

SECOND REGULAR SESSION

SENATE BILL NO. 958

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR KOENIG.

Read 1st time January 30, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

5202S.011

AN ACT

To repeal section 135.550, RSMo, and to enact in lieu thereof one new section relating to a tax credit for contributions to domestic violence shelters.

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

Section A. Section 135.550, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 135.550, to read as follows:

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

2 (1) "Contribution", a donation of cash, stock, bonds or other marketable
3 securities, or real property;

4 (2) "Shelter for victims of domestic violence", a facility located in this state
5 which meets the definition of a shelter for victims of domestic violence pursuant
6 to section 455.200 and which meets the requirements of section 455.220, **or a**
7 **nonprofit organization established and operating exclusively for the**
8 **purpose of supporting a shelter for victims of domestic violence**
9 **operated by the state or one of its political subdivisions;**

10 (3) "State tax liability", in the case of a business taxpayer, any liability
11 incurred by such taxpayer pursuant to the provisions of chapter 143, chapter 147,
12 chapter 148, and chapter 153, exclusive of the provisions relating to the
13 withholding of tax as provided for in sections 143.191 to 143.265 and related
14 provisions, and in the case of an individual taxpayer, any liability incurred by
15 such taxpayer pursuant to the provisions of chapter 143;

16 (4) "Taxpayer", a person, firm, a partner in a firm, corporation or a
17 shareholder in an S corporation doing business in the state of Missouri and
18 subject to the state income tax imposed by the provisions of chapter 143, or a
19 corporation subject to the annual corporation franchise tax imposed by the
20 provisions of chapter 147, including any charitable organization which is exempt

21 from federal income tax and whose Missouri unrelated business taxable income,
22 if any, would be subject to the state income tax imposed under chapter 143, or an
23 insurance company paying an annual tax on its gross premium receipts in this
24 state, or other financial institution paying taxes to the state of Missouri or any
25 political subdivision of this state pursuant to the provisions of chapter 148, or an
26 express company which pays an annual tax on its gross receipts in this state
27 pursuant to chapter 153, or an individual subject to the state income tax imposed
28 by the provisions of chapter 143.

29 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's
30 state tax liability, in an amount equal to fifty percent of the amount such
31 taxpayer contributed to a shelter for victims of domestic violence.

32 3. The amount of the tax credit claimed shall not exceed the amount of the
33 taxpayer's state tax liability for the taxable year that the credit is claimed, and
34 such taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand
35 dollars per taxable year. However, any tax credit that cannot be claimed in the
36 taxable year the contribution was made may be carried over to the next four
37 succeeding taxable years until the full credit has been claimed.

38 4. Except for any excess credit which is carried over pursuant to
39 subsection 3 of this section, a taxpayer shall not be allowed to claim a tax credit
40 unless the total amount of such taxpayer's contribution or contributions to a
41 shelter or shelters for victims of domestic violence in such taxpayer's taxable year
42 has a value of at least one hundred dollars.

43 5. The director of the department of social services shall determine, at
44 least annually, which facilities in this state may be classified as shelters for
45 victims of domestic violence. The director of the department of social services
46 may require of a facility seeking to be classified as a shelter for victims of
47 domestic violence whatever information is reasonably necessary to make such a
48 determination. The director of the department of social services shall classify a
49 facility as a shelter for victims of domestic violence if such facility meets the
50 definition set forth in subsection 1 of this section.

51 6. The director of the department of social services shall establish a
52 procedure by which a taxpayer can determine if a facility has been classified as
53 a shelter for victims of domestic violence, and by which such taxpayer can then
54 contribute to such shelter for victims of domestic violence and claim a tax
55 credit. Shelters for victims of domestic violence shall be permitted to decline a
56 contribution from a taxpayer. The cumulative amount of tax credits which may

57 be claimed by all the taxpayers contributing to shelters for victims of domestic
58 violence in any one fiscal year shall not exceed two million dollars **for all fiscal**
59 **years ending on or before June 30, 2021, and three million dollars for**
60 **all fiscal years beginning on or after July 1, 2021.**

61 7. The director of the department of social services shall establish a
62 procedure by which, from the beginning of the fiscal year until some point in time
63 later in the fiscal year to be determined by the director of the department of
64 social services, the cumulative amount of tax credits are equally apportioned
65 among all facilities classified as shelters for victims of domestic violence. If a
66 shelter for victims of domestic violence fails to use all, or some percentage to be
67 determined by the director of the department of social services, of its apportioned
68 tax credits during this predetermined period of time, the director of the
69 department of social services may reapportion these unused tax credits to those
70 shelters for victims of domestic violence that have used all, or some percentage
71 to be determined by the director of the department of social services, of their
72 apportioned tax credits during this predetermined period of time. The director
73 of the department of social services may establish more than one period of time
74 and reapportion more than once during each fiscal year. To the maximum extent
75 possible, the director of the department of social services shall establish the
76 procedure described in this subsection in such a manner as to ensure that
77 taxpayers can claim all the tax credits possible up to the cumulative amount of
78 tax credits available for the fiscal year.

79 8. This section shall become effective January 1, 2000, and shall apply to
80 all tax years after December 31, 1999.

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