

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 110, Page 10, Section 135.1666, Line 158,  
2 by inserting immediately after all of said line the following:

3  
4 "135.2000. 1. As used in this section, the following terms mean:

5 (1) "Commissioner", the commissioner of education for the department of elementary and  
6 secondary education;

7 (2) "Contribution", a donation of cash;

8 (3) "Fund", the foster child education fund established in section 210.1500;

9 (4) "State tax liability", in the case of a business taxpayer, any liability incurred by such  
10 taxpayer under the provisions of chapters 143, 147, 148, and 153, excluding sections 143.191 to  
11 143.265 and related provisions, and in the case of an individual taxpayer, any liability incurred by  
12 such taxpayer under the provisions of chapter 143, excluding sections 143.191 to 143.265 and  
13 related provisions;

14 (5) "Tax credit", a credit against the taxpayer's state tax liability;

15 (6) "Tax credit certificate", a certificate evidencing a taxpayer's right to receive a tax credit;

16 (7) "Taxpayer", a person, firm, partner in a partnership, member in a limited liability  
17 company, shareholder in an S corporation, or a corporation doing business in the state of Missouri  
18 and subject to the state income tax imposed by the provisions of chapter 143, or a corporation subject  
19 to the annual corporation franchise tax imposed by the provisions of chapter 147, or an insurance  
20 company paying an annual tax on its gross premium receipts in this state, or other financial  
21 institution paying taxes to the state of Missouri or any political subdivision of this state under the  
22 provisions of chapter 148, or an express company which pays an annual tax on its gross receipts in  
23 this state under chapter 153, or an individual subject to the state income tax imposed by the  
24 provisions of chapter 143, or any charitable organization which is exempt from federal income tax  
25 and whose Missouri unrelated business taxable income, if any, would be subject to the state income  
26 tax imposed under chapter 143.

27 2. (1) Subject to the provisions of subsection 5 of this section, any contribution to the fund  
28 made on or after January 1, 2016, shall be eligible for a tax credit as provided by this section.

29 (2) For all tax years beginning on or after January 1, 2016, a taxpayer shall be entitled to  
30 receive a tax credit against the taxpayer's state tax liability in an amount equal to sixty-five percent of  
31 the amount such taxpayer contributed to the fund evidenced by a tax credit certificate.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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1           3. The commissioner shall be responsible for the administration and issuance of tax credit  
2 certificates authorized by this section.

3           4. The amount of the tax credit claimed shall not exceed fifty percent of the taxpayer's state  
4 tax liability for the taxable year for which the credit is claimed, and such taxpayer shall not be  
5 allowed to claim a tax credit in excess of twenty-five thousand dollars per taxable year. Any amount  
6 of credit that the taxpayer is prohibited by this section from claiming in a taxable year shall not be  
7 refundable. However, any tax credit that cannot be claimed in the taxable year in which the  
8 contribution was made may be carried over to the next three succeeding taxable years until the full  
9 credit has been claimed.

10           5. Except for any excess credit which is carried over under subsection 4 of this section, a  
11 taxpayer shall not be allowed to claim a tax credit unless the amount of such taxpayer's contribution  
12 to the fund in such taxpayer's taxable year has a value of one hundred dollars or more, up to a  
13 maximum of fifty thousand dollars. Any excess of a contribution above fifty thousand dollars or  
14 contribution less than one hundred dollars shall be ineligible to receive a tax credit under this section.

15           6. The total amount of tax credits authorized under the provisions of this section shall not  
16 exceed five million dollars in any fiscal year. The total amount of tax credits issued but not  
17 redeemed shall not exceed fifteen million dollars in any fiscal year. Tax credits shall be issued in the  
18 order contributions are received.

19           7. Tax credits issued under this section may not be transferred, sold, or assigned.

20           8. The department of elementary and secondary education may promulgate rules to  
21 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in  
22 section 536.010, that is created under the authority delegated in this section shall become effective  
23 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
24 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested  
25 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
26 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
27 authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

28           210.1500. 1. As used in this section, the following terms shall mean:

29           (1) "Eligible recipient", a school-aged child enrolled in kindergarten through twelfth grade  
30 who:

31           (a) Is currently in the protective custody of the state; and

32           (b) Has been in the protective custody of the state for at least twelve of the last thirty-six  
33 months;

34           (2) "Qualified school", a nonpublic elementary or secondary school in this state;

35           (3) "Scholarship", an annual grant to eligible recipients to cover all or part of the applicable  
36 tuition and fees at a qualified school, the amount of which shall be the lesser of:

37           (a) The previous year's tuition and fees for nonscholarship students at the qualified school;

38           (b) Ninety percent of the previous year's average current expenditure per average daily  
39 attendance for the student's district of residence; or

40           (c) The tuition amount set by the voluntary interdistrict coordinating council for the student's  
41 district of residence, if applicable.

1           2. There is hereby created in the state treasury the "Foster Child Education Fund", which  
2 shall consist of moneys collected from donations made under section 135.2000. The state treasurer  
3 shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer  
4 may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in  
5 the fund shall be used solely for the purposes of providing scholarships to eligible recipients to  
6 attend a qualified school. Notwithstanding the provisions of section 33.080 to the contrary, any  
7 moneys remaining in the fund at the end of the biennium shall not revert to the credit of the general  
8 revenue fund. The state treasurer shall invest moneys in the fund in the same manner as other funds  
9 are invested. Any interest and moneys earned on such investments shall be credited to the fund.

10           3. Any eligible recipient who receives a scholarship under the provisions of this section shall  
11 continue to be eligible to receive his or her scholarship upon a legal adoption.

12           4. In the event an eligible recipient who receives a scholarship under the provisions of this  
13 section graduates from the qualified school to which he or she first received a scholarship, the  
14 eligible recipient shall remain eligible to receive a scholarship under this section to a new qualified  
15 school.

16           5. The department of elementary and secondary education shall prepare and maintain an  
17 easy-to-search database containing statewide assessment scores of all recipients of scholarships  
18 under this section. Each recipient shall be assigned a random identification number by the  
19 department for purposes of the database and no personally identifiable data shall be accessible on the  
20 database.

21           6. The department of elementary and secondary education may promulgate rules to  
22 implement the provisions of this section. Any rule or portion of a rule, as that term is defined in  
23 section 536.010, that is created under the authority delegated in this section shall become effective  
24 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
25 section 536.028. This section and chapter 536 are nonseverable, and if any of the powers vested  
26 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
27 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
28 authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void."; and  
29

30 Further amend said bill by amending the title, enacting clause, and intersectional references  
31 accordingly.