted by an eligible provider on behalf of a taxpayer. Acceptable applications for the tax credit require—

(A) A complete and accurate Unmet Health, Hunger and Hygiene Needs of Children In School Tax Credit Application. Applications which is incorporated by reference and made a part of this rule as published by the Department of Social Services, Division of Finance and Administrative Services, 221 West High Street, Jefferson City, MO 65101, at its website

www.dss.mo.gov/dfas/taxcredit/index.htm, or by writing to the address below. This does not incorporate any subsequent amendments or additions.

Department of Social Services

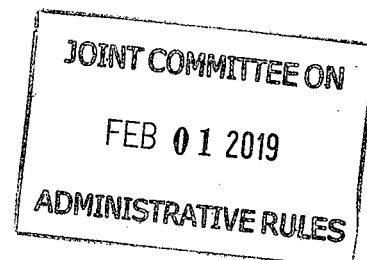
Attn: Unmet Health, Hunger, and Hygiene Needs of Children In School Tax Credit

PO Box 853

Jefferson City, MO 65102-0853;

(B) A statement attesting to the receipt of an eligible donation, which includes the following information:

1. Taxpayer type and supporting documentation;
2. Taxpayer's name;
3. Taxpayer's identification number;



4. Amount of the eligible donation and verifying documentation, when applicable;
5. Amount of anticipated tax credit;
6. Date the donation was received by the eligible provider; and
7. The signature of the executive director of the eligible provider

(C) Payment from the eligible provider in an amount equal to fifty percent of the eligible donation for which the tax credit is being submitted. For example, if the donation was for \$100 the payment is \$50. Checks from the eligible provider must be made payable to the Department of Social Services.

(D) Verifying documentation must be attached to the tax credit application. The type of documentation required will depend on the type of donation. Verifying documentation includes the following:

1. Cash—legible receipt from the health, hunger, and hygiene provider which indicates the name and address of the organization; name, address, and telephone number of the contributor; and amount of the cash donation and date the contribution was received; signature of a representative of the health, hunger, and hygiene provider receiving the contribution;

2. Check—photocopy of the canceled check, front and back—if not possible then copy of the original check and a receipt from the health, hunger and hygiene provider including the same information required of a cash donation as described in paragraph (2) (D)1. of this rule;

3. Credit card—legible transaction receipt with the name and address of the health, hunger and hygiene provider; contributor's name, address, and telephone number; amount and date the contribution was received; and signature of a representative of the health, hunger, and hygiene provider receiving the contribution. Receipts should have the credit card account number redacted;

4. Money order or cashier's check—legible copy of the original document with the name and address of the health, hunger and hygiene care provider; contributor's name, address, and telephone number; amount and date the contribution was received; and signature of a representative of the health, hunger, and hygiene provider receiving the contribution;

5. Stocks and bonds—the amount of the contribution is the fair market value of the item as of the date of the donation. Information required when submitting applications for tax credit shall include the source, date and the number of shares of the stock which was donated;

6. Real estate—the fair market value of the real estate within three (3) months prior of the date of the donation. The fair market value is the lower of at least two (2) qualified independent appraisals for commercial, vacant, or residential property that has been determined to have a value of over fifty thousand dollars \$50,000. Commercial, vacant, or residential property having a value of fifty thousand dollars \$50,000 or less will require only one (1) appraisal. The appraisals will be conducted by two (2) different licensed real estate appraisers; and

7. Contributions that include a benefit to the donor—in addition to the documentation needed in paragraphs (3)(D)1.–6, the eligible provider must provide written documentation of the type of function or event from which the benefit was received, description of the benefit received (if an auction item, identify the item received), gross amount of the contribution, fair market value of the benefit, and how the fair market value of the benefit was determined.

(E) A statement describing how the eligible provider provides funding for unmet health, hunger and hygiene needs of children in school.

(F) Verification of the eligible provider's federal tax-exempt status.

(4) All applications and payments must be submitted within twelve (12) months from the date the eligible donation was received from the taxpayer. The date of submission will be determined by the date that the application and payment are postmarked. Tax credit applications submitted more than one (1) year following the date of the contribution will be void and the right to the tax credit will be forfeited.

(5) Information required in section (3) of this rule, must be submitted to the address referenced in subsection 3 (A).

(6) Upon receipt of the information required in subsection (3)(B), the Department of Social Services will verify with the Department of Revenue whether or not the taxpayer has any outstanding balances due from the taxpayer's prior year's state tax liability. If a balance due is outstanding, the amount of tax credit issued under this rule will be reduced by that amount. The director of the Department of Social Services is subject to the confidentiality and penalty provisions of section 32.057, RSMo, relating to the disclosure of tax information.

(7) Upon verification of the information required in section (3) of this rule, the Department of Social Services will issue a certificate to the taxpayer indicating the amount of tax credit that is approved for the application.

(A) Certificates will be mailed to the taxpayer at the address provided on the application submitted by the qualified health, hunger, and hygiene provider.

(B) The Department of Social Services will not provide information regarding taxpayers' state tax liability to unauthorized individuals.

(C) In the event a taxpayer's tax credit is reduced as a result of delinquent taxes, a refund will not be issued to the health, hunger and hygiene provider.

(8) Approved tax credit certificates will be issued within forty-five (45) days of receipt of the completed application submitted by the qualified health, hunger, and hygiene provider.

(9) Each eligible unmet health, hunger, and hygiene needs provider determination shall be final after receipt of written notice from the department of social services, unless the unmet health, hunger and hygiene needs provider files a protest with the director setting forth the grounds on which the protest is based, within thirty days from the date of receipt of written notice from the department of social services to the unmet health, hunger, and hygiene needs provider. If a timely protest is filed, the director shall reconsider the determination the unmet health, hunger, and hygiene needs provider has so requested. The director shall issue a final decision within forty-five days of protest from the unmet health, hunger, and hygiene needs provider.

(10) The owner of a health, hunger and hygiene provider tax credit certificate must notify the Department of Social Services within thirty (30) days of the date of the transaction to assign, transfer, sell, or convey the credit. Information submitted to effectuate such a transfer must include a complete and accurate Department of Social Services Tax Credit Transfer Form. Forms may be obtained by writing to the address provided in subsection (3)(A) of this rule or at the Department of Social Services website: www.dss.mo.gov/dfas/taxcredit/index.htm.

Authority: sections 135.1125 and 660.017, RSMo. Original rule filed February 1, 2019.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, Legal Services Division-Rulemaking, P.O. Box 1527, Jefferson City, MO 65102-1527, or by email to Rules.Comment@dss.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.