

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 115, Page 18, Section 143.801, Line 74, by inserting after all of said section and line
3 the following:
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5 "143.1100. 1. This section shall be known and may be cited as the "Bring Jobs Home Act".

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

7 (1) "Business unit":

8 (a) Any trade or business; and

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

10 (2) "Deduction":

11 (a) For individuals, an amount subtracted from the taxpayer's Missouri adjusted gross
12 income to determine Missouri taxable income for the tax year in which such deduction is claimed;
13 and

14 (b) For corporations, an amount subtracted from the taxpayer's Federal taxable income to
15 determine Missouri taxable income for the tax year in which such deduction is claimed.

16 (3) "Department", the department of economic development;

17 (4) "Eligible expenses":

18 (a) Any amount for which a deduction is allowed to the taxpayer under Section 162 of the
19 Internal Revenue Code of 1986, as amended; and

20 (b) Permit and license fees, lease brokerage fees, equipment installation costs, and other
21 similar expenses.

22 (5) "Eligible insourcing expenses":

23 (a) Eligible expenses paid or incurred by the taxpayer in connection with the elimination of
24 any business unit of the taxpayer or of any member of any expanded affiliated group in which the
25 taxpayer is also a member located outside the state of Missouri; and

26 (b) Eligible expenses paid or incurred by the taxpayer in connection with the establishment
27 of any business unit of the taxpayer or of any member of any expanded affiliated group in which the
28 taxpayer is also a member located within the state of Missouri if such establishment constitutes the
29 relocation of the business unit so eliminated.
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Action Taken _____ Date _____

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1 For purposes of this subdivision, expenses shall be eligible if such elimination of the business unit in
2 another state or country occurs in a different taxable year from the establishment of the business unit
3 in Missouri;

4 (6) "Expanded affiliated group", an affiliated group as defined in Section 1504(a) of the
5 Internal Revenue Code of 1986, as amended, determined without regard to Section 1504(b)(3) of the
6 Internal Revenue Code of 1986, as amended, and by substituting more than fifty percent for at least
7 eighty percent each place it appears in Section 1504(a) of the Internal Revenue Code of 1986, as
8 amended. A partnership or any other entity other than a corporation shall be treated as a member of
9 an expanded affiliated group if such entity is controlled by members of such group including any
10 entity treated as a member of such group by reason of this subdivision;

11 (7) "Full-time equivalent employee", the same meaning as ascribed to the term under
12 Sections 45R(d) and 45R(e) of the Internal Revenue Code of 1986, as amended, determined by only
13 taking into account wages as otherwise defined in Section 45R(e) of the Internal Revenue Code of
14 1986, as amended, paid with respect to services performed within Missouri. In order to receive the
15 tax deduction authorized in this section, a taxpayer's full-time equivalent employee performing
16 services in Missouri shall be paid a salary or hourly wage equal to or more than an employee of the
17 taxpayer in the same position prior to the relocation of the business unit;

18 (8) "Insourcing plan", a written plan to carry out the establishment of a business unit in
19 Missouri as described in subdivision (5) of this subsection;

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

23 3. For all taxable years beginning on or after January 1, 2015, a taxpayer shall be allowed a
24 deduction in an amount equal to fifty percent of the eligible insourcing expenses of the taxpayer
25 which are taken into account in such taxable year under subsection 5 of this section. The amount of
26 the deduction claimed shall not exceed the amount of:

27 (1) For individuals, the taxpayer's Missouri adjusted gross income for the taxable year for
28 which the deduction is claimed; and

29 (2) For corporations, the taxpayer's Missouri taxable income for the taxable year for which
30 the deduction is claimed.

31 However, any deduction that cannot be claimed in the taxable year may be carried over to the next
32 five succeeding taxable years until the full deduction has been claimed.

33 4. No deduction shall be allowed under this section until the department determines the
34 number of full-time equivalent employees of the taxpayer for the taxable year for which the
35 deduction is claimed exceeds the number of full-time equivalent employees of the taxpayer for the
36 last taxable year ending before the first taxable year in which such eligible insourcing expenses were
37 paid or incurred.

38 5. (1) Except as provided in subdivisions (2) and (3) of this subsection, eligible insourcing
39 expenses shall be taken into account in the taxable year during which the plan described in
40 subdivision (8) of subsection 2 of this section has been completed and all eligible insourcing
41 expenses under such plan have been paid or incurred.

1 (2) If the taxpayer elects the application of this subdivision, eligible insourcing expenses
2 shall be taken into account in the first taxable year after the taxable year described in subdivision (1)
3 of this subsection.

4 6. Notwithstanding any other provision of law to the contrary, no deduction shall be allowed
5 for any expenses incurred if dissolving a business unit in Missouri and relocating such business unit
6 to another state.

7 7. The total amount of deductions authorized under this section shall not exceed twenty
8 million dollars in any taxable year. In the event that more than twenty million dollars in deductions
9 are claimed in a taxable year, deductions shall be issued on a first-come, first-served filing basis.

10 8. A taxpayer that receives a deduction under the provisions of this section shall be ineligible
11 to receive incentives under the provisions of any other state tax deduction program for the same
12 expenses incurred.

13 9. Any taxpayer allowed a deduction under this section who, within ten years of receiving
14 the deduction, eliminates the business unit for which the deduction was allowed shall repay the state
15 an amount equal to the tax savings realized for the deduction allowed under this section, prorated by
16 the number of years the business unit was in this state.

17 10. The department of economic development and the department of revenue shall
18 promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that
19 term is defined in section 536.010, that is created under the authority delegated in this section shall
20 become effective only if it complies with and is subject to all the provisions of chapter 536 and, if
21 applicable, section 536.028. This section and chapter 536 are nonseverable, and if any of the powers
22 vested with the general assembly under chapter 536 to review, to delay the effective date, or to
23 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 2015, shall be invalid and void.

25 11. Under section 23.253 of the Missouri sunset act:

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

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

30 (3) This section shall terminate on September first of the calendar year immediately
31 following the calendar year in which the program authorized under this section is sunset." ; and

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33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.