

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 2632, Page 1, In the Title, Line 3, by
2 deleting the words "the department of"; and

3
4 Further amend said bill, Page 9, Section 135.686, Line 97, by inserting after all of said section and
5 line the following:

6
7 "135.1620. 1. As used in this section, the following terms mean:

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

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

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

18 (4) "New location", a full-service grocery store facility located on a tract of real property
19 within a food desert acquired by or leased to a taxpayer on or after January 1, 2017. A location
20 shall be deemed to have been acquired by or leased to a taxpayer on or after January 1, 2017, if the
21 transfer of title to the taxpayer, the transfer of possession under a binding contract to transfer title to
22 a taxpayer, or the commencement of the term of the lease to a taxpayer occurs on or after January 1,
23 2017, or if the commencement of the construction or installation of the facility by or on behalf of a
24 taxpayer occurs on or after January 1, 2017;

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

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

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

36 (8) "Urban area", an urban place as designated by the Bureau of the Census.

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

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

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

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

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

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

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

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

21 7. The department of economic development may promulgate rules to implement the
22 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
23 that is created under the authority delegated in this section shall become effective only if it complies
24 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
25 section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly
26 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
27 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
28 adopted after August 28, 2016, shall be invalid and void.

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

30 (1) The program authorized under this section shall automatically sunset six years after
31 August 28, 2016, unless reauthorized by an act of the general assembly; and

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

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

36
37 Further amend said bill by amending the title, enacting clause, and intersectional references
38 accordingly.