

SECOND REGULAR SESSION

HOUSE BILL NO. 2297

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MUNTZEL.

6021H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for homeless shelter contributions.

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 135.620, to read as follows:

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

(1) **"Contribution"**, a contribution of cash, stock, bonds, or other marketable securities, or real property;

(2) **"Director"**, the director of the department of social services;

(3) **"Homeless individual"**, the same meaning as such term is defined under 42 U.S.C. Section 11302;

(4) **"Homeless shelter"**, a supervised nighttime residence operated by a public, private, or charitable organization to provide temporary living arrangements for homeless individuals;

(5) **"Tax credit"**, a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or otherwise due under chapters 147, 148, and 153;

(6) **"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 under chapter 143; a corporation subject to the annual corporation franchise tax imposed under chapter 147; an insurance company paying an annual tax on its gross premium receipts in this state; any other financial institution paying taxes to the state of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 Missouri or any political subdivision of this state under chapter 148; an express company
19 which pays an annual tax on its gross receipts in this state under chapter 153; an individual
20 subject to the state income tax under chapter 143; or any charitable organization which
21 is exempt 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.

23 2. For all tax years beginning on or after January 1, 2017, a taxpayer shall be
24 allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal
25 to fifty percent of the amount of such taxpayer's contributions to a homeless shelter.

26 3. The amount of the tax credit claimed shall not exceed the amount of the
27 taxpayer's state tax liability for the tax year for which the credit is claimed, and such
28 taxpayer shall not be allowed to claim a tax credit in excess of fifty thousand dollars per
29 tax year. However, any portion of the tax credit that cannot be claimed in the tax year the
30 contribution was made may be carried over to the next four succeeding tax years until the
31 full credit has been claimed. No tax credits issued under the provisions of this section shall
32 be assigned, transferred, or sold.

33 4. Except for any excess credit that is carried over under subsection 3 of this
34 section, a taxpayer shall not be allowed to claim a tax credit unless the total amount of such
35 taxpayer's contributions to homeless shelters in the tax year is at least one hundred dollars.

36 5. The director shall determine, at least annually, which facilities in this state may
37 be classified as homeless shelters. The director may require of a facility seeking to be
38 classified as a homeless shelter whatever information that is reasonably necessary to make
39 such a determination. The director shall classify a facility as a homeless shelter if such
40 facility meets the definition under subsection 1 of this section. The director shall establish
41 a procedure by which a taxpayer can determine if a facility has been classified as a
42 homeless shelter.

43 6. The cumulative amount of tax credits that may be claimed under this section in
44 a tax year shall not exceed two million five hundred thousand dollars. Tax credits shall be
45 issued in the order contributions are received.

46 7. The director shall establish a procedure by which, from the beginning of the tax
47 year until some point in time later in the tax year to be determined by the director, the
48 cumulative amount of tax credits are apportioned among all facilities classified as homeless
49 shelters. If a homeless shelter fails to use all, or some percentage determined by the
50 director, of its apportioned tax credits during this predetermined period of time, the
51 director may reapportion such unused tax credits to those homeless shelters that have used
52 all, or some percentage determined by the director, of their apportioned tax credits during
53 the predetermined period of time. The director may establish more than one period of time

54 and reapportion more than once during each tax year. To the maximum extent possible,
55 the administration of this procedure shall enable taxpayers to claim the cumulative amount
56 of tax credits available for the tax year.

57 **8. Each homeless shelter shall provide information to the director concerning the**
58 **identity of each taxpayer who makes a contribution to the homeless shelter and claims a**
59 **tax credit under this section and the amount of such contribution. The director shall**
60 **provide the information to the director of revenue. The director shall be subject to the**
61 **confidentiality and penalty provisions of section 32.057 relating to the disclosure of tax**
62 **information.**

63 **9. Under section 23.253 of the Missouri sunset act:**

64 **(1) The program authorized under this section shall automatically sunset on**
65 **December thirty-first six years after the effective date of this section unless reauthorized**
66 **by an act of the general assembly;**

67 **(2) If such program is reauthorized, the program authorized under this section**
68 **shall automatically sunset on December thirty-first twelve years after the effective date of**
69 **the reauthorization of this section; and**

70 **(3) This section shall terminate on September first of the calendar year immediately**
71 **following the calendar year in which the program authorized under this section is sunset.**

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