

SENATE BILL NO. 717

101ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASHINGTON.

3038S.01I

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
2 one new section, to be known as section 135.1610, to read as
3 follows:

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

3 (1) "Eligible expenses", expenses incurred in the
4 construction or development of establishing or improving an
5 urban farm in an urban area;

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

9 (3) "Taxpayer", any individual, partnership, or
10 corporation as described under section 143.441 or 143.471
11 that is subject to the tax imposed under chapter 143,
12 excluding withholding tax imposed under sections 143.191 to
13 143.265, or any charitable organization that is exempt from
14 federal income tax and whose Missouri unrelated business
15 taxable income, if any, would be subject to the state income
16 tax imposed under chapter 143;

17 (4) "Urban area", an urbanized area as defined by the
18 United States Census Bureau;

19 (5) "Urban farm", an agricultural plot or facility in
20 an urban area that produces agricultural products solely for
21 distribution to the public by sale or donation. "Urban
22 farm" shall include community-run gardens. "Urban farm"
23 shall not include personal farms or residential lots for
24 personal use.

25 2. A taxpayer shall be allowed to claim a tax credit
26 against the taxpayer's state tax liability in an amount
27 equal to fifty percent of the taxpayer's eligible expenses
28 for establishing or improving an urban farm.

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

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

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

43 6. The Missouri agriculture and small business
44 development authority may promulgate rules to implement the
45 provisions of this section. Any rule or portion of a rule,
46 as that term is defined in section 536.010, that is created
47 under the authority delegated in this section shall become
48 effective only if it complies with and is subject to all of
49 the provisions of chapter 536 and, if applicable, section
50 536.028. This section and chapter 536 are nonseverable, and

51 if any of the powers vested with the general assembly
52 pursuant to chapter 536 to review, to delay the effective
53 date, or to disapprove and annul a rule are subsequently
54 held unconstitutional, then the grant of rulemaking
55 authority and any rule proposed or adopted after August 28,
56 2022, shall be invalid and void.

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

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

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

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

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

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