

SECOND REGULAR SESSION

HOUSE BILL NO. 1892

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLSMAN (Sponsor), ZIMMERMAN, CHAPPELLE-NADAL, LOWE (44), NORR, FRAME, MEINERS, GRILL, VILLA, CORCORAN, TALBOY, McCLANAHAN, PAGE, WILDBERGER, HODGES, ROBINSON, HUBBARD, SCHOEMEHL, SCAVUZZO, YAEGER, HARRIS (110), LAMPE, ROORDA, SKAGGS, MEADOWS, GEORGE, SCHIEFFER, BROWN (50), DARROUGH, SWINGER, SPRENG, BURNETT, VOGT, BAKER (25), KOMO, WRIGHT-JONES, RUCKER, KUESSNER, LIESE, WHORTON, HAYWOOD, FALLERT, AULL, HUGHES, LOW (39), CURLS, QUINN (9), TODD AND STORCH (Co-sponsors).

Read 1st time January 29, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

4695L.01I

AN ACT

To amend chapter 143, RSMo, by adding thereto one new section relating to an income tax deduction for alternative energy sources.

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

Section A. Chapter 143, RSMo, is amended by adding thereto one new section, to be known as section 143.112, to read as follows:

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

- (1) "Deduction", an amount subtracted from the taxpayer's Missouri adjusted gross income to determine Missouri taxable income for the tax year in which such deduction is claimed;
- (2) "Qualified fuel cell property", a fuel cell power plant that:
- (a) Has a nameplate capacity of at least one-half of one kilowatt of electricity using an electrochemical process;
 - (b) Has an electricity-only generation efficiency greater than thirty percent; and
 - (c) Is installed on or in connection with a dwelling unit located in the United States and used as a principal residence by the taxpayer;

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.

11 (3) "Qualified photovoltaic property", any property that uses solar energy to
12 generate electricity for use in a dwelling unit located in this state and used as a residence
13 by the taxpayer;

14 (4) "Taxpayer", any individual subject to the income tax imposed in this chapter.

15 2. In addition to all deductions listed in section 143.111, for all taxable years
16 beginning on or after January 1, 2008, a taxpayer shall be allowed a deduction for the
17 purchase price of any qualified fuel cell property or any qualified photovoltaic property.
18 The deduction amount shall be equal to the lesser of:

19 (1) Fifty percent of the purchase price of any qualified fuel cell property or two
20 thousand dollars;

21 (2) Fifty percent of the purchase price of any qualified photovoltaic property or
22 eight thousand dollars.

23 3. The department of revenue shall establish the procedure by which the deduction
24 provided in this section may be claimed, and may promulgate rules to implement the
25 provisions of this section. Any rule or portion of a rule, as that term is defined in section
26 536.010, RSMo, that is created under the authority delegated in this section shall become
27 effective only if it complies with and is subject to all of the provisions of chapter 536,
28 RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
29 nonseverable and if any of the powers vested with the general assembly pursuant to
30 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
31 are subsequently held unconstitutional, then the grant of rulemaking authority and any
32 rule proposed or adopted after August 28, 2008, shall be invalid and void.

33 4. Under section 23.253, RSMo, of the Missouri Sunset Act:

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

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

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

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