

SECOND REGULAR SESSION

HOUSE BILL NO. 2506

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES LOEHNER (Sponsor), SCHLOTTACH,
SCHAD AND SMITH (14) (Co-sponsors).

Read 1st time March 31, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

5498L.01I

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for AgriMissouri retailers.

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
2 known as section 135.705, to read as follows:

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

2 **(1) "AgriMissouri retailer", a retailer who markets and promotes AgriMissouri**
3 **products;**

4 **(2) "Taxpayer", an individual, a firm, a partner in a firm, corporation, or a**
5 **shareholder in an S corporation doing business in this state and subject to the state income**
6 **tax imposed by chapter 143, RSMo, excluding withholding tax imposed by sections 143.191**
7 **to 143.265, RSMo.**

8 **2. For all tax years beginning on or after January 1, 2008, any taxpayer who is an**
9 **AgriMissouri retailer and who provides at least fifteen linear feet of shelf space in the**
10 **retailer's establishment for AgriMissouri products, excluding AgriMissouri products**
11 **distributed by a distributor, shall be allowed a credit against the tax otherwise due under**
12 **chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265,**
13 **RSMo, in an amount equal to fifteen percent of the AgriMissouri retailer's gross sales of**
14 **all AgriMissouri products in the retailer's establishment. Each AgriMissouri retailer shall**

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.

15 apply to the department of agriculture for certification. The department shall certify to
16 the department of revenue the amount of such tax credit to which an AgriMissouri retailer
17 is entitled under this section.

18 3. The amount of the tax credit claimed shall not exceed the amount of the
19 taxpayer's state tax liability for the tax year that the credit is claimed. Any amount of
20 credit that the taxpayer is prohibited by this section from claiming in a tax year shall not
21 be refundable, but may be carried forward to any of the taxpayer's two subsequent taxable
22 years. No tax credit granted under this section shall be transferred, sold, or assigned. No
23 taxpayer shall be eligible to receive a credit under this section if such taxpayer employs
24 persons who are not authorized to work in the United States under federal law.

25 4. The cumulative amount of tax credits under this section which may be allocated
26 to all taxpayers under this section in any one fiscal year shall not exceed one million
27 dollars. The director of revenue shall establish a procedure by which the cumulative
28 amount of tax credits is apportioned among all taxpayers claiming the credit by April
29 fifteenth of the fiscal year in which the tax credit is claimed. To the maximum extent
30 possible, the director of revenue shall establish the procedure described in this subsection
31 in such a manner as to ensure that taxpayers can claim all the tax credits possible up to the
32 cumulative amount of tax credits available for the fiscal year.

33 5. On or before February fifteenth of each year, the department of agriculture shall
34 submit an annual report to the governor and the general assembly regarding the tax credit
35 authorized under this section, including statistics on participation by AgriMissouri
36 retailers, benefits to producers of AgriMissouri products, and any recommended
37 modifications to improve consumer recognition and sale of AgriMissouri products.

38 6. The departments of agriculture and revenue shall promulgate rules to implement
39 the provisions of this section. Any rule or portion of a rule, as that term is defined in
40 section 536.010, RSMo, that is created under the authority delegated in this section shall
41 become effective only if it complies with and is subject to all of the provisions of chapter
42 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
43 RSMo, are nonseverable and if any of the powers vested with the general assembly
44 pursuant to chapter 536, RSMo, to review, to delay the effective date, or to disapprove and
45 annul a rule are subsequently held unconstitutional, then the grant of rulemaking
46 authority and any rule proposed or adopted after August 28, 2008, shall be invalid and
47 void.

48 7. Under section 23.253, RSMo, of the Missouri sunset act:

49 (1) The provisions of the new program authorized under this section shall
50 automatically sunset six years after August 28, 2008, unless reauthorized by an act of the
51 general assembly; and

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

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

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