

HOUSE BILL NO. 1805

95TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES SMITH (150) (Sponsor), POLLOCK, MUNZLINGER,
ZERR AND GRISAMORE (Co-sponsors).

4301L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapters 135, 288, 347, 351, and 359, RSMo, by adding thereto five new sections relating to job creation, with an emergency clause.

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

Section A. Chapters 135, 288, 347, 351, and 359, RSMo, are amended by adding thereto five new sections, to be known as sections 135.1300, 288.305, 347.052, 351.129, and 359.149, to read as follows:

135.1300. 1. As used in this section, the following terms mean:

(1) "Creditable employee", an employee of an employer who:

(a) Is first employed by the employer on or after August 28, 2010;

(b) Was unemployed for sixty or more days immediately prior to becoming employed;

(c) Remains employed by the employer for at least twenty-four consecutive months;

(d) Executes and provides a notarized affidavit swearing or affirming that such employee is eligible to work in the United States because such person is either a United States citizen or a lawfully present alien according to federal law; and

(e) During the entire period of such employment receives monthly compensation in an amount at least equal to the minimum wage paid to persons receiving employment compensation benefits in this state;

(2) "Employer", a taxpayer under this section;

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

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.

16 (4) "Taxpayer", any individual or entity subject to the tax imposed in chapter 143,
17 excluding withholding tax imposed by sections 143.191 to 143.265.

18 2. For all taxable years beginning on or after January 1, 2011, an employer shall
19 be allowed a tax credit if he or she has one or more creditable employees and provides a
20 notarized affidavit attesting to use of the federal employment verification system, now
21 known as E-Verify, or any future federal employment verification system. The tax credit
22 amount shall be equal to two thousand four hundred dollars for each creditable employee.
23 Eligibility for the credit shall be established as of the time the creditable employee
24 completes twenty-four consecutive months of employment, and the credit shall be claimed
25 for the taxable year in which the creditable employee completed such period of
26 employment.

27 3. In no event shall the total amount of any tax credit under this section for a
28 taxable year exceed the taxpayer's income tax liability for the tax year for which the credit
29 is claimed. Any unused tax credit shall be allowed to be carried forward to apply to the
30 taxpayer's succeeding two years' tax liability. No such tax credit shall be applied to a
31 taxpayer's tax liability for prior years.

32 4. The credit shall be claimed and granted in such manner as shall be specified by
33 rules adopted by the director of revenue, and such rules shall specifically provide for the
34 manner of establishing the qualifying status of unemployment of the employee prior to
35 employment. The average monthly employment security benefit shall be computed on a
36 monthly basis by the department of labor and industrial relations.

37 5. The department of revenue shall promulgate rules to implement the provisions
38 of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that
39 is created under the authority delegated in this section shall become effective only if it
40 complies with and is subject to all of the provisions of chapter 536 and, if applicable,
41 section 536.028. This section and chapter 536 are nonseverable and if any of the powers
42 vested with the general assembly under chapter 536 to review, to delay the effective date,
43 or to disapprove and annul a rule are subsequently held unconstitutional, then the grant
44 of rulemaking authority and any rule proposed or adopted after August 28, 2010, shall be
45 invalid and void.

288.305. 1. As used in this section, the term "creditable employee" means an
2 employee of an employer who:

3 (1) Is first employed by the employer on or after August 28, 2010;

4 (2) Was eligible for and receiving benefits under this chapter for sixty days or more
5 immediately prior to becoming employed;

6 (3) Remains employed by the employer for at least six months; and

7 **(4) Does not receive benefits under this chapter while so employed.**

8 **2. An employer with one or more creditable employees shall be eligible to apply for**
9 **and receive a credit against contributions otherwise required under this chapter. The**
10 **amount of the credit shall be five hundred dollars for each creditable employee. The credit**
11 **shall be prospective and shall apply only against future contributions otherwise due after**
12 **the date of the hiring. The credit shall be claimed and granted in such manner as shall be**
13 **specified by rules adopted by the director.**

14 **3. The director shall promulgate rules to implement the provisions of this section.**
15 **Any rule or portion of a rule, as that term is defined in section 536.010, that is created**
16 **under the authority delegated in this section shall become effective only if it complies with**
17 **and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.**
18 **This section and chapter 536 are nonseverable and if any of the powers vested with the**
19 **general assembly under chapter 536 to review, to delay the effective date, or to disapprove**
20 **and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**
21 **authority and any rule proposed or adopted after August 28, 2010, shall be invalid and**
22 **void.**

347.052. Beginning July 1, 2010, and ending June 30, 2012, any filing fees required
2 **by the secretary of state under this chapter shall be waived.**

351.129. Beginning July 1, 2010, and ending June 30, 2012, any filing fees required
2 **by the secretary of state under this chapter shall be waived.**

359.149. Beginning July 1, 2010, and ending June 30, 2012, any filing fees required
2 **by the secretary of state under this chapter shall be waived.**

 Section B. Because immediate action is necessary to create jobs in Missouri, section A
2 of this act is deemed necessary for the immediate preservation of the public health, welfare,
3 peace, and safety, and is hereby declared to be an emergency act within the meaning of the
4 constitution, and section A of this act shall be in full force and effect upon its passage and
5 approval.

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