

SECOND REGULAR SESSION

HOUSE BILL NO. 2455

98TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE ROWDEN.

5651H.011

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the sale of ethanol-blended fuel.

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 135.720, to read as follows:

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

(1) "Eligible taxpayer", an entity who:

(a) Is a retail dealer;

(b) Sells and dispenses ethanol-blended fuel through a motor fuel pump during the tax year in which the tax credit is claimed; and

(c) Complies with the rules and requirements promulgated by the department of revenue to administer this section;

(2) "Ethanol-blended fuel", a formulation of gasoline composed of fifteen to fifty percent ethanol;

(3) "Motor fuel pump", a meter or similar commercial weighing and measuring device used to measure and dispense motor fuel on a retail basis;

(4) "Retail dealer", an entity engaged in the business of storing and dispensing motor fuel from a motor fuel pump for sale on a retail basis, regardless of whether the motor fuel pump is at a permanent or mobile location;

(5) "Tax credit", a credit against the tax otherwise due under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265.

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.

16 **2. For all tax years beginning on or after January 1, 2017, an eligible taxpayer shall**
17 **be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal**
18 **to the sum of:**

19 **(1) Three cents for every gallon of ethanol-blended fuel sold by the eligible taxpayer**
20 **after December thirty-first of the preceding tax year and before June first of the tax year;**

21 **(2) Ten cents for every gallon of ethanol-blended fuel sold by the eligible taxpayer**
22 **after May thirty-first and before September sixteenth of the tax year; and**

23 **(3) Three cents for every gallon of ethanol-blended fuel sold by the eligible taxpayer**
24 **after September fifteenth of the tax year and before January first of the following tax year.**

25
26 **If the Environmental Protection Agency changes the gasoline Reid vapor pressure**
27 **regulations so that commercial gasoline volatility requirements are the same year-round**
28 **and do not differentiate between months, then subdivisions (1) through (3) of this section**
29 **shall not apply, and the tax credit amount shall be equal to three cents for every gallon of**
30 **ethanol-blended fuel sold by the eligible taxpayer.**

31 **3. The total amount of tax credits issued under this section shall not exceed one**
32 **million dollars per calendar year and shall be issued on a first-come, first-served filing**
33 **basis.**

34 **4. Tax credits issued under this section are refundable but shall not be sold,**
35 **transferred, or assigned.**

36 **5. The department of revenue may promulgate rules to implement the provisions**
37 **of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that**
38 **is created under the authority delegated in this section shall become effective only if it**
39 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**
40 **section 536.028. This section and chapter 536 are nonseverable, and if any of the powers**
41 **vested with the general assembly pursuant to chapter 536 to review, to delay the effective**
42 **date, or to disapprove and annul a rule are subsequently held unconstitutional, then the**
43 **grant of rulemaking authority and any rule proposed or adopted after August 28, 2016,**
44 **shall be invalid and void.**

45 **6. (1) The tax credit authorized under this section shall automatically sunset on**
46 **December thirty-first eight years after the effective date of this section unless reauthorized**
47 **by an act of the general assembly;**

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

51 **(3) This section shall terminate on December thirty-first of the calendar year**
52 **immediately following the calendar year in which the program authorized under this**
53 **section is sunset.**

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