

House _____ Amendment NO. _____

Offered By _____

1 AMEND Senate Committee Substitute for Senate Bill Nos. 638 & 647, Page 1, in the Title, Line 3,
2 by deleting the phrase "certain benevolent"; and

3
4 Further amend said bill, Page 10, Section 135.647, Line 69, by inserting immediately after said line
5 the following:

6
7 "135.710. 1. As used in this section, the following terms mean:

8 (1) "Alternative fuel vehicle refueling property", property in this state owned by an eligible
9 applicant and used for storing alternative fuels and for dispensing such alternative fuels into fuel
10 tanks of motor vehicles owned by such eligible applicant or private citizens;

11 (2) "Alternative fuels", any motor fuel at least seventy percent of the volume of which
12 consists of one or more of the following:

13 (a) Ethanol;

14 (b) Natural gas;

15 (c) Compressed natural gas, or CNG;

16 (d) Liquified natural gas, or LNG;

17 (e) Liquified petroleum gas, or LP gas, propane, or autogas;

18 (f) Any mixture of biodiesel and diesel fuel, without regard to any use of kerosene;

19 (g) Hydrogen;

20 [(2)] (3) "Department", the department of [natural resources] economic development;

21 (4) "Electric vehicle recharging property", property in this state owned by an eligible
22 applicant and used for recharging electric motor vehicles owned by such eligible applicant or private
23 citizens;

24 [(3)] (5) "Eligible applicant", a business entity or private citizen that is the owner of [a
25 qualified] an electric vehicle recharging property or an alternative fuel vehicle refueling property;

26 (6) "Qualified Missouri contractor", a contractor whose principal place of business is located
27 in Missouri and has been located in Missouri for a period of not less than five years;

28 [(4)] (7) "Qualified [alternative fuel vehicle refueling] property", [property in this state
29 owned by an eligible applicant and used for storing alternative fuels and for dispensing such
30 alternative fuels into fuel tanks of motor vehicles owned by such eligible applicant or private
31 citizens] an electric vehicle recharging property or an alternative fuel vehicle refueling property
32 which, if constructed after August 28, [2008] 2014, was constructed with at least fifty-one percent of
33 the costs being paid to qualified Missouri contractors for the:

34 (a) Fabrication of premanufactured equipment or process piping used in the construction of
35 such facility;

36 (b) Construction of such facility; and

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(c) General maintenance of such facility during the time period in which such facility receives any tax credit under this section.

If no qualified Missouri contractor is located within seventy-five miles of the property, the requirement that fifty-one percent of the costs shall be paid to qualified Missouri contractors shall not apply[;

(5) "Qualified Missouri contractor", a contractor whose principal place of business is located in Missouri and has been located in Missouri for a period of not less than five years].

2. For all tax years beginning on or after January 1, [2009] 2015, but before January 1, [2012] 2018, any eligible applicant who installs and operates a qualified [alternative fuel vehicle refueling] property shall be allowed a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265, or due under chapter 147 or chapter 148 for any tax year in which the applicant is constructing the [refueling] qualified property. The credit allowed in this section per eligible applicant who is a private citizen shall not exceed fifteen hundred dollars or per eligible applicant that is a business entity shall not exceed the lesser of twenty thousand dollars or twenty percent of the total costs directly associated with the purchase and installation of any alternative fuel storage and dispensing equipment or any recharging equipment on any qualified [alternative fuel vehicle refueling] property, which shall not include the following:

(1) Costs associated with the purchase of land upon which to place a qualified [alternative fuel vehicle refueling] property;

(2) Costs associated with the purchase of an existing qualified [alternative fuel vehicle refueling] property; or

(3) Costs for the construction or purchase of any structure.

3. Tax credits allowed by this section shall be claimed by the eligible applicant at the time such applicant files a return for the tax year in which the storage and dispensing or recharging facilities were placed in service at a qualified [alternative fuel vehicle refueling] property, and shall be applied against the income tax liability imposed by chapter 143, chapter 147, or chapter 148 after all other credits provided by law have been applied. The cumulative amount of tax credits which may be claimed by eligible applicants claiming all credits authorized in this section shall not exceed [the following amounts:

(1) In taxable year 2009, three million dollars;

(2) In taxable year 2010, two million dollars; and

(3) In taxable year 2011,] one million dollars in any calendar year.

4. If the amount of the tax credit exceeds the eligible applicant's tax liability, the difference shall not be refundable. Any amount of credit that an eligible applicant is prohibited by this section from claiming in a taxable year may be carried forward to any of such applicant's two subsequent taxable years. Tax credits allowed under this section may be assigned, transferred, sold, or otherwise conveyed.

5. [An alternative fuel vehicle refueling] Any qualified property, for which an eligible applicant receives tax credits under this section, which ceases to sell alternative fuel or recharge electric vehicles shall cause the forfeiture of such eligible applicant's tax credits provided under this section for the taxable year in which the [alternative fuel vehicle refueling] qualified property ceased to sell alternative fuel or recharge electric vehicles and for future taxable years with no recapture of tax credits obtained by an eligible applicant with respect to such applicant's tax years which ended before the sale of alternative fuel or recharging of electric vehicles ceased.

6. The director of revenue shall establish the procedure by which the tax credits in this section may be claimed, and shall establish a procedure by which the cumulative amount of tax credits is apportioned equally among all eligible applicants claiming the credit. To the maximum

1 extent possible, the director of revenue shall establish the procedure described in this subsection in
 2 such a manner as to ensure that eligible applicants can claim all the tax credits possible up to the
 3 cumulative amount of tax credits available for the taxable year. No eligible applicant claiming a tax
 4 credit under this section shall be liable for any interest or penalty for filing a tax return after the date
 5 fixed for filing such return as a result of the apportionment procedure under this subsection.

6 7. Any eligible applicant desiring to claim a tax credit under this section shall submit the
 7 appropriate application for such credit with the department. The application for a tax credit under
 8 this section shall include any information required by the department. The department shall review
 9 the applications and certify to the department of revenue each eligible applicant that qualifies for the
 10 tax credit.

11 8. The department and the department of revenue may promulgate rules to implement the
 12 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
 13 that is created under the authority delegated in this section shall become effective only if it complies
 14 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
 15 section and chapter 536 are nonseverable and if any of the powers vested with the general assembly
 16 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
 17 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
 18 adopted after August 28, 2008, shall be invalid and void.

19 9. [Pursuant to] The provisions of section 23.253 of the Missouri sunset act notwithstanding:

20 (1) The provisions of the new program authorized under this section shall automatically
 21 sunset [six] three years after [August 28, 2008] December 31, 2014, unless reauthorized by an act of
 22 the general assembly; and

23 (2) If such program is reauthorized, the program authorized under this section shall
 24 automatically sunset [twelve] six years after the effective date of the reauthorization of this section;
 25 and

26 (3) This section shall terminate on December thirty-first of the calendar year immediately
 27 following the calendar year in which the program authorized under this section is sunset; and

28 (4) The provisions of this subsection shall not be construed to limit or in any way impair the
 29 department's ability to redeem tax credits authorized on or before the date the program authorized
 30 under this section expires or a taxpayer's ability to redeem such tax credits.

31 137.010. The following words, terms and phrases when used in laws governing taxation and
 32 revenue in the state of Missouri shall have the meanings ascribed to them in this section, except
 33 when the context clearly indicates a different meaning:

34 (1) "Grain and other agricultural crops in an unmanufactured condition" shall mean grains
 35 and feeds including, but not limited to, soybeans, cow peas, wheat, corn, oats, barley, kafir, rye, flax,
 36 grain sorghums, cotton, and such other products as are usually stored in grain and other elevators and
 37 on farms; but excluding such grains and other agricultural crops after being processed into products
 38 of such processing, when packaged or sacked. The term "processing" shall not include hulling,
 39 cleaning, drying, grating, or polishing;

40 (2) "Hydroelectric power generating equipment", very-low-head turbine generators with a
 41 nameplate generating capacity of at least four hundred kilowatts but not more than six hundred
 42 kilowatts and machinery and equipment used directly in the production, generation, conversion,
 43 storage, or conveyance of hydroelectric power to land-based devices and appurtenances used in the
 44 transmission of electrical energy;

45 (3) "Intangible personal property", for the purpose of taxation, shall include all property
 46 other than real property and tangible personal property, as defined by this section;

47 (4) "Real property" includes land itself, whether laid out in town lots or otherwise, and all
 48 growing crops, buildings, structures, improvements and fixtures of whatever kind thereon,

1 hydroelectric power generating equipment, the installed poles used in the transmission or reception
2 of electrical energy, audio signals, video signals or similar purposes, provided the owner of such
3 installed poles is also an owner of a fee simple interest, possessor of an easement, holder of a license
4 or franchise, or is the beneficiary of a right-of-way dedicated for public utility purposes for the
5 underlying land; attached wires, transformers, amplifiers, substations, and other such devices and
6 appurtenances used in the transmission or reception of electrical energy, audio signals, video signals
7 or similar purposes when owned by the owner of the installed poles, otherwise such items are
8 considered personal property; and stationary property used for transportation or storage of liquid and
9 gaseous products, including, but not limited to, petroleum products, natural gas, propane or LP gas
10 equipment, water, and sewage;

11 (5) "Tangible personal property" includes every tangible thing being the subject of
12 ownership or part ownership whether animate or inanimate, other than money, and not forming part
13 or parcel of real property as herein defined, but does not include household goods, furniture, wearing
14 apparel and articles of personal use and adornment, as defined by the state tax commission, owned
15 and used by a person in his home or dwelling place. "; and

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17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.
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