

FIRST REGULAR SESSION

HOUSE BILL NO. 662

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES MOORE (Sponsor), BRUNS, SCHAD, NANCE, ROORDA,
BROWN (50), WALTON, SCHNEIDER, DETHROW, MUNZLINGER, COX,
QUINN (7) AND McGHEE (Co-sponsors).

Read 1st time January 30, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1354L.01I

AN ACT

To repeal section 320.093, RSMo, and to enact in lieu thereof one new section relating to an income tax credit for dry fire hydrants.

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

Section A. Section 320.093, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 320.093, to read as follows:

320.093. 1. Any person, firm or corporation who purchases a dry fire hydrant, as defined in section 320.273, or provides an acceptable means of water storage for such dry fire hydrant including a pond, tank or other storage facility with the primary purpose of fire protection within the state of Missouri, shall be eligible for a credit on income taxes otherwise due pursuant to chapter 143, RSMo, except sections 143.191 to 143.261, RSMo, as an incentive to implement safe and efficient fire protection controls. The tax credit, not to exceed five thousand dollars, shall be equal to fifty percent of the cost in actual expenditure for any new water storage construction, equipment, development and installation of the dry hydrant, including pipes, valves, hydrants and labor for each such installation of a dry hydrant or new water storage facility. The amount of the tax credit claimed for in-kind contributions shall not exceed twenty-five percent of the total amount of the contribution for which the tax credit is claimed.

2. Any amount of credit which exceeds the tax due shall not be refunded but may be carried over to any subsequent taxable year, not to exceed seven years. The person, firm or

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.

14 corporation may elect to assign to a third party the approved tax credit. The certificate of
15 assignment and other appropriate forms [must] **shall** be filed with the Missouri department of
16 revenue and the department of economic development.

17 3. The person, firm or corporation shall make application for the credit to the department
18 of economic development after receiving approval of the state fire marshal. The fire marshal
19 shall establish by rule promulgated pursuant to chapter 536, RSMo, the requirements to be met
20 based on the National Resources Conservation Service's [Missouri] Dry Hydrant Standard. The
21 state fire marshal or designated local representative shall **review and** authorize [and issue a
22 permit for] the construction and installation of any dry fire hydrant site. Only approved dry fire
23 hydrant sites [will] **shall** be eligible for tax credits as indicated in this section. Under no
24 circumstance shall such authority deny any entity the ability to provide a dry fire hydrant site
25 when tax credits are not requested.

26 4. The department of [economic development] **public safety** shall certify to the
27 department of revenue that the dry hydrant system meets the requirements to obtain a tax credit
28 as specified in subsection 5 of this section.

29 5. In order to qualify for a tax credit under this section, a dry hydrant or new water
30 storage facility [must] **shall** meet the following minimum requirements:

31 (1) Each body of water or water storage structure [must] **shall** be able to provide two
32 hundred fifty gallons per minute for a continuous two-hour period during a fifty-year drought or
33 freeze at a vertical lift of eighteen feet;

34 (2) Each dry hydrant [must] **shall** be located within twenty-five feet of an all-weather
35 roadway and [must] **shall** be accessible to fire protection equipment;

36 (3) Dry hydrants shall be located a reasonable distance from other dry or pressurized
37 hydrants; and

38 (4) The site shall provide a measurable economic improvement potential for rural
39 development.

40 6. New credits shall not be awarded under this section after August 28, [2003] **2011**.
41 The total amount of all tax credits allowed pursuant to this section is five hundred thousand
42 dollars in any one fiscal year as approved by the director of the department of economic
43 development.

44 7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
45 is created under the authority delegated in this section shall become effective only if it complies
46 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
47 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
48 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
49 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the

50 grant of rulemaking authority and any rule proposed or adopted after August 28, [1999] **2007**,
51 shall be invalid and void.

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