

SECOND REGULAR SESSION

SENATE BILL NO. 574

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 2, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

4616S.01I

AN ACT

To repeal section 135.710, RSMo, and to enact in lieu thereof one new section relating to an alternative fuel tax credit.

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

Section A. Section 135.710, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 135.710, to read as follows:

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

2 (1) **"Alternative fuel vehicle refueling property", property in this**
3 **state owned by an eligible applicant and used for storing alternative**
4 **fuels and for dispensing such alternative fuels into fuel tanks of motor**
5 **vehicles owned by such eligible applicant or private citizens;**

6 (2) "Alternative fuels", any motor fuel at least seventy percent of the
7 volume of which consists of one or more of the following:

8 (a) Ethanol;

9 (b) Natural gas;

10 (c) Compressed natural gas;

11 (d) Liquified natural gas;

12 (e) Liquified petroleum gas;

13 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of
14 kerosene;

15 (g) Hydrogen;

16 [(2)] (3) "Department", the department of natural resources;

17 (4) **"Electric vehicle recharging property", property in this state**
18 **owned by an eligible applicant and used for recharging electric motor**
19 **vehicles owned by such eligible applicant or private citizens;**

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 [(3)] (5) "Eligible applicant", a business entity that is the owner of [a
21 qualified] **an electric vehicle recharging property or an** alternative fuel
22 vehicle refueling property;

23 (6) **"Qualified Missouri contractor", a contractor whose principal**
24 **place of business is located in Missouri and has been located in**
25 **Missouri for a period of not less than five years;**

26 [(4)] (7) "Qualified [alternative fuel vehicle refueling] property",
27 [property in this state owned by an eligible applicant and used for storing
28 alternative fuels and for dispensing such alternative fuels into fuel tanks of motor
29 vehicles owned by such eligible applicant or private citizens] **an electric**
30 **vehicle recharging property or an alternative fuel vehicle recharging**
31 **property** which, if constructed after August 28, [2008] **2014**, was constructed
32 with at least fifty-one percent of the costs being paid to qualified Missouri
33 contractors for the:

34 (a) Fabrication of premanufactured equipment or process piping used in
35 the construction of such facility;

36 (b) Construction of such facility; and

37 (c) General maintenance of such facility during the time period in which
38 such facility receives any tax credit under this section.

39 If no qualified Missouri contractor is located within seventy-five miles of the
40 property, the requirement that fifty-one percent of the costs shall be paid to
41 qualified Missouri contractors shall not apply[;

42 (5) "Qualified Missouri contractor", a contractor whose principal place of
43 business is located in Missouri and has been located in Missouri for a period of
44 not less than five years].

45 2. For all tax years beginning on or after January 1, [2009] **2015**, but
46 before January 1, [2012] **2021**, any eligible applicant who installs and operates
47 a qualified [alternative fuel vehicle refueling] property shall be allowed a credit
48 against the tax otherwise due under chapter 143, excluding withholding tax
49 imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148
50 for any tax year in which the applicant is constructing the [refueling] **qualified**
51 property. The credit allowed in this section per eligible applicant shall not exceed
52 the lesser of twenty thousand dollars or twenty percent of the total costs directly
53 associated with the purchase and installation of any alternative fuel storage and
54 dispensing equipment **or any recharging equipment** on any qualified

55 [alternative fuel vehicle refueling] property, which shall not include the following:

56 (1) Costs associated with the purchase of land upon which to place a
57 qualified [alternative fuel vehicle refueling] property;

58 (2) Costs associated with the purchase of an existing qualified [alternative
59 fuel vehicle refueling] property; or

60 (3) Costs for the construction or purchase of any structure.

61 3. Tax credits allowed by this section shall be claimed by the eligible
62 applicant at the time such applicant files a return for the tax year in which the
63 storage and dispensing **or recharging** facilities were placed in service at a
64 qualified [alternative fuel vehicle refueling] property, and shall be applied
65 against the income tax liability imposed by chapter 143, chapter 147, or chapter
66 148 after all other credits provided by law have been applied. The cumulative
67 amount of tax credits which may be claimed by eligible applicants claiming all
68 credits authorized in this section shall not exceed [the following amounts:

69 (1) In taxable year 2009, three million dollars;

70 (2) In taxable year 2010, two million dollars; and

71 (3) In taxable year 2011,] one million dollars **in any calendar year.**

72 4. If the amount of the tax credit exceeds the eligible applicant's tax
73 liability, the difference shall not be refundable. Any amount of credit that an
74 eligible applicant is prohibited by this section from claiming in a taxable year
75 may be carried forward to any of such applicant's two subsequent taxable
76 years. Tax credits allowed under this section may be assigned, transferred, sold,
77 or otherwise conveyed.

78 5. [An alternative fuel vehicle refueling] **Any qualified** property, for
79 which an eligible applicant receives tax credits under this section, which ceases
80 to sell alternative fuel **or recharge electric vehicles** shall cause the forfeiture
81 of such eligible applicant's tax credits provided under this section for the taxable
82 year in which the [alternative fuel vehicle refueling] **qualified** property ceased
83 to sell alternative fuel **or recharge electric vehicles** and for future taxable
84 years with no recapture of tax credits obtained by an eligible applicant with
85 respect to such applicant's tax years which ended before the sale of alternative
86 fuel **or recharging of electric vehicles** ceased.

87 6. The director of revenue shall establish the procedure by which the tax
88 credits in this section may be claimed, and shall establish a procedure by which
89 the cumulative amount of tax credits is apportioned equally among all eligible

90 applicants claiming the credit. To the maximum extent possible, the director of
91 revenue shall establish the procedure described in this subsection in such a
92 manner as to ensure that eligible applicants can claim all the tax credits possible
93 up to the cumulative amount of tax credits available for the taxable year. No
94 eligible applicant claiming a tax credit under this section shall be liable for any
95 interest or penalty for filing a tax return after the date fixed for filing such return
96 as a result of the apportionment procedure under this subsection.

97 7. Any eligible applicant desiring to claim a tax credit under this section
98 shall submit the appropriate application for such credit with the
99 department. The application for a tax credit under this section shall include any
100 information required by the department. The department shall review the
101 applications and certify to the department of revenue each eligible applicant that
102 qualifies for the tax credit.

103 8. The department and the department of revenue may promulgate rules
104 to implement the provisions of this section. Any rule or portion of a rule, as that
105 term is defined in section 536.010, that is created under the authority delegated
106 in this section shall become effective only if it complies with and is subject to all
107 of the provisions of chapter 536 and, if applicable, section 536.028. This section
108 and chapter 536 are nonseverable and if any of the powers vested with the
109 general assembly pursuant to chapter 536 to review, to delay the effective date,
110 or to disapprove and annul a rule are subsequently held unconstitutional, then
111 the grant of rulemaking authority and any rule proposed or adopted after August
112 28, 2008, shall be invalid and void.

113 9. [Pursuant to] **The provisions of** section 23.253 of the Missouri sunset
114 act **not withstanding:**

115 (1) The provisions of the new program authorized under this section shall
116 automatically sunset six years after [August 28, 2008] **December 31, 2014**,
117 unless reauthorized by an act of the general assembly; and

118 (2) If such program is reauthorized, the program authorized under this
119 section shall automatically sunset twelve years after the effective date of the
120 reauthorization of this section; and

121 (3) This section shall terminate on December thirty-first of the calendar
122 year immediately following the calendar year in which the program authorized
123 under this section is sunset; **and**

124 (4) **The provisions of this subsection shall not be construed to**

125 limit or in any way impair the department's ability to redeem tax
126 credits authorized on or before the date the program authorized under
127 this section expires or a taxpayer's ability to redeem such tax credits.

✓

Unofficial

Bill

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