

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1089
97TH GENERAL ASSEMBLY

4205H.04C

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 620, RSMo, by adding thereto one new section relating to the bring jobs home act.

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

Section A. Chapter 620, RSMo, is amended by adding thereto one new section, to be
2 known as section 620.2425, to read as follows:

**620.2425. 1. This section shall be known and may be cited as the "Bring Jobs
2 Home Act".**

3 **2. As used in this section, the following terms shall mean:**

4 **(1) "Business unit":**

5 **(a) Any trade or business; and**

6 **(b) Any line of business or function unit which is part of any trade or business;**

7 **(2) "Department", the department of economic development;**

8 **(3) "Eligible expense", any amount paid or incurred by the taxpayer in connection**
9 **with the elimination of any business unit of the taxpayer for the purpose of relocating said**
10 **business unit to Missouri from outside the state for which a deduction is allowed to the**
11 **taxpayer under Section 162 of the Internal Revenue Code of 1986, as amended, excluding**
12 **any severance pay or other compensation paid or incurred in connection with severance**
13 **from employment.**

14
15 **For purposes of this subdivision, a relocation shall not be treated as failing to occur if such**
16 **elimination occurs in a different taxable year than such relocation. Eligible expenses must**
17 **be paid or incurred under a written plan to carry out the relocation;**

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 (4) "Full-time equivalent employee", the same meaning as ascribed to the term
19 under Sections 45R(d) and 45R(e) of the Internal Revenue Code of 1986, as amended;

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

22 (6) "Taxpayer", any individual, firm, a partner in a firm, corporation, partnership,
23 shareholder in an S-corporation, or limited liability company subject to the income tax
24 imposed under chapter 143, excluding withholding tax imposed by sections 143.191 to
25 143.265.

26 3. For all taxable years beginning on or after January 1, 2014, a taxpayer shall be
27 allowed to claim a tax credit against the taxpayer's state tax liability in an amount equal
28 to twenty percent of the eligible expenses incurred if approved by the department of
29 economic development, which shall issue a tax credit to the taxpayer upon a determination
30 that the taxpayer meets the requirements of this section and is eligible for such credit. The
31 amount of the tax credit claimed shall not exceed the amount of the taxpayer's state tax
32 liability for the taxable year for which the credit is claimed. Any tax credit that cannot be
33 claimed in the taxable year the eligible expenses were incurred may be carried over to the
34 next three succeeding taxable years until the credit has been fully claimed. Any amount
35 of credit that the taxpayer is prohibited by this section from claiming in a tax year shall not
36 be refundable. Tax credits issued under this section shall not be transferred, sold, or
37 assigned.

38 4. No credit shall be allowed under this section until the department determines the
39 number of full-time equivalent employees of the taxpayer for the taxable year for which
40 the credit is claimed exceeds the number of full-time equivalent employees of the taxpayer
41 for the last taxable year ending before the first taxable year in which such eligible expenses
42 were paid or incurred. For the purposes of this section, any consideration of wages shall
43 only be with respect to those paid for services performed within Missouri.

44 5. Notwithstanding any other provision of law to the contrary, no credit shall be
45 allowed for any expenses incurred when dissolving a business unit in Missouri and
46 relocating such business unit to another state.

47 6. The total amount of tax credits authorized under this section shall not exceed ten
48 million dollars in any taxable year. In the event that more than ten million dollars in
49 credits are claimed in a taxable year, credits shall be issued on a first-come, first-served
50 filing basis.

51 7. A taxpayer that receives tax credits under the provisions of this section shall be
52 ineligible to receive tax credits under the provisions of any other state tax credit program
53 for the same expenses incurred.

54 **8. Any taxpayer allowed a deduction under this section who, within ten years of**
55 **receiving the deduction, eliminates the business unit for which the deduction was allowed**
56 **shall repay the state an amount equal to the amount of the deduction allowed.**

57 **9. The department of economic development and the department of revenue shall**
58 **promulgate rules to implement the provisions of this section. Any rule or portion of a rule,**
59 **as that term is defined in section 536.010, that is created under the authority delegated in**
60 **this section shall become effective only if it complies with and is subject to all the provisions**
61 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**
62 **nonseverable and if any of the powers vested with the general assembly under chapter 536**
63 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**
64 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
65 **adopted after August 28, 2014, shall be invalid and void.**

66 **10. Under section 23.253 of the Missouri sunset act:**

67 **(1) The provisions of the new program authorized under this section shall**
68 **automatically sunset six years after the effective date, unless reauthorized by an act of the**
69 **general assembly; and**

70 **(2) If such program is reauthorized, the program authorized under this section**
71 **shall automatically sunset twelve years after the effective date of the reauthorization of this**
72 **section; and**

73 **(3) This section shall terminate on December thirty-first of the calendar year**
74 **immediately following the calendar year in which the program authorized under this**
75 **section is sunset.**

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