

SECOND REGULAR SESSION

HOUSE BILL NO. 2411

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SPRENG (Sponsor), YOUNG, CORCORAN, FRAME, GEORGE, HOLSMAN, VOGT, DOUGHERTY, LOWE (44) AND DARROUGH (Co-sponsors).

Read 1st time March 12, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5224L.01I

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for recycling construction waste.

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 135.656, to read as follows:

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

- (1) "Construction waste", any reusable waste material capable of being recycled resulting from new construction, rehabilitation of buildings, home construction, road and highway construction, or any other similar building project;
- (2) "Expenses", the costs of storing, separating, bundling, and delivering construction waste to recycling centers;
- (3) "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, or otherwise due under chapter 147, RSMo;
- (4) "Taxpayer", any corporation, partnership, company, contractor, or subcontractor that is engaged in construction work on building projects that produce construction waste and that is subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 147, 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.

15 **2. For all taxable years beginning on or after January 1, 2008, a taxpayer shall be**
16 **allowed a tax credit for expenses incurred in recycling construction waste. The tax credit**
17 **amount shall be equal to seventy-five percent of the expenses incurred in recycling**
18 **construction waste in the tax year for which the tax credit is claimed. If the amount of the**
19 **tax credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for**
20 **which the credit is claimed, the difference shall not be refundable but may be carried**
21 **forward to any of the taxpayer's three subsequent taxable years. No tax credit granted**
22 **under this section shall be transferred, sold, or assigned.**

23 **3. The department of natural resources shall establish a procedure by which the**
24 **tax credit allowed in this section shall be claimed. The method established shall include**
25 **a requirement that all locations recycling construction waste provide the taxpayer who**
26 **incurs expenses with a receipt for the delivery of the construction waste to the recycling**
27 **location. Such receipt shall be submitted with the application for the tax credit. Upon**
28 **approval of the issuance of the tax credit, the department of natural resources shall issue**
29 **the taxpayer a certificate of tax credit, and shall certify the tax credit amount to the**
30 **department of revenue. The department of natural resources shall establish a procedure**
31 **to maintain a list of all taxpayers eligible for the tax credit.**

32 **4. The department of natural resources, in conjunction with the department of**
33 **revenue, may promulgate rules to implement the provisions of this section. Any rule or**
34 **portion of a rule, as that term is defined in section 536.010, RSMo, that is created under**
35 **the authority delegated in this section shall become effective only if it complies with and**
36 **is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section 536.028,**
37 **RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers**
38 **vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the**
39 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**
40 **then the grant of rulemaking authority and any rule proposed or adopted after August 28,**
41 **2008, shall be invalid and void.**

42 **5. Under section 23.253, RSMo, of the Missouri Sunset Act:**

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

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

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