

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 198, Page 3, Section  
2 43.401, Line 41, by inserting after all of said section and line the following:  
3

4 "135.327. 1. Any person residing in this state who legally adopts a special needs child on or  
5 after January 1, 1988, and before January 1, 2000, shall be eligible to receive a tax credit of up to  
6 ten thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied  
7 to taxes due under chapter 143. Any business entity providing funds to an employee to enable that  
8 employee to legally adopt a special needs child shall be eligible to receive a tax credit of up to ten  
9 thousand dollars for nonrecurring adoption expenses for each child adopted that may be applied to  
10 taxes due under such business entity's state tax liability, except that only one ten thousand dollar  
11 credit is available for each special needs child that is adopted.

12 2. Any person residing in this state who proceeds in good faith with the adoption of a  
13 special needs child on or after January 1, 2000, and before January 1, 2022, shall be eligible to  
14 receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child  
15 that may be applied to taxes due under chapter 143; provided, however, that beginning on March 29,  
16 2013, the tax credits shall only be allocated for the adoption of special needs children who are  
17 residents or wards of residents of this state at the time the adoption is initiated. Any business entity  
18 providing funds to an employee to enable that employee to proceed in good faith with the adoption  
19 of a special needs child shall be eligible to receive a tax credit of up to ten thousand dollars for  
20 nonrecurring adoption expenses for each child that may be applied to taxes due under such business  
21 entity's state tax liability, except that only one ten thousand dollar credit is available for each special  
22 needs child that is adopted.

23 3. Any person residing in this state who proceeds in good faith with the adoption of a child  
24 on or after January 1, 2022, regardless of whether such child is a special needs child, shall be  
25 eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for  
26 each child that may be applied to taxes due under chapter 143. The tax credit shall be allowed  
27 regardless of whether the child adopted is a resident or ward of a resident of this state at the time the  
28 adoption is initiated; however, for all fiscal years ending on or before June 30, 2024, priority shall  
29 be given to applications to claim the tax credit for special needs children who are residents or wards  
30 of residents of this state at the time the adoption is initiated. Any business entity providing funds to

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

an employee to enable that employee to proceed in good faith with the adoption of a child shall be eligible to receive a tax credit of up to ten thousand dollars for nonrecurring adoption expenses for each child that may be applied to taxes due under such business entity's state tax liability; except that, only one credit, up to ten thousand dollars, shall be available for each child who is adopted.

4. Individuals and business entities may claim a tax credit for their total nonrecurring adoption expenses in each year that the expenses are incurred. A claim for fifty percent of the credit shall be allowed when the child is placed in the home. A claim for the remaining fifty percent shall be allowed when the adoption is final. The total of these tax credits shall not exceed the maximum limit of ten thousand dollars per child. For all tax years beginning on or after January 1, 2024, the total of these tax credits allowed per child shall be adjusted annually for increases in cost-of-living, if any, as of the preceding July over the level of July of the immediately preceding year of the Consumer Price Index for All Urban Consumers. The cumulative amount of tax credits which may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses in any one fiscal year prior to July 1, 2004, shall not exceed two million dollars. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not be more than two million dollars but may be increased by appropriation in any fiscal year beginning on or after July 1, 2004, and ending on or before June 30, 2021. The cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses shall not exceed six million dollars in any fiscal year beginning on or after July 1, 2021, and ending on or before June 30, 2024. For all fiscal years beginning on or after July 1, 2024, there shall be no limit imposed on the cumulative amount of tax credits that may be claimed by taxpayers claiming the credit for nonrecurring adoption expenses. For all fiscal years beginning on or after July 1, 2006, applications to claim the adoption tax credit shall be filed between July first and April fifteenth of each fiscal year.

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

135.331. No credit shall be allowable for the adoption of any child who has attained the age of eighteen, unless it has been determined that the child has a medical condition or ~~[handicap]~~ disability that would limit the child's ability to live independently of the adoptive parents.

135.333. 1. (1) For tax years beginning on or before December 31, 2023, any amount of tax credit which exceeds the tax due or which is applied for and otherwise eligible for issuance but not issued shall not be refunded but may be carried over to any subsequent ~~[taxable]~~ tax year, not to exceed a total of five years for which a tax credit may be taken for each child adopted.

(2) For all tax years beginning on or after January 1, 2024, any amount of tax credit that is issued and which exceeds the tax due shall be refunded to the taxpayer; however, any tax credits carried forward from tax years beginning on or before December 31, 2023, shall not be refundable.

1           2. Tax credits that are assigned, transferred or sold as allowed in section 135.327 may be  
2 assigned, transferred or sold in their entirety notwithstanding the taxpayer's tax due."; and  
3  
4 Further amend said bill by amending the title, enacting clause, and intersectional references  
5 accordingly.