

SECOND REGULAR SESSION

HOUSE BILL NO. 1981

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES KRATKY (Sponsor), SPRENG, COLONA, KOMO, BIERMANN, HODGES, McDONALD, WALSH, VOGT, MEADOWS, SHIVELY, CARTER AND QUINN (Co-sponsors).

4421L.01I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to a tax credit for certain small businesses.

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 135.1161, to read as follows:

135.1161. 1. As used in this section, the following terms mean:

(1) "Small business", any business that employs fifty or fewer employees and that hires a disabled person or a person recently discharged from a correctional facility;

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

(3) "Taxpayer", any small business subject to the tax imposed in chapter 143, excluding withholding tax imposed by sections 143.191 to 143.265.

2. For all taxable years beginning on or after January 1, 2011, a taxpayer shall be allowed a tax credit for hiring a disabled person or a person recently discharged from a correctional facility. The tax credit amount shall be equal to five hundred dollars for each such person employed, subject to the following:

(1) In the case of a disabled person, such small business shall employ the person for a minimum of twenty-five hours per week, and the person shall be employed for at least one year before the small business is eligible for the tax credit;

(2) In the case of a person recently discharged from a correctional facility, such small business shall employ the person for at least forty hours per week, and the small

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.

17 business shall be eligible for the tax credit for the first three years of employment after the
18 person's discharge. Such small business shall employ such person for at least one year
19 before the small business is eligible for the tax credit.

20 3. The amount of the tax credit issued shall not exceed the amount of the taxpayer's
21 state tax liability for the tax year for which the credit is claimed. If the amount of the tax
22 credit issued exceeds the amount of the taxpayer's state tax liability for the tax year for
23 which the credit is claimed, the difference shall not be refundable but may be carried
24 forward to any of the taxpayer's three subsequent taxable years. No tax credit issued
25 under this section shall be transferred, sold, or assigned. The aggregate amount of tax
26 credits which may be issued under this section in any one fiscal year shall not exceed ten
27 million dollars. The tax credits issued under this section shall be issued on a first-come,
28 first-served filing basis.

29 4. The department of revenue may 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, that
31 is created under the authority delegated in this section shall become effective only if it
32 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
33 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
34 vested with the general assembly pursuant to chapter 536 to review, to delay the effective
35 date, or to disapprove and annul a rule are subsequently held unconstitutional, then the
36 grant of rulemaking authority and any rule proposed or adopted after August 28, 2010,
37 shall be invalid and void.

38 5. Under section 23.253 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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