

# SENATE BILL NO. 140

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR BEAN.

0847S.01I

ADRIANE D. CROUSE, Secretary

## AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for the sale of ethanol 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 135.755, to read as follows:

**135.755. 1. For the purposes of this section, the following terms shall mean:**

(1) "Department", the Missouri department of revenue;

(2) "Higher ethanol blend", a fuel capable of being dispensed directly into motor vehicle fuel tanks for consumption that is comprised of at least fifteen percent but not more than eighty-five percent ethanol;

(3) "Retail dealer", a person that owns or operates a retail service station;

(4) "Retail service station", a location from which higher ethanol blend is sold to the general public and is dispensed directly into motor vehicle fuel tanks for consumption.

2. For all tax years beginning on or after January 1, 2022, a retail dealer that sells higher ethanol blend at such retail dealer's retail service station shall be allowed a tax credit to be taken against the retail dealer's state income tax liability. The amount of the credit shall equal

19 five cents per gallon of higher ethanol blend sold by the  
20 retail dealer and dispensed through metered pumps at the  
21 retail dealer's retail service station during the tax year  
22 in which the tax credit is claimed. Tax credits authorized  
23 pursuant to this section shall not be transferred, sold, or  
24 assigned. If the amount of the tax credit exceeds the  
25 taxpayer's state tax liability, the difference shall not be  
26 refundable, but may be carried forward to any of the five  
27 subsequent tax years.

28 3. The tax credit allowed by this section shall be  
29 claimed by such taxpayer at the time such taxpayer files a  
30 return and shall be applied against the income tax liability  
31 imposed by chapter 143 after reduction for all other credits  
32 allowed thereon. The department may require any  
33 documentation it deems necessary to implement the provisions  
34 of this section.

35 4. The department shall promulgate rules to implement  
36 the provisions of this section. Any rule or portion of a  
37 rule, as that term is defined in section 536.010, that is  
38 created under the authority delegated in this section shall  
39 become effective only if it complies with and is subject to  
40 all of the provisions of chapter 536 and, if applicable,  
41 section 536.028. This section and chapter 536 are  
42 nonseverable and if any of the powers vested with the  
43 general assembly pursuant to chapter 536 to review, to delay  
44 the effective date, or to disapprove and annul a rule are  
45 subsequently held unconstitutional, then the grant of  
46 rulemaking authority and any rule proposed or adopted after  
47 August 28, 2021, shall be invalid and void.

48 5. Pursuant to section 23.253 of the Missouri sunset  
49 act:

50           (1) The provisions of this section shall automatically  
51 sunset on December 31, 2025, unless reauthorized by an act  
52 of the general assembly; and

53           (2) If such program is reauthorized, the program  
54 authorized under this section shall automatically sunset  
55 twelve years after the effective date of the reauthorization  
56 of this section; and

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

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