

SENATE BILL NO. 82

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

0963S.01H

ADRIANE D. CROUSE, Secretary

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to tax credits for urban farms.

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 135.1610, to read as follows:

135.1610. 1. As used in this section, the following terms mean:

(1) "Eligible expenses", expenses incurred in the construction or development of establishing an urban farm 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 is located at least a quarter mile away from a full-service grocery store in an urban area;

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

(4) "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

19 143.265, or any charitable organization that is exempt from
20 federal income tax and whose Missouri unrelated business
21 taxable income, if any, would be subject to the state income
22 tax imposed under chapter 143;

23 (5) "Urban area", an urban place as designated by the
24 United States Census Bureau;

25 (6) "Urban farm", an agricultural plot or facility in
26 an urban area that produces agricultural products, as that
27 term is defined under section 262.900. "Urban farm" shall
28 include, but not be limited to, community-run gardens.

29 2. For all tax years beginning on or after January 1,
30 2022, a taxpayer shall be allowed to claim a tax credit
31 against the taxpayer's state tax liability in an amount
32 equal to fifty percent of the taxpayer's eligible expenses
33 for establishing an urban farm in a food desert.

34 3. The amount of the tax credit claimed shall not
35 exceed the amount of the taxpayer's state tax liability in
36 the tax year for which the credit is claimed, and the
37 taxpayer shall not be allowed to claim a tax credit under
38 this section in excess of one thousand dollars for each
39 urban farm. However, any tax credit that cannot be claimed
40 in the tax year the contribution was made may be carried
41 over to the next three succeeding tax years until the full
42 credit is claimed.

43 4. The total amount of tax credits that may be
44 authorized under this section shall not exceed one hundred
45 thousand dollars in any calendar year.

46 5. Tax credits issued under the provisions of this
47 section shall not be transferred, sold, or assigned.

48 6. The department of agriculture may promulgate rules
49 to implement the provisions of this section. Any rule or
50 portion of a rule, as that term is defined in section

51 536.010, that is created under the authority delegated in
52 this section shall become effective only if it complies with
53 and is subject to all of the provisions of chapter 536 and,
54 if applicable, section 536.028. This section and chapter
55 536 are nonseverable, and if any of the powers vested with
56 the general assembly pursuant to chapter 536 to review, to
57 delay the effective date, or to disapprove and annul a rule
58 are subsequently held unconstitutional, then the grant of
59 rulemaking authority and any rule proposed or adopted after
60 August 28, 2021, shall be invalid and void.

61 7. Under section 23.253 of the Missouri sunset act:

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

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

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

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

✓