

SECOND REGULAR SESSION

HOUSE BILL NO. 1791

99TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ELLINGTON.

5570H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 143 and 173, RSMo, by adding thereto two new sections relating to the Missouri DREAM trust fund commission.

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

Section A. Chapters 143 and 173, RSMo, are amended by adding thereto two new sections, to be known as sections 143.1018 and 173.2535, to read as follows:

143.1018. 1. For all taxable years beginning on or after January 1, 2018, each individual or corporation entitled to a tax refund in an amount sufficient to make a designation under this section may designate that one dollar or any amount in excess of one dollar on a single return, and two dollars or any amount in excess of two dollars on a combined return, of the refund due be credited to the Missouri DREAM trust fund. If any individual or corporation that is not entitled to a tax refund in an amount sufficient to make a designation under this section wishes to make a contribution to the fund, such individual or corporation may, by separate check, draft, or other negotiable instrument, send in with the payment of taxes, or may send in separately, that amount the individual or corporation wishes to contribute. Such amounts shall be clearly designated for the fund.

2. There is hereby created in the state treasury the "Missouri DREAM Trust Fund", which shall consist of moneys collected under this section. The state treasurer shall be custodian of the fund. In accordance with sections 30.170 and 30.180, the state treasurer may approve disbursements. The fund shall be a dedicated fund and, upon appropriation, moneys in the fund shall be used solely for the department of higher education's administration of section 173.2535. Notwithstanding the provisions of section 33.080 to the contrary, any moneys remaining in the fund at the end of the biennium shall

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.

18 not revert to the credit of the general revenue fund. The state treasurer shall invest
19 moneys in the fund in the same manner as other funds are invested. Any interest and
20 moneys earned on such investments shall be credited to the fund. All moneys credited to
21 the trust fund shall be considered nonstate funds under section 15, article IV, Constitution
22 of Missouri. The treasurer shall distribute all moneys deposited in the fund at times the
23 treasurer deems appropriate to the department of higher education.

24 3. The director of revenue shall deposit at least monthly all contributions
25 designated by individuals under this section to the state treasurer for deposit to the fund.
26 The director of revenue shall deposit at least monthly all contributions designated by
27 corporations under this section, less an amount sufficient to cover the costs of collection
28 and handling by the department of revenue, to the state treasury for deposit to the fund.
29 A contribution designated under this section shall only be deposited in the fund after all
30 other claims against the refund from which such contribution is to be made have been
31 satisfied.

32 4. Under section 23.253 of the Missouri sunset act:

33 (1) The provisions of the new program authorized under this section shall
34 automatically sunset on December thirty-first six years after the effective date of this
35 section unless reauthorized by an act of the general assembly;

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

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

173.2535. 1. There is hereby created within the department of higher education the
2 "Missouri DREAM Trust Fund Commission", which shall be committed to advancing the
3 educational opportunities of the children of immigrants.

4 2. The commission shall be composed of seven members to be appointed as follows:

5 (1) One member appointed by the governor;

6 (2) Two members appointed by the president pro tempore of the senate;

7 (3) Two members appointed by the speaker of the house of representatives;

8 (4) One member appointed by the minority leader of the senate; and

9 (5) One member appointed by the minority leader of the house of representatives.

10 3. To the extent practicable, members of the commission shall reflect the geographic
11 and ethnic diversity of the state and shall include college and university administrators and
12 faculty, and other individuals committed to advancing the educational opportunities of the
13 children of immigrants.

14 **4. The members of the commission shall not receive any compensation for their**
15 **services but may be reimbursed for their actual and necessary expenses incurred in the**
16 **performance of their duties as members of the commission.**

17 **5. The commission shall have the power to:**

18 **(1) Develop criteria and a selection process for the recipients of scholarships from**
19 **the Missouri DREAM trust fund; and**

20 **(2) Establish procedures for accepting and evaluating applications for scholarships**
21 **from the children of immigrants and issuing scholarships to selected student applicants.**

22 **6. The department of higher education may promulgate all necessary rules and**
23 **regulations for the administration of this section. Any rule or portion of a rule, as that**
24 **term is defined in section 536.010, that is created under the authority delegated in this**
25 **section shall become effective only if it complies with and is subject to all of the provisions**
26 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
27 **nonseverable, and if any of the powers vested with the general assembly pursuant to**
28 **chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are**
29 **subsequently held unconstitutional, then the grant of rulemaking authority and any rule**
30 **proposed or adopted after August 28, 2018, shall be invalid and void.**

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