

FIRST REGULAR SESSION

HOUSE BILL NO. 978

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE PRATT.

1693L.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 homes built under green build standards.

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 known as section 135.663, to read as follows:

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

(1) **"Builder", any individual, partnership, corporation, or other entity engaged in the construction or remodeling of a residential home;**

(2) **"Eligible costs", expenditures by builders or owners for new construction of or remodeling improvements to any single-family detached home or a multi-family attached home constructed or improved on or after January 1, 2010, in accordance with green build standards;**

(3) **"Green build standards", the Silver or Gold levels of the green home building guidelines of the National Association of Home Builders (NAHB), or the Bronze, Silver, Gold, or Emerald levels of the green home building standards of the National Association of Home Builders (NAHB), or the Certified, Silver, Gold, or Platinum levels of the Leadership in Energy and Environmental Design for homes certification levels (LEED-H);**

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

(5) **"Taxpayer", any individual, builder, or entity subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo.**

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.

18 **2. For all taxable years beginning on or after January 1, 2010, a taxpayer shall be**
19 **allowed a tax credit for eligible costs incurred on single-family detached homes or multi-**
20 **family attached homes as follows:**

21 **(1) Forty-five cents per square foot of such home, if such home meets at least the**
22 **NAHB Silver level of the guidelines, or the NAHB Bronze level or LEED-H Certified level**
23 **of green build standards;**

24 **(2) Sixty-five cents per square foot of such home, if such home meets at least the**
25 **NAHB Gold level of the guidelines, or the NAHB Silver level or LEED-H Silver level of**
26 **green build standards;**

27 **(3) Ninety cents per square foot of such home, if such home meets at least the**
28 **NAHB Gold level or LEED-H Gold level of green build standards;**

29 **(4) One dollar and fifteen cents per square foot of such home, if such home meets**
30 **at least the NAHB Emerald level or LEED-H Platinum level of green build standards.**

31 **3. The amount of the tax credit issued shall not exceed the amount of the taxpayer's**
32 **state tax liability for the tax year for which the credit is claimed. If the amount of the tax**
33 **credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for**
34 **which the credit is claimed, the difference shall not be refundable but may be carried back**
35 **to any of the taxpayer's previous taxable years, or carried forward to any of the taxpayer's**
36 **subsequent taxable years. Any tax credit granted under this section may be transferred,**
37 **sold, or assigned. The aggregate amount of tax credits that may be issued under this**
38 **section in any one fiscal year shall not exceed two million dollars. The tax credits issued**
39 **under this section shall be issued on a first-come, first-served filing basis.**

40 **4. No tax credit shall be issued under this section for eligible costs incurred unless**
41 **such new constructions or remodeling improvements are verified to comply with NAHB**
42 **Model Green Home Building Guidelines or Standards or are certified under LEED-H**
43 **levels. To have new construction or remodeling improvements verified or certified under**
44 **this subsection, a taxpayer shall contract with a program-certified third-party verifier to**
45 **visually inspect and document the claimed performance level as required under the NAHB**
46 **or LEED-H programs. The verifier shall submit all final inspection and documentation**
47 **forms to the program organization of record for final review. Once the performance level**
48 **certificate has been issued by the program organization of record, the taxpayer shall**
49 **submit a copy of such certificate to the department of revenue at the same time the**
50 **taxpayer claims a tax credit under this section. If such taxpayer is a builder and the**
51 **project is a new construction residence, such taxpayer shall also submit a certificate of**
52 **occupancy, a certificate of temporary occupancy, or a closing or settlement statement for**
53 **the property at the same time the taxpayer claims a tax credit under this section.**

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

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

64 **(1) The provisions of the new program authorized under this section shall**
65 **automatically sunset on December thirty-first five years after the effective date of this**
66 **section unless reauthorized by an act of the general assembly; and**

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

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

✓