

FIRST REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 891

94TH GENERAL ASSEMBLY

Reported from the Special Committee on Job Creation and Economic Development March 12, 2007 with recommendation that House Committee Substitute for House Bill No. 891 Do Pass. Referred to the Committee on Rules pursuant to Rule 25(21)(f).

Reported from the Committee on Rules March 15, 2007 with recommendation that House Committee Substitute for House Bill No. 891 Do Pass.

Taken up for Perfection April 3, 2007. House Committee Substitute for House Bill No. 891 ordered Perfected and printed.

D. ADAM CRUMBLISS, Chief Clerk

1782L.02P

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to income tax credits for hiring disabled workers.

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 135.566, to read as follows:

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

(1) "Disabled employee", any person who is employed by the taxpayer claiming the tax credit under this section for a minimum of forty weeks in each taxable year for which the credit allowed under this section is claimed and who:

(a) Is determined to be disabled by the Social Security Administration or the Department of Veterans' Affairs; or

(b) Is determined to be disabled by the division of vocational rehabilitation and is participating in the division's job placement program;

(2) "Tax credit", a credit against the tax otherwise due under chapter 143, RSMo, excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or otherwise due under chapter 147, 148, or 153, RSMo;

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.

12 (3) "Taxpayer", any entity subject to the tax imposed in chapter 143, RSMo,
13 excluding withholding tax imposed by sections 143.191 to 143.265, RSMo, or the tax
14 imposed in chapter 147, 148, or 153, RSMo, except "taxpayer" shall not include a resident
15 or nonresident individual subject to the tax imposed in chapter 143, RSMo.

16 2. For all taxable years beginning on or after January 1, 2008, a taxpayer shall be
17 allowed a tax credit for each disabled employee hired by the taxpayer. The tax credit shall
18 be claimed in the following amounts:

19 (1) For disabled employees who work an average of at least ten hours per week in
20 the taxable year, one thousand dollars per disabled employee;

21 (2) For disabled employees who work an average of at least twenty hours per week
22 in the taxable year, one thousand five hundred dollars per disabled employee;

23 (3) For disabled employees who work an average of at least forty hours per week
24 in the taxable year, three thousand dollars per disabled employee.

25 3. The amount of the tax credit issued shall not exceed the amount of the taxpayer's
26 state tax liability for the tax year for which the credit is claimed. No amount of credit that
27 the taxpayer is prohibited by this section from claiming in a tax year shall be refundable,
28 nor shall any tax credit granted under this section be transferred, sold, or assigned.

29 4. The department of revenue shall promulgate rules to implement the provisions
30 of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
31 RSMo, that is created under the authority delegated in this section shall become effective
32 only if it complies with and is subject to all of the provisions of chapter 536, RSMo, and,
33 if applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are
34 nonseverable and if any of the powers vested with the general assembly pursuant to
35 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
36 are subsequently held unconstitutional, then the grant of rulemaking authority and any
37 rule proposed or adopted after August 28, 2007, shall be invalid and void.

38 5. Under section 23.253, RSMo, of the Missouri Sunset Act:

39 (1) The provisions of the new program authorized under this section shall
40 automatically sunset on December thirty-first six years after the effective date of this
41 section unless reauthorized by an act of the general assembly; and

42 (2) If such program is reauthorized, the program authorized under this section
43 shall automatically sunset on December thirty-first twelve years after the effective date of
44 the reauthorization of this section; and

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

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