

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 188

AN ACT

To amend chapters 135 and 208, RSMo, by adding thereto two new sections relating to food security.

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

Section A. Chapters 135 and 208, RSMo, are amended by adding thereto two new sections, to be known as sections 135.1620 and 208.1060, to read as follows:

135.1620. 1. As used in this section, the following terms mean:

(1) "Eligible expenses", expenses incurred in the construction or development of real property for the purpose of establishing a full-service grocery store in a food desert;

(2) "Food desert", a census tract that has a poverty rate of at least twenty percent or a median family income of less than eighty percent of the statewide average and where at least five hundred people or thirty-three percent of the population are located at least one-half mile away from a full-service grocery store in urbanized areas or at least ten miles away in rural areas;

(3) "Full-service grocery store", a grocery store that provides a full complement of healthful fruits, vegetables, grains, meat, and dairy products along with household items. Fresh fruits and vegetables shall be available for sale in quantities that are substantially similar to industry standards for facilities of similar size;

(4) "New location", a full-service grocery store facility located on a tract of real property within a food desert acquired by or leased to a taxpayer on or after

January 1, 2022. A location shall be deemed to have been acquired by or leased to a taxpayer on or after January 1, 2022, if the transfer of title to the taxpayer, the transfer of possession under a binding contract to transfer title to the taxpayer, or the commencement of the term of the lease to the taxpayer occurs on or after January 1, 2022, or if the commencement of the construction or installation of the facility by or on behalf of a taxpayer occurs on or after January 1, 2022;

(5) "Rural area", a town or community within the state that is not within a metropolitan statistical area and has a population of six thousand or fewer inhabitants as determined by the last preceding federal decennial census or any unincorporated area not within a metropolitan statistical area;

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

(7) "Taxpayer", any individual, partnership, or corporation as described under section 143.441 or 143.471 that is subject to the tax imposed under chapter 143, excluding withholding tax imposed under sections 143.191 to 143.265, or any charitable organization that is exempt from federal income tax and whose Missouri unrelated business taxable income, if any, would be subject to the state income tax imposed under chapter 143;

(8) "Urbanized area", an urbanized area as designated by the United States Census Bureau.

2. A taxpayer shall be allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal to fifty percent of the taxpayer's eligible expenses for establishing a full-service grocery store in a food desert after initial expenses of:

(1) One million dollars if the full-service grocery store is established in a charter county, a county of the first classification, or a city not within a county; or

(2) Five hundred thousand dollars if the full-service grocery store is established in any other county.

3. The amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax liability in the tax year for which the credit is claimed, and such taxpayer shall not be allowed to claim a tax credit in excess of two million five hundred thousand dollars per tax year. However, any tax credit that cannot be claimed in the tax year the contribution was made may be carried over to the next three succeeding tax years until the full credit is claimed.

4. The total amount of tax credits that may be authorized under this section shall not exceed twenty-five million dollars in any calendar year.

5. Tax credits issued under the provisions of this section may be transferred, sold, or assigned.

6. The issuance of tax credits authorized under this section shall cease and the taxpayer shall immediately submit payment to the state general revenue fund in an amount equal to all credits previously issued to the taxpayer under this section, less any amounts previously repaid, increased by an amount equal to a reasonable rate of return on the value of the credits issued in the event that the taxpayer:

(1) Fails to complete construction of a full-service grocery store within five years of the commencement of the project; or

(2) Fails to operate a full-service grocery store at the same new location for at least ten consecutive years.

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

8. Under section 23.253 of the Missouri sunset act:

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

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

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

(4) Nothing in this subsection shall prevent a taxpayer from claiming a tax credit properly issued before the program was sunset in a tax year after the program is sunset.

208.1060. The department of social services shall submit a state plan to the U.S. Department of Agriculture

for a "Farm to Food Bank Project" under 7 CFR 251.10(j) and shall contract with any qualified food bank, as defined in 7 CFR 251.3(f), for the purpose of operating the project.