

FIRST REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
CONFERENCE COMMITTEE SUBSTITUTE FOR  
**SENATE BILL NO. 86**

101ST GENERAL ASSEMBLY  
2021

0831S.04T

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**AN ACT**

To repeal section 115.646, RSMo, and to enact in lieu thereof two new sections relating to school districts, with penalty provisions.

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

Section A. Section 115.646, RSMo, is repealed and two new  
2 sections enacted in lieu thereof, to be known as sections  
3 115.646 and 135.715, to read as follows:

115.646. No contribution or expenditure of public  
2 funds shall be made directly by any officer, employee or  
3 agent of any political subdivision, **including school**  
4 **districts and charter schools**, to advocate, support, or  
5 oppose **the passage or defeat of** any ballot measure or **the**  
6 **nomination or election of any** candidate for public office,  
7 **or to direct any public funds to, or pay any debts or**  
8 **obligations of, any committee supporting or opposing such**  
9 **ballot measures or candidates.** This section shall not be  
10 construed to prohibit any public official of a political  
11 subdivision, **including school districts and charter schools**,  
12 from making public appearances or from issuing press  
13 releases concerning any such ballot measure. **Any purposeful**  
14 **violation of this section shall be punished as a class four**  
15 **election offense.**

135.715. 1. Notwithstanding any provision in section  
2 135.713 to the contrary, the annual increase to the  
3 cumulative amount of tax credits under subsection 3 of  
4 section 135.713 shall cease when the amount of tax credits  
5 reaches fifty million dollars. The cumulative amount of tax  
6 credits that may be allocated to all taxpayers contributing  
7 to educational assistance organizations in the first year of  
8 the program shall not exceed twenty-five million dollars.

9 2. The state treasurer shall limit the number of  
10 educational assistance organizations that are certified to  
11 administer scholarship accounts to no more than ten such  
12 organizations in any single school year, with no more than  
13 six of such organizations having their principal place of  
14 business in:

15 (1) A county of the first classification with more  
16 than two hundred sixty thousand but fewer than three hundred  
17 thousand inhabitants;

18 (2) A county with a charter form of government and  
19 with more than six hundred thousand but fewer than seven  
20 hundred thousand inhabitants;

21 (3) A county with a charter form of government and  
22 with more than three hundred thousand but fewer than four  
23 hundred fifty thousand inhabitants;

24 (4) A county with a charter form of government and  
25 with more than nine hundred fifty thousand inhabitants; or

26 (5) A city not within a county.

27 3. The state treasurer may delegate any duties  
28 assigned to the state treasurer under sections 135.712 to  
29 135.719 and sections 166.700 to 166.720 to the Missouri  
30 empowerment scholarship accounts board, which is hereby  
31 established. The Missouri empowerment scholarship accounts  
32 board shall consist of the state treasurer, who shall serve

33 as chair, the commissioner of the department of higher  
34 education and workforce development, the commissioner of  
35 education, the commissioner of the office of administration,  
36 one member appointed by the president pro tempore of the  
37 senate, one member appointed by the speaker of the house of  
38 representatives, and one member appointed by the governor  
39 with the advice and consent of the senate. The appointed  
40 members shall serve terms of four years or until their  
41 successors have been appointed and qualified. The board  
42 shall have all powers and duties assigned to the state  
43 treasurer under sections 135.712 to 135.719 and sections  
44 166.700 to 166.720 that are delegated to the board by the  
45 state treasurer. Members of the board shall not receive  
46 compensation for their service, but may receive  
47 reimbursement for necessary expenses.

48 4. Notwithstanding the provisions of subsection 7 of  
49 section 135.716 to the contrary, four percent of the total  
50 qualifying contributions received by each educational  
51 assistance organization per calendar year shall be deposited  
52 in the Missouri empowerment scholarship accounts fund to be  
53 used by the state treasurer for marketing and administrative  
54 expenses or the costs incurred in administering the program,  
55 whichever is less.

56 5. Notwithstanding the provisions of subdivision (5)  
57 of subsection 2 of section 135.712 to the contrary, the term  
58 "qualifying contribution" shall mean a donation of cash,  
59 including, but not limited to, checks drawn on a banking  
60 institution located in the continental United States in U.S.  
61 dollars (other than cashier checks, or third-party checks  
62 exceeding ten thousand dollars), money orders, payroll  
63 deductions, and electronic fund transfers. This term shall

64 not include stocks, bonds, other marketable securities, or  
65 property.

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