AN ACT ESTABLISHING THE ROBERTA B. WILLIS SCHOLARSHIP FOUNDATION AND CREATING A BUSINESS TAX CREDIT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective July 1, 2019) (a) The executive director of the Office of Higher Education is authorized to establish and manage a nonprofit foundation, in accordance with the provisions of section 4-37f of the general statutes, that shall be known as the Roberta B. Willis Scholarship Foundation. The purpose of the foundation shall be to solicit and receive gifts, grants or donations from private sources to support the Roberta B. Willis Scholarship program, established pursuant to section 10a-173 of the general statutes. Said executive director shall appoint a governing board for such foundation consisting of persons with experience in finance, accounting, fundraising or with the operation of a nonprofit or other corporation. Such governing board shall serve in accordance with the policies, bylaws and governing documents adopted pursuant to subsection (b) of this section.

(b) The Roberta B. Willis Scholarship Foundation, established
pursuant to subsection (a) of this section, shall, subject to direction, regulation and authorization by the governing board: (1) Adopt policies, bylaws and governing documents and undertake measures to ensure that the foundation receives and maintains its status as a legal entity exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time; (2) receive, solicit, contract for, collect and hold in separate custody for purposes of this section, endowments, donations, compensation and reimbursement, in the form of money paid or promised, services, materials, equipment or any other things tangible or intangible that may be acceptable to the foundation; (3) disburse funds acquired by the foundation from any source, for (A) the purpose of providing funding for the Roberta B. Willis Scholarship program, (B) the dissemination of information related to the solicitation of donations to the foundation, (C) funding its operations and paying its expenses from sources and amounts of funding designated for that purpose, and (D) other purposes approved by the office, consistent with this section, section 10a-173 and sections 4-37f to 4-37j, inclusive, of the general statutes; (4) apply for and receive assistance from any source, including grants of money and services from national and state bodies and foundations, provided the foundation shall cooperate with and make efforts to avoid competing directly with other educational and scholarship organizations in the state when applying for such assistance; and (5) execute contracts for the purpose of carrying out the provisions of this section.

(c) The Roberta B. Willis Scholarship Foundation shall comply with the requirements of sections 4-37f to 4-37j, inclusive, of the general statutes. All property and rights of every character, tangible and intangible, placed in the custody of the foundation in accordance with said sections shall be held by the foundation in trust for the uses specified in subsection (b) of this section. The entire beneficial ownership thereof shall vest in the Office of Higher Education for the Roberta B. Willis Scholarship program and the governing board of
such foundation shall exercise complete control thereof.

(d) The Office of Higher Education may adopt regulations in accordance with the provisions of chapter 54 of the general statutes to carry out the provisions of subsections (a) to (c), inclusive, of this section and section 2 of this act.

(e) Not later than January 1, 2020, and annually thereafter, the Office of Higher Education shall submit a report, in accordance with the provisions of section 11-4a of the general statutes, to the joint standing committee of the General Assembly having cognizance of matters relating to higher education. Such report shall include the status and progress of the Roberta B. Willis Scholarship Foundation, including a list of the members and officers of its governing board, verification of its status as a legal entity exempt from taxation and a summary of the most recent audit of its books and accounts.

Sec. 2. (NEW) (Effective January 1, 2020, and applicable to taxable years commencing on or after January 1, 2020) Commencing January 1, 2020, and in each income or taxable year thereafter, any business authorized to do business in the state that donates to the Roberta B. Willis Scholarship Foundation, established pursuant to section 1 of this act, may claim a credit against the tax imposed under chapter 208 of the general statutes. Such credit shall be equal to fifty per cent of the amount of the actual donation made by the business to the program during the taxable year, provided the total amount of tax credits awarded under this section shall not exceed twenty-seven million dollars. Any donation to the program in excess of the amounts due during the taxable year shall not qualify for the credit. A business that claims the credit under this section shall provide any documentation required by the Commissioner of Revenue Services in a form and manner prescribed by said commissioner.

This act shall take effect as follows and shall amend the following sections:
Statement of Purpose:
To establish a foundation to solicit and receive donations from private sources for the Roberta B. Willis Scholarship program and to create a business tax credit for such donations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: SEN. MARONEY, 14th Dist.

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