

FIRST REGULAR SESSION

# HOUSE BILL NO. 365

## 94TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES ERVIN (Sponsor), WILSON (119), FLOOK, BAKER (123), HARRIS (110), SCHAAF, NANCE, WALLACE, WILSON (130), SATER, MOORE, HUNTER, SANDER, KOMO, STORCH, YATES, WELLS, SCHAD, RICHARD, FAITH, BIVINS, MEINERS AND MUNZLINGER (Co-sponsors).

Read 1st time January 11, 2007 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

1225L.02I

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### AN ACT

To amend chapter 620, RSMo, by adding thereto one new section relating to small businesses.

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*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 620.1892, to read as follows:

**620.1892. 1. This section shall be known and may be cited as the "Small Business  
2 and Entrepreneurial Growth Act".**

**3 2. Unless otherwise modified in this section, the definitions provided in section  
4 620.1878 shall apply to this section. For purposes of this section, the following terms shall  
5 mean:**

**6 (1) "Department", the department of economic development;**

**7 (2) "Eligible small business project", a project approved by the department of  
8 economic development through which a small business employer meets all of the following  
9 qualifications:**

**10 (a) The small business employer's total payroll increases by at least twenty percent  
11 due to the addition of new jobs or a business with less than five employees adds employees  
12 so that the total number of employees is five or greater;**

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.

13           (b) The number of jobs added through the project by the small business employer  
14 does not exceed the minimum number of jobs required to be eligible for benefits under any  
15 program of the Missouri quality job act;

16           (c) Wages for the new jobs created through the project by the small business  
17 employer are at least eighty-five percent of the average county wage as determined by the  
18 department of economic development; and

19           (d) The project is not eligible for any benefits under the Missouri quality jobs act;

20           (3) "Small business employer", a firm, partnership, joint venture, association, or  
21 a private or public corporation, whether organized for profit or not, provided that the term  
22 shall not include:

23           (a) Gambling establishments (NAICS industry group 7132);

24           (b) Any company that is delinquent in the payment of any nonprotested taxes or  
25 any other amounts due to the state or federal government or any other political subdivision  
26 of this state; or

27           (c) Any company that has filed for or has publicly announced its intention to file  
28 for bankruptcy protection.

29           3. For all taxable years beginning on or after January 1, 2008, a small business  
30 employer shall be allowed to receive benefits for an eligible small business project as  
31 follows:

32           (1) Retention of all tax withheld under sections 143.191 to 143.265, RSMo, from the  
33 newly created jobs for a period of one year; or

34           (2) If the employer also provides health insurance and pays more than fifty percent  
35 of the premiums for all employees, the tax withheld under sections 143.191 to 143.265,  
36 RSMo, from newly created jobs may be retained for a period of two years.

37           4. The department may promulgate rules to implement the provisions of this  
38 section. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,  
39 that is created under the authority delegated in this section shall become effective only if  
40 it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if  
41 applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable  
42 and if any of the powers vested with the general assembly under chapter 536, RSMo, to  
43 review, to delay the effective date, or to disapprove and annul a rule are subsequently held  
44 unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted  
45 after August 28, 2007, shall be invalid and void.

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