

FIRST REGULAR SESSION

# HOUSE BILL NO. 768

## 95TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES GRILL (Sponsor) AND SCHIEFFER (Co-sponsors).

1416L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for purchasing Missouri-grown food products.

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*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 135.648, to read as follows:

**135.648. 1. This section shall be known and may be cited as the "Promoting Missouri Food Products Act".**

**2. As used in this section, the following terms mean:**

**(1) "Missouri food product", any food or food product that was produced or grown in this state and is purchased by a retail grocer, grocery store, or any similar establishment for the purpose of selling the food or food product at retail for home consumption;**

**(2) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or otherwise due under chapter 147, RSMo;**

**(3) "Taxpayer", any retail grocer, grocery store, or similar establishment subject to the tax imposed in chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax imposed in chapter 147, RSMo, with sales of Missouri food products totaling at least fifteen percent of all the taxpayer's gross annual sales.**

**3. For all taxable years beginning on or after January 1, 2010, a taxpayer shall be allowed a tax credit for purchases of Missouri food products. The tax credit amount shall be equal to ten percent of the purchase price the taxpayer paid the local farmer or producer for the Missouri food products. The amount of the tax credit issued shall not**

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.

18 exceed the amount of the taxpayer's state tax liability for the tax year for which the credit  
19 is claimed. No amount of credit that the taxpayer is prohibited by this section from  
20 claiming in a tax year shall be refundable, nor shall any tax credit granted under this  
21 section be transferred, sold, or assigned.

22       **4. The cumulative amount of tax credits which may be issued under this section in**  
23 **any one fiscal year shall not exceed five million dollars. If the amount of tax credits**  
24 **claimed under this section exceeds five million dollars, the director of the department of**  
25 **revenue shall establish a procedure by which, from the beginning of the fiscal year until**  
26 **some point in time later in the fiscal year to be determined by the director, the cumulative**  
27 **amount of tax credits are equally apportioned among all taxpayers allowed a tax credit**  
28 **under this section. The director may establish more than one period of time and**  
29 **reapportion more than once during each fiscal year. To the maximum extent possible, the**  
30 **director shall establish the procedure described in this subsection in such a manner as to**  
31 **ensure that taxpayers can claim all the tax credits possible up to the cumulative amount**  
32 **of tax credits available for the fiscal year.**

33       **5. The tax credit authorized in this section shall be claimed at the time the taxpayer**  
34 **files a Missouri income tax return. The claim shall include any certified documentation**  
35 **and information required by the department.**

36       **6. 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,**  
38 **RSMo, that is created under the authority delegated in this section shall become effective**  
39 **only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,**  
40 **if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are**  
41 **nonseverable and if any of the powers vested with the general assembly pursuant to**  
42 **chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule**  
43 **are subsequently held unconstitutional, then the grant of rulemaking authority and any**  
44 **rule proposed or adopted after August 28, 2009, shall be invalid and void.**

45       **7. Under section 23.253, RSMo, of the Missouri Sunset Act:**

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

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

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