

SECOND REGULAR SESSION

HOUSE BILL NO. 1886

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES WRIGHT (137) (Sponsor), BOWMAN, BOYKINS, WALTON,
PORTWOOD, CURLS, HUGHES, LEMBKE, HAYWOOD, MARSH, WOOD,
CUNNINGHAM (145) AND FAITH (Co-sponsors).

Read 1st time February 27, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

5104L.01I

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for sponsors of after-school programs.

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
2 known as section 135.561, to read as follows:

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

2 **(1) "After-school program", any program offered by any unaccredited or**
3 **provisionally accredited school district that is designed to improve student achievement**
4 **and increase student reading skills;**

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

8 **(3) "Taxpayer", any entity subject to the tax imposed in chapter 143, RSMo,**
9 **excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax**
10 **imposed in chapter 147, 148, or 153, RSMo, except "taxpayer" shall not include a resident**
11 **or nonresident individual subject to the tax imposed in chapter 143, RSMo.**

12 **2. For all taxable years beginning on or after January 1, 2006, a taxpayer shall be**
13 **allowed a tax credit for contributions to after-school programs. The tax credit amount**

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.

14 shall be equal to one thousand dollars per student participating in such after-school
15 programs to which the taxpayer has made a contribution, but shall not exceed twenty
16 thousand dollars per taxpayer claiming the credit. The amount of the tax credit claimed
17 shall not exceed the amount of the taxpayer's state tax liability for the tax year for which
18 the credit is claimed. No amount of credit that the taxpayer is prohibited by this section
19 from claiming in a tax year shall be refundable, nor shall any tax credit granted under this
20 section shall be transferable. The cumulative amount of tax credits which may be claimed
21 under this section in any one fiscal year shall not exceed five million dollars.

22 3. The department of revenue shall promulgate rules to implement the provisions
23 of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
24 RSMo, that is created under the authority delegated in this section shall become effective
25 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
26 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
27 nonseverable and if any of the powers vested with the general assembly pursuant to
28 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
29 are subsequently held unconstitutional, then the grant of rulemaking authority and any
30 rule proposed or adopted after August 28, 2006, shall be invalid and void.

31 4. Under section 23.253, RSMo, of the Missouri Sunset Act:

32 (1) The provisions of the new program authorized under this section shall
33 automatically sunset six years after the effective date of this section unless reauthorized by
34 an act of the general assembly; and

35 (2) If such program is reauthorized, the program authorized under this section
36 shall automatically sunset twelve years after the effective date of the reauthorization of this
37 section; and

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

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