

Assembly Bill No. 326—Assemblymen McCurdy, Peters, Fumo, Wheeler, Roberts; Bilbray-Axelrod, Daly, Duran, Flores, Jauregui, Monroe-Moreno, Neal, Swank, Watts and Yeager

Joint Sponsor: Senator Cancela

CHAPTER.....

AN ACT relating to economic development; providing for tax credits for certain business entities that invest in certain fresh food retailers located in underserved communities and similar areas; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

The Nevada New Markets Jobs Act allows certain business entities to receive a credit against the premium tax imposed on insurance companies in exchange for making certain investments in certain qualified active low-income community businesses. (Chapter 231A of NRS) Existing law sets forth the requirements for a business to qualify as a qualified active low-income community business. (NRS 231A.110, 231A.170) **Section 1.8** of this bill expands the definition of “qualified active low-income community business” to include a qualified fresh food retailer. **Sections 1.3 and 1.4** of this bill generally define “qualified fresh food retailer” to mean a retail establishment that: (1) is principally devoted to or that derives a substantial amount of its gross revenue from the sale of certain food products; (2) meets certain requirements prescribed by federal law; and (3) is located in an underserved community or a similar area.

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. (Deleted by amendment.)

Sec. 1.2. Chapter 231A of NRS is hereby amended by adding thereto the provisions set forth as sections 1.3, 1.4 and 1.5 of this act.

Sec. 1.3. 1. *“Fresh food retailer” means a retail establishment, whether organized for profit or not for profit, which is principally devoted to the sale of meat, seafood, fresh fruits and vegetables, dairy products, dry groceries and household products or which derives a substantial amount of its gross revenue from the sale of such products.*

2. *The term includes:*

(a) *A farmers’ market, as defined in NRS 244.336.*

(b) *A grocery store, as defined in NRS 597.225.*

Sec. 1.4. *“Qualified fresh food retailer” means a business that is:*



1. *A fresh food retailer;*
2. *A business described in section 45D(d)(2) of the Internal Revenue Code of 1986, 26 U.S.C. § 45D(d)(2), and 26 C.F.R § 1.45D-1(d)(4); and*
3. *Located in:*
 - (a) *An underserved community;*
 - (b) *A severely distressed census tract, as defined in NRS 231A.240; or*
 - (c) *A census tract that is contiguous to a census tract described in paragraph (a) or (b).*

Sec. 1.5. *“Underserved community” means a census tract determined to be an area with low supermarket access by either the United States Department of Agriculture as identified in the Food Access Research Atlas or through a methodology that has been adopted for use by another governmental or philanthropic healthy food initiative.*

Sec. 1.6. NRS 231A.030 is hereby amended to read as follows:

231A.030 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 231A.040 to 231A.140, inclusive, *and sections 1.3, 1.4 and 1.5 of this act* have the meanings ascribed to them in those sections.

Sec. 1.8. NRS 231A.110 is hereby amended to read as follows:

231A.110 **1.** “Qualified active low-income community business” has the meaning ascribed to it in section 45D of the Internal Revenue Code of 1986, 26 U.S.C. § 45D, and 26 C.F.R. § 1.45D-1. ~~[-but]~~

2. *The term* is limited to *qualified fresh food retailers and* those businesses specified in NRS 231A.170.

Secs. 2-5. (Deleted by amendment.)

Sec. 6. This act becomes effective on July 1, 2019.

