

SENATE BILL NO. 1163

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5184S.02I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

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 135.721, to read as
3 follows:

135.721. 1. This section shall be known and may be
2 cited as the "Missouri Parental Choice Tax Credit Act".

3 2. For the purposes of this section, the following
4 terms shall mean:

5 (1) "Department", the Missouri department of revenue;

6 (2) "Nonpublic school", any school that is not a part
7 of the public school system of the state of Missouri and
8 that renders elementary or secondary educational services,
9 regardless of whether such school charges tuition;

10 (3) "Qualified expenses":

11 (a) Tuition or fees at a nonpublic school;

12 (b) Textbooks required by a nonpublic school;

13 (c) Educational therapies or services from a licensed
14 or accredited practitioner or provider including, but not
15 limited to, licensed or accredited paraprofessionals or
16 educational aides;

17 (d) Tutoring services;

18 (e) Curriculum;

- 19 (f) Tuition or fees for a private virtual school;
20 (g) Fees for a nationally standardized norm-referenced
21 achievement test, advanced placement examinations, or any
22 examinations related to college or university admission;
23 (h) Fees for services provided by a public school
24 including, but not limited to, individual classes and
25 extracurricular programs;
26 (i) Computer hardware or other technological devices
27 that are used to help meet the qualified student's
28 educational needs;
29 (j) Fees for summer education programs and specialized
30 after-school education programs; and
31 (k) Transportation costs for mileage to and from a
32 nonpublic school.

33 "Qualified expenses" shall not include consumable
34 educational supplies including, but not limited to, paper,
35 pens, pencils, or markers; tuition at a private school
36 located outside of the state of Missouri; or payments or
37 reimbursements to any person related within the third degree
38 of consanguinity or affinity to a qualified student;

39 (4) "Qualified student", a child who is not enrolled
40 in a public school and who is required to be educated
41 pursuant to section 167.031;

42 (5) "Resident school district", the school district in
43 which a taxpayer's residence is located;

44 (6) "Tax credit", a credit against the tax otherwise
45 due under chapter 143, excluding withholding tax imposed
46 under sections 143.191 to 143.265;

47 (7) "Taxpayer", any individual subject to the state
48 income tax imposed under chapter 143, excluding the

withholding tax imposed under sections 143.191 to 143.265,
and who:

(a) Enrolled a qualified student in a nonpublic school during the tax year for which the taxpayer is claiming a tax credit pursuant to this section; and

(b) Did not enroll a qualified student in the resident school district during the tax year for which the taxpayer is claiming a tax credit pursuant to this section.

3. (1) For all tax years beginning on or after January 1, 2027, a taxpayer shall be authorized to claim a tax credit against the taxpayer's state tax liability in an amount equal to one hundred percent of qualified expenses incurred for educating a qualified student at a nonpublic school, provided that no tax credit authorized pursuant to this section shall exceed the state adequacy target, as defined in section 163.011.

(2) Tax credits authorized pursuant to this section shall not be transferred, sold, or assigned.

(3) Any amount of tax credit that exceeds the taxpayer's state tax liability shall be considered an overpayment of taxes and shall be refunded.

(4) Notwithstanding any provision of law to the contrary, no tax credit shall be issued pursuant to this section for any qualified expenses that were paid for using a Missouri empowerment scholarship account created pursuant to sections 166.700 to 166.720.

4. Tax credits authorized pursuant to this section shall be claimed by the taxpayer at the time such taxpayer files a return.

5. The department shall promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is

81 created under the authority delegated in this section shall
82 become effective only if it complies with and is subject to
83 all of the provisions of chapter 536 and, if applicable,
84 section 536.028. This section and chapter 536 are
85 nonseverable and if any of the powers vested with the
86 general assembly pursuant to chapter 536 to review, to delay
87 the effective date, or to disapprove and annul a rule are
88 subsequently held unconstitutional, then the grant of
89 rulemaking authority and any rule proposed or adopted after
90 August 28, 2026, shall be invalid and void.

91 6. Pursuant to section 23.253 of the Missouri sunset
92 act:

93 (1) The program authorized pursuant to this section
94 shall automatically sunset six years after the effective
95 date of this section unless reauthorized by an act of the
96 general assembly;

97 (2) This section shall terminate on September first of
98 the calendar year immediately following the calendar year in
99 which the program authorized pursuant to this section is
100 sunset; and

101 (3) The provisions of this subsection shall not be
102 construed to impair or impede the state's fulfillment of any
103 obligations, including the authorization, issuance, or
104 redemption of tax credits, incurred pursuant to this section
105 prior to the date the program authorized pursuant to this
106 section is sunset.

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