

FIRST REGULAR SESSION

# SENATE BILL NO. 437

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0463S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 135.550, RSMo, and to enact in lieu thereof one new section relating to a tax credit for providing housing for victims of domestic violence.

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Section A. Section 135.550, RSMo, is repealed and one new  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

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

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

5 (2) "Rape crisis center", a community-based nonprofit  
6 rape crisis center, as defined in section 455.003, located  
7 in this state and that provides the twenty-four-hour core  
8 services of hospital advocacy and crisis hotline support to  
9 survivors of rape and sexual assault;

10 (3) "Shelter for victims of domestic violence", a  
11 facility located in this state which meets the definition of  
12 a shelter for victims of domestic violence pursuant to  
13 section 455.200 and which meets the requirements of section  
14 455.220, or a nonprofit organization established and  
15 operating exclusively for the purpose of supporting a  
16 shelter for victims of domestic violence operated by the  
17 state or one of its political subdivisions;

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

18           (4) "State tax liability", in the case of a business  
19 taxpayer, any liability incurred by such taxpayer pursuant  
20 to the provisions of chapter 143, chapter 147, chapter 148,  
21 and chapter 153, exclusive of the provisions relating to the  
22 withholding of tax as provided for in sections 143.191 to  
23 143.265 and related provisions, and in the case of an  
24 individual taxpayer, any liability incurred by such taxpayer  
25 pursuant to the provisions of chapter 143;

26           (5) "Taxpayer", a person, firm, a partner in a firm,  
27 corporation or a shareholder in an S corporation doing  
28 business in the state of Missouri and subject to the state  
29 income tax imposed by the provisions of chapter 143, or a  
30 corporation subject to the annual corporation franchise tax  
31 imposed by the provisions of chapter 147, including any  
32 charitable organization which is exempt from federal income  
33 tax and whose Missouri unrelated business taxable income, if  
34 any, would be subject to the state income tax imposed under  
35 chapter 143, or an insurance company paying an annual tax on  
36 its gross premium receipts in this state, or other financial  
37 institution paying taxes to the state of Missouri or any  
38 political subdivision of this state pursuant to the  
39 provisions of chapter 148, or an express company which pays  
40 an annual tax on its gross receipts in this state pursuant  
41 to chapter 153, or an individual subject to the state income  
42 tax imposed by the provisions of chapter 143.

43           2. A taxpayer shall be allowed to claim a tax credit  
44 against the taxpayer's state tax liability, in an amount  
45 equal to fifty percent of the amount such taxpayer  
46 contributed to a shelter for victims of domestic violence or  
47 rape crisis center for all fiscal years ending on or before  
48 June 30, 2022, and seventy percent of the amount such  
49 taxpayer contributed to a shelter for victims of domestic

50 violence or rape crisis center for all fiscal years  
51 beginning on or after July 1, 2022.

52 3. The amount of **[the] any** tax credit claimed **under**  
53 **subsection 2, 9, or 10 of this section** shall not exceed the  
54 amount of the taxpayer's state tax liability for the taxable  
55 year that the credit is claimed, and such taxpayer shall not  
56 be allowed to claim a tax credit in excess of fifty thousand  
57 dollars per taxable year. However, any tax credit that  
58 cannot be claimed in the taxable year the contribution was  
59 made may be carried over only to the next succeeding tax  
60 year. Tax credits issued pursuant to this section shall not  
61 be assigned, transferred, or sold.

62 4. Except for any excess credit which is carried over  
63 pursuant to subsection 3 of this section, a taxpayer shall  
64 not be allowed to claim a tax credit **under subsection 2 of**  
65 **this section** unless the total amount of such taxpayer's  
66 contribution or contributions to a shelter or shelters for  
67 victims of domestic violence or rape crisis center in such  
68 taxpayer's taxable year has a value of at least one hundred  
69 dollars.

70 5. The director of the department of social services  
71 shall determine, at least annually, which facilities in this  
72 state may be classified as shelters for victims of domestic  
73 violence and rape crisis centers. The director of the  
74 department of social services may require of a facility  
75 seeking to be classified as a shelter for victims of  
76 domestic violence or rape crisis center whatever information  
77 is reasonably necessary to make such a determination. The  
78 director of the department of social services shall classify  
79 a facility as a shelter for victims of domestic violence or  
80 rape crisis center if such facility meets the definition set  
81 forth in subsection 1 of this section.

82           6. The director of the department of social services  
83 shall establish a procedure by which a taxpayer can  
84 determine if a facility has been classified as a shelter for  
85 victims of domestic violence or rape crisis center, and by  
86 which such taxpayer can then contribute to such shelter for  
87 victims of domestic violence or rape crisis center and claim  
88 **[a] the tax credit authorized under subsection 2 of this**  
89 **section.** Shelters for victims of domestic violence and rape  
90 crisis centers shall be permitted to decline a contribution  
91 from a taxpayer. The cumulative amount of tax credits which  
92 may be claimed by all the taxpayers contributing to shelters  
93 for victims of domestic violence and rape crisis centers in  
94 any one fiscal year shall not exceed two million dollars for  
95 all fiscal years ending on or before June 30, 2022. For all  
96 fiscal years beginning on or after July 1, 2022, there shall  
97 be no limit imposed on the cumulative amount of tax credits  
98 that may be claimed by all taxpayers contributing to  
99 shelters for victims of domestic violence and rape crisis  
100 centers under the provisions of this section.

101           7. For all fiscal years ending on or before June 30,  
102 2022, the director of the department of social services  
103 shall establish a procedure by which, from the beginning of  
104 the fiscal year until some point in time later in the fiscal  
105 year to be determined by the director of the department of  
106 social services, the cumulative amount of tax credits are  
107 equally apportioned among all facilities classified as  
108 shelters for victims of domestic violence and rape crisis  
109 centers. If a shelter for victims of domestic violence or  
110 rape crisis center fails to use all, or some percentage to  
111 be determined by the director of the department of social  
112 services, of its apportioned tax credits during this  
113 predetermined period of time, the director of the department

of social services may reapportion these unused tax credits to those shelters for victims of domestic violence and rape crisis centers that have used all, or some percentage to be determined by the director of the department of social services, of their apportioned tax credits during this predetermined period of time. The director of the department of social services may establish more than one period of time and reapportion more than once during each fiscal year. To the maximum extent possible, the director of the department of social services shall establish the procedure described in this subsection in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits available for the fiscal year.

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

**9. For all tax years beginning on or after January 1, 2024, in addition to all other tax credits authorized under this section, a taxpayer shall be allowed to claim a credit against the taxpayer's state tax liability in an amount equal to one thousand dollars if such taxpayer has converted abandoned property, as such term is defined under section 447.700, into an operational shelter for victims of domestic violence in the tax year for which the credit is sought.**

**10. For all tax years beginning on or after January 1, 2024, in addition to all other tax credits authorized under this section, a taxpayer shall be allowed to claim a credit against the taxpayer's state tax liability in an amount equal to five hundred dollars if the taxpayer has rented residential real estate to a victim of domestic violence, as**

such term is defined under section 455.010, in the tax year for which the credit is sought.

11. The department of social services and the department of revenue may jointly promulgate all necessary rules and regulations for the administration of subsections 9 and 10 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2023, shall be invalid and void.

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