

FIRST REGULAR SESSION

HOUSE BILL NO. 809

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES McGHEE (Sponsor),
HOSKINS (121), YATES AND LARGENT (Co-sponsors).

1601L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for processed biomass engineered fiber fuel.

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new section, to be
2 known as section 135.315, to read as follows:

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

2 (1) "**Processed biomass engineered fiber fuel**", any fuel derived from substances
3 produced in this state that were changed from their original form and combined in a
4 manufacturing process in this state of three or more biomass inputs, resulting in a fuel
5 product with a heat value of at least seven thousand five hundred British Thermal Units
6 (BTUs) per pound;

7 (2) "**Tax credit**", a credit against the tax otherwise due under chapter 143, RSMo,
8 excluding withholding tax imposed by sections 143.191 to 143.265, RSMo;

9 (3) "**Taxpayer**", any individual subject to the tax imposed in chapter 143, RSMo,
10 excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.

11 **2. For all taxable years beginning on or after January 1, 2010, a taxpayer shall be**
12 **allowed a tax credit for using processed biomass engineered fiber fuel. The tax credit**
13 **amount shall be equal to the following percentages of the purchase price of processed**
14 **biomass engineered fiber fuel:**

15 (1) **For the year in which the fuel was purchased and used, thirty percent;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16 (2) For the second year in which the fuel was purchased and used, twenty-five
17 percent;

18 (3) For the third year in which the fuel was purchased and used, twenty percent;

19 (4) For the fourth year in which the fuel was purchased and used, fifteen percent;

20 (5) For the fifth year in which the fuel was purchased and used, ten percent;

21 (6) For the sixth year in which the fuel was purchased and used, five percent.

22 3. No tax credit shall be issued under this section after the sixth year in which the
23 fuel was purchased and used.

24 4. The amount of the tax credit issued shall not exceed the amount of the taxpayer's
25 state tax liability for the tax year for which the credit is claimed. No amount of credit that
26 the taxpayer is prohibited by this section from claiming in a tax year shall be refundable,
27 nor shall any tax credit issued under this section be transferred, sold, or assigned. If the
28 amount of the tax credit issued exceeds the amount of the taxpayer's state tax liability for
29 the tax year for which the credit is claimed, the difference shall not be refundable but may
30 be carried forward to any of the taxpayer's four subsequent taxable years.

31 5. The department of revenue may promulgate rules to implement the provisions
32 of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
33 RSMo, that is created under the authority delegated in this section shall become effective
34 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
35 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
36 nonseverable and if any of the powers vested with the general assembly pursuant to
37 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
38 are subsequently held unconstitutional, then the grant of rulemaking authority and any
39 rule proposed or adopted after August 28, 2009, shall be invalid and void.

40 6. Under section 23.253, RSMo, of the Missouri Sunset Act:

41 (1) The provisions of the new program authorized under this section shall
42 automatically sunset on December thirty-first six years after the effective date of this
43 section unless reauthorized by an act of the general assembly; and

44 (2) If such program is reauthorized, the program authorized under this section
45 shall automatically sunset on December thirty-first twelve years after the effective date of
46 the reauthorization of this section; and

47 (3) This section shall terminate on September first of the calendar year immediately
48 following the calendar year in which the program authorized under this section is sunset.

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