

SECOND REGULAR SESSION

# HOUSE BILL NO. 2458

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES JONES (89) (Sponsor), JETTON, HUBBARD, EL-AMIN, HOSKINS, HUGHES, PRATT, TILLEY, RICHARD, NIEVES, CUNNINGHAM (86), DAVIS, EMERY, ICET, PARSON, ROBB, STEVENSON, BIVINS, MUSCHANY, PORTWOOD, SCHOELLER, FAITH, JONES (117), SCHAAF, FUNDERBURK, HUNTER, ONDER, SCHARNHORST, SMITH (14) AND PARKINSON (Co-sponsors).

Read 1st time March 26, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5276L.011

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### AN ACT

To repeal section 163.036, RSMo, and to enact in lieu thereof seven new sections relating to educational tax credits, with an emergency clause.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 163.036, RSMo, is repealed and seven new sections enacted in lieu thereof, to be known as sections 135.730, 135.731, 135.732, 135.733, 135.734, 135.735, and 163.036, to read as follows:

**135.730. 1. Sections 135.730 to 135.735 shall be known and may be cited as the "Children's Education Freedom Act".**

**2. As used in sections 135.730 to 135.735, the following terms mean:**

**(1) "Administrator", the administrator of the oversight organization;**

**(2) "Director", the director of the department of economic development or a designated oversight organization;**

**(3) "Educational assistance organization", a charitable organization registered in this state that is exempt from federal taxation under the Internal Revenue Code, as amended, is certified by the director, and that allocates all of its annual revenue with the exception of marketing and administrative expenses in subdivision (5) of section 135.732 derived from contributions for which a credit is claimed under this section for educational**

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.

12 assistance and which does not provide scholarships to students of only one particular  
13 school;

14 (4) "Income eligible student":

15 (a) Any elementary or secondary school-aged student whose parents' or guardians'  
16 income is no more than one hundred eighty-five percent of the level that would make the  
17 student eligible for a reduced price school lunch under the National School Lunch Act, 42  
18 U.S.C. 1751 et seq., and resides in any district which is designated as unaccredited or  
19 provisionally or interim accredited under the Missouri school improvement program or  
20 successor program or is designated as being in financial distress under section 161.520,  
21 RSMo, or a student of school age who resides in such a district but who is not currently  
22 attending any school and who does not hold a high school diploma; and

23 (b) In any district, children age three or older with disabilities regardless of the  
24 parents' income if the parents or guardians reside in Missouri and have unreimbursed  
25 medical expenses in excess of seven and one-half percent of federal adjusted gross income;  
26 or

27 (c) In any district, when identified by the principal and approved by the  
28 superintendent, any public school student who has been suspended at least two times for  
29 a total of at least twelve days or who has been expelled, or any public school student  
30 scoring at the two lowest levels of proficiency on the statewide assessments administered  
31 under section 160.518, RSMo;

32 (5) "Oversight organization", a charitable organization registered in this state that  
33 is exempt from federal taxation under the Internal Revenue Code, as amended, designated  
34 by the director to certify educational assistance organizations, approve applications for the  
35 tax credit allowed by this section, and coordinate with the director in administering the tax  
36 credit allowed by sections 135.730 to 135.735;

37 (6) "Qualified school", any elementary or secondary school which a child may  
38 attend to satisfy the requirements of section 167.031, RSMo, which does not discriminate  
39 on the basis of race, color, or national origin, and which complies with the requirements  
40 of sections 135.730 to 135.735;

41 (7) "Qualified student", an income eligible student who during the previous school  
42 year was enrolled in a state-funded public school in Missouri or who had received a  
43 scholarship as a qualified student and is not enrolled in the student's resident state-funded  
44 public school in the year in which the educational assistance organization is providing a  
45 scholarship to that student. The term qualified student shall include all income eligible  
46 kindergarten and first-grade students, and all income eligible school-aged students moving  
47 from outside the state;

48           (8) "Qualifying contribution", a donation of cash, stock, bonds, or other  
49 marketable securities for purposes of claiming a tax credit under this section;

50           (9) "State tax liability", any liability incurred by a taxpayer under chapters 143,  
51 147, and 153, RSMo, excluding withholding taxes under sections 143.191 to 143.265, RSMo,  
52 and related provisions;

53           (10) "Taxpayer", an individual subject to the state income tax imposed in chapter  
54 143, RSMo, an individual, a firm, a partner in a firm, corporation, or a shareholder in an  
55 S corporation doing business in this state and subject to the state income tax imposed by  
56 chapter 143, RSMo, or a corporation subject to the annual corporation franchise tax  
57 imposed by chapter 147, RSMo, or an express company which pays an annual tax on its  
58 gross receipts in this state under chapter 153, RSMo.

          135.731. 1. For all tax years beginning on or after January 1, 2008, any taxpayer  
2 who makes contributions to an educational assistance organization may claim a credit  
3 against the tax otherwise due under chapter 143, RSMo, other than taxes withheld under  
4 sections 143.191 to 143.265, RSMo, and chapters 147 and 153, RSMo, in an amount equal  
5 to fifty percent of the amount the taxpayer contributed during the tax year for which the  
6 credit is claimed; except that, no taxpayer shall claim a credit under sections 135.730 to  
7 135.735 for any contribution made by the taxpayer, or an agent of the taxpayer, on behalf  
8 of the taxpayer's dependent, or in the case of a business taxpayer, on behalf of the  
9 business's agent's dependent. Any amount of contribution subtracted from federal  
10 adjusted gross income or federal taxable income shall be added back in the determination  
11 of Missouri adjusted gross income or Missouri taxable income before the credit can be  
12 claimed.

13           2. The amount of the tax credit claimed shall not exceed the amount of the  
14 taxpayer's state tax liability for the tax year that the credit is claimed. The department of  
15 economic development shall certify the tax credit amount to the taxpayer and to the  
16 department of revenue. Any amount of credit that the taxpayer is prohibited by sections  
17 135.730 to 135.735 from claiming in a tax year may be carried forward to any of the  
18 taxpayer's four subsequent taxable years. The tax credit authorized in sections 135.730 to  
19 135.735 shall be limited to those claims related to actual tax liabilities that are excluded  
20 from the definition of total state revenues in article X, section 17, Constitution of Missouri,  
21 which require no appropriation by the general assembly from the state treasury, and which  
22 serve the public purpose of providing educational opportunities for students under section  
23 135.732.

24           3. The cumulative amount of tax credits which may be allocated to all taxpayers  
25 contributing to an educational assistance organization in any one fiscal year shall not

26 exceed forty million dollars, which amount shall annually be adjusted for inflation based  
27 on the consumer price index for all Midwest urban consumers, or its successor index,  
28 hereinafter referred to as the "consumer price index". The director shall establish a  
29 procedure by which, from the beginning of the fiscal year until some point in time later in  
30 the fiscal year to be determined by the director, the cumulative amount of tax credits is  
31 apportioned among all nonprofit educational assistance organizations. To the maximum  
32 extent possible, the director shall establish the procedure described in this subsection in  
33 such a manner as to ensure that taxpayers can claim all the tax credits possible up to the  
34 cumulative amount of tax credits available for the fiscal year. The director shall certify to  
35 the educational assistance organizations the amount of eligible tax credits that can be taken  
36 by the organizations.

135.732. 1. The director shall classify an organization as an educational assistance  
2 organization if the organization qualifies as defined in this section and if the organization  
3 meets the following conditions:

4 (1) At least eighty percent of all qualifying contributions it receives during any  
5 given state fiscal year are allocated for the purpose of providing scholarships to any  
6 qualified student who attends a qualified school, and the organization gives priority in  
7 awarding scholarships to those students who demonstrate the greatest need for such  
8 scholarships. These needs may include but are not limited to:

9 (a) Children of inmates;

10 (b) Children from single-parent homes;

11 (c) Any student scoring at the two lowest levels of proficiency on the statewide  
12 assessments administered under section 160.518, RSMo;

13 (d) Any child of school age in foster care, or who is currently residing in a shelter  
14 or has been displaced from the child's lawful place of residence; and

15 (e) Any child with a disability or any child assigned to a school in school  
16 improvement under the federal No Child Left Behind Act in a low performing district as  
17 described in subdivision (4) of section 135.612.

18

19 If a child transfers out of a qualified school into another qualified school, the remaining  
20 scholarship moneys shall be transferred with the student to be distributed to the new  
21 school, on a prorated basis. The remaining scholarship moneys shall revert back to the  
22 scholarship organization if a student transfers out of a qualified school into the student's  
23 resident public school. Scholarship moneys may be used to cover applicable tuition,  
24 transportation, textbooks, supplies, and other related educational or extracurricular  
25 expenses. Any qualifying contributions not required to be allocated in accordance with

26 this subdivision may be used to provide scholarships for income eligible students who  
27 attend qualified schools or may be used for the purposes set forth in subdivision (3) of this  
28 subsection;

29 (2) The organization does not provide scholarships to qualified students that exceed  
30 an average of five thousand dollars each school year, which amount shall annually be  
31 adjusted for inflation based on the Consumer Price Index rounded up to the nearest fifty  
32 dollar increment, except that the educational assistance organization may award  
33 scholarships to children with disabilities who are age three or older and defined as an  
34 income-eligible student in any amount that is substantially comparable to the amount that  
35 would have been paid for comparable services for the education of such child, and except  
36 that scholarships may be awarded in amounts in excess of the limitation for nondisabled  
37 students, which amount shall annually be adjusted for inflation based on the Consumer  
38 Price Index, if the increased amount of any such scholarships is offset by a reduction in the  
39 funding described in subdivision (3) of this subsection;

40 (3) An educational assistance organization may allocate up to twenty percent of any  
41 qualifying contributions it receives during any given state fiscal year that are not required  
42 to be allocated under subdivisions (1) and (2) of this subsection to directly assist any  
43 income eligible student who attends such student's resident public school in defraying the  
44 costs of private instructional assistance, including any related private educational supplies;  
45 for offsetting fees for out-of-school educational programs; for apprenticeship programs;  
46 for scholarship assistance for dropouts to pursue a GED or its equivalent; for grants for  
47 public school academic or extracurricular programs, for income eligible or qualified  
48 students to attend a qualified school, even in excess of the limitations in subdivision (2) of  
49 this subsection, for transportation of an income eligible student to a public school when  
50 such transportation is not already state-reimbursed, and for students participating in a  
51 voluntary desegregation transfer plan to supplement the tuition payment supplied by the  
52 desegregation transfer plan;

53 (4) All interest accruing from contributions shall be used for educational assistance;

54 (5) All marketing and administrative expenses for the educational assistance  
55 organization shall be no more than ten percent for the first one hundred thousand dollars;  
56 eight percent for the next four hundred thousand dollars; six percent for the next five  
57 hundred thousand dollars; and three percent thereafter of the qualifying contributions it  
58 raises; and

59 (6) No credits may be awarded until students have been identified as either income-  
60 eligible or qualified students and potential vacancies identified, or until students have been  
61 placed.

62           **2. An educational assistance organization shall report annually to the director the**  
63 **names of the participating qualified schools and scholarship recipients. Classification as**  
64 **an educational assistance organization shall continue from year to year upon submission**  
65 **of required information under sections 135.730 to 135.735, in the absence of credible**  
66 **evidence of fraud or abuse. The director shall establish procedures to prevent the issuance**  
67 **of duplicate scholarships.**

**135.733. 1. The director shall establish a procedure by which a taxpayer can**  
2 **determine if an organization has been classified as an educational assistance organization,**  
3 **and by which taxpayers can claim the tax credit under sections 135.730 to 135.735.**

4           **2. The director shall provide a consistent format for profiles of qualified schools,**  
5 **to be posted on the department's web site, containing the following information:**

6           **(1) Link to the qualified school's web site, if applicable;**

7           **(2) Mission statement, years of operation, academic and extracurricular program,**  
8 **and types of students served;**

9           **(3) Education, credentials, qualifications, and experience of teaching and**  
10 **administrative staff;**

11           **(4) The most recent year's scores from an assessment administered under**  
12 **subsection 3 of this section and the results of the most recent year's parental satisfaction**  
13 **survey administered under this section; and**

14           **(5) Names of educational assistance organizations supplying scholarships to the**  
15 **school.**

16           **3. The director shall ensure that the qualified schools, excluding home schools that**  
17 **are required to meet the requirements of section 167.031, RSMo, and excluding public**  
18 **schools outside the qualified students' district of residence, meet the following**  
19 **accountability requirements before receiving scholarship funds:**

20           **(1) Filing of a statement of intent to participate that includes the information listed**  
21 **in subdivisions (1), (2), and (3) of subsection 2 of this section;**

22           **(2) For initial applicants, a listing of the information required under subsection 2**  
23 **of this section, and for requalifying schools, annual reporting of the information required**  
24 **under subsection 2 of this section. No public reporting of information required under**  
25 **sections 135.730 to 135.735 shall be personally identifiable to an individual student;**

26           **(3) Fiscal soundness as evidenced by three years in existence, a surety bond, or**  
27 **letter of credit covering the amount of funds received on behalf of scholarship recipients**  
28 **under sections 135.730 to 135.735 or accreditation;**

29           **(4) Accreditation by a regional or national accrediting agency or for a school that**  
30 **is not currently accredited, provisional approval pending the achievement of accreditation**  
31 **no later than the fourth school year of participation;**

32           **(5) Criminal background check for the owner or operator and all personnel with**  
33 **direct student contact, unless the owner, operator, or other person has successfully**  
34 **completed a background check within the previous twelve months;**

35           **(6) Administration of the statewide assessments under section 160.518, RSMo, a**  
36 **nationally recognized norm-referenced assessment, or an assessment of educational**  
37 **functioning level for adult basic education that meets the guidelines for the national**  
38 **reporting system for adult education and literacy, such as but not limited to, the test for**  
39 **adult basic education, for all scholarship students except those whose individualized**  
40 **education plan specifies such assessment would not be appropriate, provided that such**  
41 **assessments or tests shall not be required to be given more frequently in a grade than the**  
42 **statewide assessments are given;**

43           **(7) Annual administration of a parental satisfaction survey; and**

44           **(8) Evidence of the annual transmittal of the information required by subsection**  
45 **2 of this section and this subsection to parents and evidence of its availability to applicants.**

46           **4. Notwithstanding the accountability requirements of subsection 3 of this section,**  
47 **pupils who are home schooled under section 167.031, RSMo, may receive a scholarship**  
48 **under sections 135.730 to 135.735 up to the amount of money spent on educational**  
49 **expenses, excluding any payment to the pupil's parent or guardian for instructional**  
50 **services.**

51           **5. The results of the assessments administered in subdivision (6) of subsection 3 of**  
52 **this section shall be compiled annually by the director, and reported to the governor and**  
53 **general assembly.**

54           **6. Qualified students shall initially select a school in any district that is neither**  
55 **unaccredited nor provisionally accredited and which is located adjacent to a district**  
56 **described in subdivision (4) of subsection 2 of section 135.730 or within twenty miles of a**  
57 **qualified student's place of residence at the time of the student's application, if any such**  
58 **district has opted to accept qualified students. Such districts shall follow the procedure in**  
59 **subsection 6 of section 135.735 to declare their intent to participate. Such district shall**  
60 **have the right of first acceptance of the qualified student. If the district declines to accept**  
61 **the applicant, the applicant may then select from any qualified school. The director shall**  
62 **establish procedures to accomplish this right of first acceptance in a timely manner.**

135.734. Qualified schools shall have on record a form signed by the parent or guardian of the scholarship recipients agreeing to the release of the following information to the director:

(1) The student's participation as a scholarship recipient under sections 135.730 to 135.735;

(2) Testing results under section 160.518, RSMo; and

(3) The parental satisfaction survey.

As a condition of participation, the parents, guardians, and scholarship recipients under sections 135.730 to 135.735 shall agree to abide by the code of conduct and any parental involvement requirements unless the qualifying school agrees to a waiver of any requirements.

135.735. 1. The funding authorized in sections 135.730 to 135.735 shall be considered private, voluntary, nongovernmental funding. The providing of assistance by an educational assistance organization shall not be construed to be a public appropriation or the providing of public assistance to any school.

2. The director may enter into a contract with an oversight organization located in the state of Missouri for the purpose of administering sections 135.730 to 135.735. An oversight organization shall be subject to an audit by the director. To qualify for designation, an oversight organization shall:

(1) Have the administrative capability to promote the success of the tax credit allowed by sections 135.730 to 135.735 by recruiting and coordinating activities with all interested educational assistance organizations in this state and certifying those educational assistance organizations that meet the certification criteria set forth in section 135.732;

(2) Demonstrate the ability to handle large volumes of and amounts of financial transactions, have not filed for bankruptcy and be able to resolve Internal Revenue Service compliance issues;

(3) Review the staff qualifications, evaluate fund-raising capabilities, and confirm tax-exempt status of the educational assistance organizations;

(4) Create a standardized application for use by nonprofit educational assistance organizations; and

(5) Produce an annual report for the general assembly.

3. The director shall encourage newly opened schools established to meet the needs of students receiving scholarships under sections 135.730 to 135.735 to locate such schools in provisionally accredited or unaccredited districts.



24           **4. The oversight organization or the department of economic development if an**  
25 **oversight organization is not selected shall receive no more than two percent of the**  
26 **qualifying contributions for marketing and administrative expenses or the costs incurred**  
27 **in administering the program, whichever is less. The director shall establish procedures**  
28 **to ensure the percentage of funds for administration of the program is directed to the**  
29 **oversight organization or the department of economic development in a timely manner**  
30 **with the necessary information to verify the correct amount has been transmitted. The**  
31 **remaining funds shall be distributed to the educational assistance organizations for student**  
32 **scholarships.**

33           **5. Sections 135.730 to 135.735 are subject to the provisions of section 1.140, RSMo.**  
34 **The department of revenue and the department of economic development may promulgate**  
35 **rules and regulations for the administration of sections 135.730 to 135.735. Any rule or**  
36 **portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**  
37 **the authority delegated in sections 135.730 to 135.735 shall become effective only if it**  
38 **complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**  
39 **applicable, section 536.028, RSMo. Sections 135.730 to 135.735 and chapter 536, RSMo,**  
40 **are nonseverable and if any of the powers vested with the general assembly pursuant to**  
41 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**  
42 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
43 **rule proposed or adopted after August 28, 2008, shall be invalid and void.**

44           **6. Any school district that is not explicitly made eligible for the program through**  
45 **the definitions in section 135.730 may opt to participate in the program authorized in**  
46 **sections 135.730 to 135.735 upon the adoption of a resolution by a majority of the school**  
47 **board members present and the submission of the resolution to the departments of**  
48 **elementary and secondary education and economic development.**

49           **7. A qualified student whose eligibility for a scholarship is based upon residence**  
50 **in a provisionally accredited or an unaccredited district shall continue to be eligible despite**  
51 **subsequent changes in the residence district's accreditation status.**

52           **8. The school district shall notify the parents or guardians of any student who**  
53 **attends a public school in a provisionally accredited or unaccredited district, or of any**  
54 **student in any district who has been identified by the principal or superintendent under**  
55 **paragraph (b) of subdivision (4) of subsection 2 of section 135.730, that the student may be**  
56 **eligible for a scholarship under sections 135.730 to 135.735.**

57           **9. Pursuant to section 23.253, RSMo, of the Missouri Sunset Act:**

58           (1) The provisions of the new program authorized under sections 135.730 to  
59 135.735 shall automatically sunset six years after the effective date of these sections, unless  
60 reauthorized by an act of the general assembly; and

61           (2) If such program is reauthorized, the program authorized under sections 135.730  
62 to 135.735 shall automatically sunset twelve years after the effective date of the  
63 reauthorization of these sections; and

64           (3) Sections 135.730 to 135.735 shall terminate on September first of the calendar  
65 year immediately following the calendar year in which the program authorized under these  
66 sections is sunset.

67           **10. If the scholarship program sunsets as provided in subsection 6 of this section,**  
68 **students receiving scholarships at the time the program is sunset shall continue to receive**  
69 **such scholarship moneys until completion of the twelfth grade.**

163.036. 1. In computing the amount of state aid a school district is entitled to receive  
2 for the minimum school term only under section 163.031, a school district may use an estimate  
3 of the weighted average daily attendance for the current year, or the weighted average daily  
4 attendance for the immediately preceding year or the weighted average daily attendance for the  
5 second preceding school year, whichever is greater, **except that the weighted average daily**  
6 **attendance count shall be adjusted such that no school district shall receive state aid for**  
7 **any pupil who is no longer enrolled in the school district as the result of using the proceeds**  
8 **of an educational scholarship to transfer to a qualified school under sections 135.730 to**  
9 **135.735, RSMo, after the immediately preceding school year.** Beginning with the 2006-07  
10 school year, the summer school attendance included in the average daily attendance as defined  
11 in subdivision (2) of section 163.011 shall include only the attendance hours of pupils that attend  
12 summer school in the current year. Beginning with the 2004-05 school year, when a district's  
13 official calendar for the current year contributes to a more than ten percent reduction in the  
14 average daily attendance for kindergarten compared to the immediately preceding year, the  
15 payment attributable to kindergarten shall include only the current year kindergarten average  
16 daily attendance. Any error made in the apportionment of state aid because of a difference  
17 between the actual weighted average daily attendance and the estimated weighted average daily  
18 attendance shall be corrected as provided in section 163.091, except that if the amount paid to  
19 a district estimating weighted average daily attendance exceeds the amount to which the district  
20 was actually entitled by more than five percent, interest at the rate of six percent shall be charged  
21 on the excess and shall be added to the amount to be deducted from the district's apportionment  
22 the next succeeding year.

23           2. Notwithstanding the provisions of subsection 1 of this section or any other provision  
24 of law, the state board of education shall make an adjustment for the immediately preceding year

25 for any increase in the actual weighted average daily attendance above the number on which the  
26 state aid in section 163.031 was calculated. Said adjustment shall be made in the manner  
27 providing for correction of errors under subsection 1 of this section.

28         3. Any error made in the apportionment of state aid because of a difference between the  
29 actual equalized assessed valuation for the current year and the estimated equalized assessed  
30 valuation for the current year shall be corrected as provided in section 163.091, except that if the  
31 amount paid to a district estimating current equalized assessed valuation exceeds the amount to  
32 which the district was actually entitled, interest at the rate of six percent shall be charged on the  
33 excess and shall be added to the amount to be deducted from the district's apportionment the next  
34 succeeding year.

35         4. For the purposes of distribution of state school aid pursuant to section 163.031, a  
36 school district with ten percent or more of its assessed valuation that is owned by one person or  
37 corporation as commercial or personal property who is delinquent in a property tax payment may  
38 elect, after receiving notice from the county clerk on or before March fifteenth that more than  
39 ten percent of its current taxes due the preceding December thirty-first by a single property owner  
40 are delinquent, to use in the local effort calculation of the state aid formula the district's  
41 equalized assessed valuation for the preceding year or the actual assessed valuation of the year  
42 for which the taxes are delinquent less the assessed valuation of property for which the current  
43 year's property tax is delinquent. To qualify for use of the actual assessed valuation of the year  
44 for which the taxes are delinquent less the assessed valuation of property for which the current  
45 year's property tax is delinquent, a district must notify the department of elementary and  
46 secondary education on or before April first, except in the year enacted, of the current year  
47 amount of delinquent taxes, the assessed valuation of such property for which delinquent taxes  
48 are owed and the total assessed valuation of the district for the year in which the taxes were due  
49 but not paid. Any district giving such notice to the department of elementary and secondary  
50 education shall present verification of the accuracy of such notice obtained from the clerk of the  
51 county levying delinquent taxes. When any of the delinquent taxes identified by such notice are  
52 paid during a four-year period following the due date, the county clerk shall give notice to the  
53 district and the department of elementary and secondary education, and state aid paid to the  
54 district shall be reduced by an amount equal to the delinquent taxes received plus interest. The  
55 reduction in state aid shall occur over a period not to exceed five years and the interest rate on  
56 excess state aid not refunded shall be six percent annually.

57         5. If a district receives state aid based on equalized assessed valuation as determined by  
58 subsection 4 of this section and if prior to such notice the district was paid state aid pursuant to  
59 section 163.031, the amount of state aid paid during the year of such notice and the first year  
60 following shall equal the sum of state aid paid pursuant to section 163.031 plus the difference

61 between the state aid amount being paid after such notice minus the amount of state aid the  
62 district would have received pursuant to section 163.031 before such notice. To be eligible to  
63 receive state aid based on this provision the district must levy during the first year following such  
64 notice at least the maximum levy permitted school districts by article X, section 11(b) of the  
65 Missouri Constitution and have a voluntary rollback of its tax rate which is no greater than one  
66 cent per one hundred dollars assessed valuation.

Section B. Because of the immediate need to assist students in certain school districts,  
2 the enactment of section A of this act is deemed necessary for the immediate preservation of the  
3 public health, welfare, peace and safety, and is hereby declared to be an emergency act within  
4 the meaning of the constitution, and the enactment of section A of this act shall be in full force  
5 and effect upon its passage and approval or July 1, 2008, whichever later occurs.

✓