

FIRST REGULAR SESSION

HOUSE BILL NO. 377

102ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE QUADE.

0916H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 144.014 and 144.037, RSMo, and to enact in lieu thereof two new sections relating to taxation.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 144.014 and 144.037, RSMo, are repealed and two new sections
2 enacted in lieu thereof, to be known as sections 143.075 and 144.014, to read as follows:

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

2 (1) "Agricultural land", the same meaning as such term is defined in section
3 **442.566;**

4 (2) "Foreign business", the same meaning as such term is defined in section
5 **442.566;**

6 (3) "Foreign corporation", the same meaning as such term is defined in 351.015.

7 **2. Notwithstanding other provisions of law to the contrary, effective August 28,**
8 **2023, an additional income tax shall be imposed on Missouri taxable income of foreign**
9 **businesses or foreign corporations that own agricultural land under section 442.571 and**
10 **are transacting, operating, or conducting business in the state of Missouri.**

11 **3. The tax shall be imposed in an amount equal to one percent of Missouri**
12 **taxable income.**

13 **4. This tax shall be in addition to any other income tax imposed under this**
14 **chapter or franchise tax imposed under chapter 147.**

15 **5. The revenue derived from the tax imposed under this section shall be**
16 **deposited by the state treasurer in the school district trust fund and shall be distributed**
17 **as provided in section 144.701.**

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 **6. The department of revenue may promulgate all necessary rules and**
19 **regulations for the administration of this section. Any rule or portion of a rule, as that**
20 **term is defined in section 536.010, that is created under the authority delegated in this**
21 **section shall become effective only if it complies with and is subject to all of the**
22 **provisions of chapter 536 and, if applicable, section 536.028. This section and chapter**
23 **536 are nonseverable and if any of the powers vested with the general assembly**
24 **pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul**
25 **a rule are subsequently held unconstitutional, then the grant of rulemaking authority**
26 **and any rule proposed or adopted after August 28, 2023, shall be invalid and void.**

144.014. 1. Notwithstanding other provisions of law to the contrary, [~~beginning~~
2 ~~October 1, 1997, the~~] **there shall be no tax levied and imposed under this chapter on [all] any**
3 **retail sales of food [shall be at the rate of one percent. The revenue derived from the one**
4 **percent rate pursuant to this section shall be deposited by the state treasurer in the school**
5 **district trust fund and shall be distributed as provided in section 144.701].**

6 2. For the purposes of this section, the term "food" shall include only those products
7 and types of food for which food stamps may be redeemed pursuant to the provisions of the
8 Federal Food Stamp Program as contained in 7 U.S.C. Section 2012, as that section now reads
9 or as it may be amended hereafter, and shall include food dispensed by or through vending
10 machines. For the purpose of this section, except for vending machine sales, the term "food"
11 shall not include food or drink sold by any establishment where the gross receipts derived
12 from the sale of food prepared by such establishment for immediate consumption on or off the
13 premises of the establishment constitutes more than eighty percent of the total gross receipts
14 of that establishment, regardless of whether such prepared food is consumed on the premises
15 of that establishment, including, but not limited to, sales of food by any restaurant, fast food
16 restaurant, delicatessen, eating house, or café.

~~[144.037. In addition to the exemptions granted under the provisions~~
2 ~~of section 144.030, there is hereby specifically exempted from the provisions~~
3 ~~of sections 66.600 to 66.635, sections 67.500 to 67.545, sections 67.671 to~~
4 ~~67.685, sections 67.700 to 67.729, sections 92.400 to 92.420, sections 94.500~~
5 ~~to 94.570, sections 94.600 to 94.655, sections 94.700 to 94.755, and sections~~
6 ~~144.010 to 144.510 and 144.600 to 144.745, and from the computation of the~~
7 ~~tax levied, assessed or payable under sections 66.600 to 66.635, sections~~
8 ~~67.500 to 67.545, sections 67.671 to 67.685, sections 67.700 to 67.729,~~
9 ~~sections 92.400 to 92.420, sections 94.500 to 94.570, sections 94.600 to~~
10 ~~94.655, sections 94.700 to 94.755, and sections 144.010 to 144.510 and~~
11 ~~144.600 to 144.745, all sales at retail made through the use of federal food~~
12 ~~stamp coupons.]~~