

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 17, Page
2 1, in the Title, Line 3, by deleting from said Line the phrase: "advisory councils in"; and

3
4 Further amend said bill, Page 1, Section A, Line 2, by inserting after all of said Section and Line the
5 following:

6
7 "135.650. 1. As used in this section, the following terms shall mean:

8 (1) "Contribution", a donation of cash, stock, bonds or other marketable securities, or real
9 property;

10 (2) "Department", the department of elementary and secondary education;

11 (3) "Director", the director of the department of elementary and secondary education;

12 (4) "Qualified Public School Foundation", a non-profit organization operating in this state
13 that meets the definition of a charitable organization whose primary purpose is the furtherance of
14 elementary or secondary public education in a school district that is above the median of all school
15 districts in the state in current expenditures per average daily attendance divided by assessed
16 valuation;

17 (5) "State tax liability", in the case of a business taxpayer, any liability incurred by such
18 taxpayer under the provisions of chapter 143, chapter 147, chapter 148, and chapter 153, exclusive of
19 the provisions relating to the withholding of tax as provided for in sections 143.191 to 143.265 and
20 related provisions, and in the case of an individual taxpayer, any liability incurred by such taxpayer
21 under the provisions of chapter 143;

22 (6) "Taxpayer", one of the following:

23 (a) A person, firm, partner in a firm or corporation, a shareholder in an S corporation, or a
24 member in a limited liability company doing business in the state of Missouri and subject to the state
25 income tax imposed by the provisions of chapter 143;

26 (b) A corporation subject to the annual corporation franchise tax imposed by the provisions
27 of chapter 147, including any charitable organization that is exempt from federal income tax and
28 whose Missouri unrelated business taxable income, if any, would be subject to the state income tax
29 imposed under chapter 143;

30 (c) An insurance company paying an annual tax on its gross premium receipts in this state;

31 (d) A financial institution paying taxes to the state of Missouri or any political subdivision of
32 this state under the provisions of chapter 148;

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1 (e) An express company which pays an annual tax on its gross receipts in this state under
2 chapter 153; or

3 (f) An individual subject to the state income tax imposed by the provisions of chapter 143.

4 2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability, in
5 an amount equal to fifty percent of the amount such taxpayer contributed to a qualified public school
6 foundation.

7 3. Any tax credit that cannot be claimed in the taxable year the contribution was made may
8 be carried over to the next three succeeding taxable years until the full credit has been claimed.

9 4. The director shall establish a procedure by which a taxpayer can determine if an
10 organization has been classified as a qualified public school foundation, and by which such taxpayer
11 can then contribute to such qualified public school foundation and claim a tax credit. The
12 department shall issue a tax credit certificate to the taxpayer in the appropriate amount. Qualified
13 public school foundations shall be permitted to decline a contribution from a taxpayer.

14 5. Each qualified public school foundation shall provide information to the director
15 concerning the identity of each taxpayer making a contribution to the qualified public school
16 foundation who is claiming a tax credit under this section and the amount of the contribution. The
17 director shall provide the information to the director of revenue. The director shall be subject to the
18 confidentiality and penalty provisions of section 32.057, relating to the disclosure of tax information.

19 6. Donations received by a qualified public school foundation shall only be used for the
20 benefit of elementary and secondary education.

21 7. Certificates of tax credits issued in accordance with this section may be assigned,
22 transferred, or sold in their entirety by notarized endorsement thereof which names the transferee.

23 8. This section shall become effective January 1, 2014, and shall apply to all tax years after
24 December 31, 2013.

25 9. Under section 23.253 of the Missouri sunset act:

26 (1) The provisions of the new program authorized under this section shall automatically
27 sunset on December 31, 2019, unless reauthorized by an act of the general assembly; and

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

30 (3) This section shall terminate on September first of the calendar year immediately
31 following the calendar year in which the program authorized under this section is sunset."; and

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