

# SENATE BILL NO. 226

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHROER.

0620S.01I

KRISTINA MARTIN, Secretary

## AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for education expenses.

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

Section A. Chapter 135, RSMo, is amended by adding thereto  
2 one new section, to be known as section 135.1132, to read as  
3 follows:

135.1132. 1. As used in this section, the following  
2 terms mean:

3 (1) "Dependent child", in relation to a taxpayer, any  
4 individual who:

5 (a) Is eligible to attend the system of free public  
6 schools in this state established under section 160.051;

7 (b) Qualifies as a dependent of the taxpayer under 26  
8 U.S.C. Section 152 for federal income tax purposes; and

9 (c) Is the natural or adopted child of the taxpayer or  
10 is an individual for whom the taxpayer has been court-  
11 appointed as a legal guardian or custodian;

12 (2) "Eligible private school", any school in this  
13 state giving instruction in prekindergarten, kindergarten,  
14 or in any grade not higher than the twelfth grade; provided  
15 that, such school does not qualify as a public school under  
16 section 160.011;

17 (3) "Eligible public school", any public school, as  
18 such term is defined under section 160.011, in this state

19 that is located outside of the public school district in  
20 which the taxpayer resides;

21 (4) "Eligible tuition expenses", the full cost of  
22 tuition paid by a taxpayer in a given tax year for the  
23 attendance of one or more of the taxpayer's dependent  
24 children at one or more eligible public schools or eligible  
25 private schools;

26 (5) "Qualified amount", the total eligible tuition  
27 expenses incurred by the taxpayer in a given tax year;

28 (6) "Taxpayer", any individual with an income tax  
29 liability under chapter 143, excluding withholding tax  
30 imposed by sections 143.191 to 143.265, in a given tax year.

31 2. For all tax years beginning on or after January 1,  
32 2024, a taxpayer shall be allowed to claim a credit against  
33 the taxpayer's state income tax liability in an amount equal  
34 to the taxpayer's qualified amount.

35 3. The tax credit authorized under this section shall  
36 be refundable, but shall not be assigned, transferred, sold,  
37 or otherwise conveyed.

38 4. The department of revenue shall promulgate all  
39 necessary rules and regulations for the administration of  
40 this section including, but not limited to, rules relating  
41 to the verification of a taxpayer's qualified amount. Any  
42 rule or portion of a rule, as that term is defined in  
43 section 536.010, that is created under the authority  
44 delegated in this section shall become effective only if it  
45 complies with and is subject to all of the provisions of  
46 chapter 536 and, if applicable, section 536.028. This  
47 section and chapter 536 are nonseverable, and if any of the  
48 powers vested with the general assembly pursuant to chapter  
49 536 to review, to delay the effective date, or to disapprove  
50 and annul a rule are subsequently held unconstitutional,

51 then the grant of rulemaking authority and any rule proposed  
52 or adopted after August 28, 2023, shall be invalid and void.

53 5. Under section 23.253 of the Missouri sunset act:

54 (1) The provisions of this section shall automatically  
55 sunset December thirty-first six years after the effective  
56 date of this section unless reauthorized by an act of the  
57 general assembly;

58 (2) If such provisions are reauthorized, the  
59 provisions of this section shall automatically sunset  
60 December thirty-first twelve years after the effective date  
61 of the reauthorization; and

62 (3) This section shall terminate on September first of  
63 the calendar year immediately following the calendar year in  
64 which the provisions of this section are sunset.

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