

HOUSE AMENDMENT NO. \_\_\_\_\_  
TO  
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Offered By

1 AMEND House Amendment No. \_\_\_\_\_ to House Bill No. 1613, Page 1, Line 4, by deleting said line  
2 and inserting in lieu thereof the following:

3  
4 ""135.326. As used in sections 135.325 to 135.339, the following terms shall mean:

5 (1) "Business entity", person, firm, a partner in a firm, corporation or a shareholder in an S  
6 corporation doing business in the state of Missouri and subject to the state income tax imposed by  
7 the provisions of chapter 143, or a corporation subject to the annual corporation franchise tax  
8 imposed by the provisions of chapter 147, or an insurance company paying an annual tax on its  
9 gross premium receipts in this state, or other financial institution paying taxes to the state of  
10 Missouri or any political subdivision of this state under the provisions of chapter 148, or an express  
11 company which pays an annual tax on its gross receipts in this state pursuant to chapter 153;

12 (2) "[Handicap] Disability", a mental, physical, or emotional impairment that substantially  
13 limits one or more major life activities, whether the impairment is congenital or acquired by  
14 accident, injury or disease, and where the impairment is verified by medical findings;

15 (3) "Nonrecurring adoption expenses", reasonable and necessary adoption fees, court costs,  
16 attorney fees, and other expenses which are directly related to the legal adoption of a special needs  
17 child and which are not incurred in violation of federal, state, or local law;

18 (4) "Special needs child", a child for whom it has been determined by the children's  
19 division, or by a child-placing agency licensed by the state, or by a court of competent jurisdiction  
20 to be a child:

21 (a) That cannot or should not be returned to the home of his or her parents; and

22 (b) Who has a specific factor or condition such as ethnic background, age, membership in a  
23 minority or sibling group, medical condition, or [handicap] disability because of which it is  
24 reasonable to conclude that such child cannot be easily placed with adoptive parents;

25 (5) "State tax liability", any liability incurred by a taxpayer under the provisions of chapter  
26 143, chapter 147, chapter 148, and chapter 153, exclusive of the provisions relating to the  
27 withholding of tax as provided for in sections 143.191 to 143.265 and related provisions.

28 135.327. 1. Any person residing in this state who legally adopts a special needs child on or  
29 after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to  
30 ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied  
31 to taxes due under chapter 143. Any business entity providing funds to an employee to enable that  
32 employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten  
33 thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to  
34 taxes due under such business entity's state tax liability, except that only one ten thousand dollar

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

1 credit is available for each special needs child that is adopted.

2 2. Any person residing in this state who proceeds in good faith with the adoption of a  
3 special needs child on or after January 1, 2000, shall be eligible to receive a tax credit of up to ten  
4 thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due  
5 under chapter 143; provided, however, that beginning on March 29, 2013, the tax credits shall only  
6 be allocated for the adoption of special needs children who are residents or wards of residents of this  
7 state at the time the adoption is initiated. Any business entity providing funds to an employee to  
8 enable that employee to proceed in good faith with the adoption of a special needs child shall be  
9 eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for  
10 each child that may be applied to taxes due under such business entity's state tax liability, except that  
11 only one ten thousand dollar credit is available for each special needs child that is adopted.

12 3. Individuals and business entities may claim a tax credit for their total nonrecurring  
13 adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit  
14 shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall  
15 be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum  
16 limit of ten thousand dollars per child. The cumulative amount of tax credits which may be claimed  
17 by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to  
18 July 1, 2004, shall not exceed two million dollars. The cumulative amount of tax credits that may  
19 be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more  
20 than two million dollars but may be increased by appropriation in any fiscal year beginning on or  
21 after July 1, 2004. For all fiscal years beginning on or after July 1, 2006, priority shall be given to  
22 applications to claim the adoption tax credit for special needs children who are residents or wards of  
23 residents of this state at the time the adoption is initiated and such applications shall be filed  
24 between July first and April fifteenth of each fiscal year.

25 4. Notwithstanding any provision of law to the contrary, any individual or business entity  
26 may assign, transfer or sell tax credits allowed in this section. Any sale of tax credits claimed  
27 pursuant to this section shall be at a discount rate of seventy-five percent or greater of the amount  
28 sold.

29 160.261. 1. The local board of education of each school district shall clearly establish a";  
30 and

31 Further amend said bill by amending the title, enacting clause, and intersectional references  
32 accordingly.  
33

34  
35 THIS AMENDS 4125H02.07H.