

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/HCS/House Bill No. 2587, Page 8, Section 130.029, Line 46,

2 by inserting after all of said line the following:

3 "135.1620. 1. As used in this section, the following
4 terms mean:

5 (1) "Department", the Missouri department of economic
6 development;

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

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

18 (4) "Full-service grocery store", a grocery store that
19 provides a full complement of healthful fruits, vegetables,
20 grains, meat, and dairy products along with household
21 items. Fresh fruits and vegetables shall be available for
22 sale in quantities that are substantially similar to
23 industry standards for facilities of similar size. A lack
24 of availability of fresh fruits and vegetables in
25 sufficient quantities due to a supply shortage, as
26 determined by the department, shall not disqualify an entity

27 from being a full-service grocery store otherwise eligible
28 for tax credits pursuant to this section;

29 (5) "New location", a full-service grocery store
30 facility located on a tract of real property within a food
31 desert acquired by or leased to a taxpayer on or after
32 January 1, 2023. A location shall be deemed to have been
33 acquired by or leased to a taxpayer on or after January 1,
34 2023, if the transfer of title to the taxpayer, the transfer
35 of possession under a binding contract to transfer title to
36 the taxpayer, or the commencement of the term of the lease
37 to the taxpayer occurs on or after January 1, 2023, or if
38 the commencement of the construction or installation of the
39 facility by or on behalf of a taxpayer occurs on or after
40 January 1, 2023;

41 (6) "Rural area", a town or community within the state
42 that is not within a metropolitan statistical area and has a
43 population of fifty thousand or fewer inhabitants as
44 determined by the last preceding federal decennial census or
45 any unincorporated area not within a metropolitan
46 statistical area;

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

50 (8) "Taxpayer", any individual, partnership, or
51 corporation as described under section 143.441 or 143.471
52 that is subject to the tax imposed under chapter 143,
53 excluding withholding tax imposed under sections 143.191 to
54 143.265, or any charitable organization that is exempt from
55 federal income tax and whose Missouri unrelated business
56 taxable income, if any, would be subject to the state income
57 tax imposed under chapter 143;

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

60 2. For all tax years beginning on or after January 1,
61 2023, a taxpayer shall be allowed to claim a tax credit
62 against the taxpayer's state tax liability in an amount
63 equal to fifty percent of the taxpayer's eligible expenses
64 that are in excess of initial eligible expenses of:

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

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

70 3. (1) In order to claim a tax credit pursuant to
71 this section, a taxpayer shall submit an application to the
72 department, which shall include:

73 (a) All eligible expenses incurred by the taxpayer;

74 (b) The date of the commencement of construction of
75 the full-service grocery store;

76 (c) The anticipated date of the commencement of
77 operations of the full-service grocery store; and

78 (d) Any other information required by the department
79 to implement the provisions of this section;

80 (2) The amount of the tax credit shall not exceed the
81 amount of the taxpayer's state tax liability in the tax year
82 for which the credit is claimed, and such taxpayer shall not
83 be allowed to claim a tax credit in excess of two million
84 five hundred thousand dollars per tax year. However, any
85 tax credit that cannot be claimed in the tax year the
86 eligible expenses were incurred may be carried over to the
87 next three succeeding tax years until the full credit is
88 claimed.

89 4. The total amount of tax credits that may be
90 authorized under this section shall not exceed twenty-five
91 million dollars in any calendar year, which shall be
92 authorized on a first-come, first-served basis.

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

95 6. (1) The issuance of tax credits authorized under
96 this section shall cease and the department shall recoup
97 from the taxpayer and deposit in the general revenue fund an
98 amount equal to all credits previously issued to the
99 taxpayer under this section, less any amounts previously
100 repaid, increased by the amount of interest that would have
101 been earned on the amount of such tax credits, in the event
102 that the taxpayer:

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

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

108 (2) A taxpayer shall annually submit a report to the
109 department, on a form to be developed by the department,
110 indicating that the taxpayer is in compliance with the
111 provisions of this section.

112 7. The department may promulgate rules to implement
113 the provisions of this section. Any rule or portion of a
114 rule, as that term is defined in section 536.010, that is
115 created under the authority delegated in this section shall
116 become effective only if it complies with and is subject to
117 all of the provisions of chapter 536 and, if applicable,
118 section 536.028. This section and chapter 536 are
119 nonseverable, and if any of the powers vested with the
120 general assembly pursuant to chapter 536 to review, to delay
121 the effective date, or to disapprove and annul a rule are
122 subsequently held unconstitutional, then the grant of
123 rulemaking authority and any rule proposed or adopted after
124 August 28, 2022, shall be invalid and void.

125 8. Under section 23.253 of the Missouri sunset act:

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

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

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

138 (4) Nothing in this subsection shall prevent a
139 taxpayer from claiming a tax credit properly issued before
140 the program was sunset in a tax year after the program is
141 sunset."; and

142 Further amend the title and enacting clause accordingly.