

SECOND REGULAR SESSION

HOUSE BILL NO. 2158

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE HURLBERT.

5079H.011

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 135.713, RSMo, and to enact in lieu thereof one new section relating to educational contribution tax credits.

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

Section A. Section 135.713, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 135.713, to read as follows:

135.713. 1. Any taxpayer who makes a qualifying contribution to an educational assistance organization after August 28, 2021, may claim a credit against the tax otherwise due under chapter 143, other than taxes withheld under sections 143.191 to 143.265, and chapter 153 in an amount equal to one hundred percent of the amount the taxpayer contributed during the tax year for which the credit is claimed. No taxpayer shall claim a credit pursuant to sections 135.712 to 135.719 for any contribution made by the taxpayer, or an agent of the taxpayer, on behalf of the taxpayer's dependent or, in the case of a business taxpayer, on behalf of the business's agent's dependent.

2. The amount of the tax credit claimed shall not exceed fifty percent of the taxpayer's state tax liability for the tax year for which the credit is claimed. The state treasurer shall certify the tax credit amount to the taxpayer. A taxpayer may carry the credit forward to any of ~~[his or her]~~ **such taxpayer's** four subsequent tax years **and, for credits based on contributions made on or after January 1, 2027, may carry the credit back to the taxpayer's immediately prior tax year.** All tax credits authorized pursuant to the program shall not be transferred, sold, or assigned, and are not refundable.

3. The cumulative amount of tax credits that may be allocated to all taxpayers contributing to educational assistance organizations in any one calendar year shall not exceed

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 a maximum of seventy-five million dollars. Such maximum amount shall be annually
19 adjusted by the state treasurer in an amount equal to the percent increase or decrease in the
20 amount of state aid distributed to school districts pursuant to the provisions of section
21 163.031 in the current fiscal year as compared to such amount in the preceding fiscal year,
22 rounded to the nearest thousandth. The state treasurer shall establish a procedure by which,
23 from the beginning of the calendar year until August first, the cumulative amount of tax
24 credits shall be allocated on a first-come, first-served basis among all educational assistance
25 organizations. If an educational assistance organization fails to use all, or some percentage to
26 be determined by the state treasurer, of its allocated tax credits during this period, the state
27 treasurer may reallocate these unused tax credits to those educational assistance organizations
28 that have used all, or some percentage to be determined by the state treasurer, of their
29 allocated tax credits during this period. The state treasurer may establish more than one
30 period and reallocate more than once during each calendar year. The state treasurer shall
31 establish the procedure described in this subsection in such a manner as to ensure that
32 taxpayers can claim all the tax credits possible up to the cumulative amount of tax credits
33 available for the calendar year.

34 4. A taxpayer who makes a contribution to an education assistance organization shall
35 not designate the student who will receive a scholarship grant.

36 5. The provisions of sections 135.712 to 135.719 and sections 166.700 to 166.720
37 shall be effective in any fiscal year immediately after any fiscal year in which the amount
38 appropriated for pupil transportation pursuant to section 163.161 equals or exceeds forty
39 percent of the projected amount necessary to fully fund transportation aid funding for fiscal
40 year 2021. If the amount appropriated for transportation pursuant to section 163.161 in any
41 succeeding year falls below such amount, no additional scholarships for newly qualified
42 students shall be awarded.

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