HOUSE DOCKET, NO. FILED ON: 1/13/2009

**HOUSE . . . . . . . . . . . . . . No.**

|  |
| --- |
|  |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PRESENTED BY:

**Bradley H. Jones, Jr.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General  
 Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Incentivizing High Wages for New Employees.

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

PETITION OF:

|  |  |
| --- | --- |
| Name: | District/Address: |
| Bradley H. Jones, Jr. | 20th Middlesex |
| Viriato Manuel deMacedo | 1st Plymouth |
| George N. Peterson, Jr. | 9th Worcester |
| Elizabeth Poirier | 14th Bristol |

The Commonwealth of Massachusetts

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**In the Year Two Thousand and Nine**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

An Act Relative to Incentivizing High Wages for New Employees.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

SECTION 1: Section 31M of chapter 63, as appearing in the 2006 Official Edition, is hereby amended by adding at the end thereof the following: -  
Section 631N: (a) For the purposes of this section, the following words shall have the following meanings:-  
“Average wage”, the mean salary for all full time employees in a qualifying small business for the previous two calendar years.  
“Commissioner”, the commissioner of revenue.  
“Eligible job”, any new direct job created by a qualifying small business that: (a) did not exist in the previous calendar year; (b) pays a salary of at least 150 per cent of the average wage of the qualifying small business; and (c) requires the duties of the new employee to be performed in at least 1 in-state location, including jobs performed by persons that are transferred within the company to work at an in-state location from a location based outside the commonwealth.  
“Full time employee”, a person who is employed for at least 35 hours per week and whose salary is subject to withholding as provided in chapter 62B.  
“High wage incentive payment”, a business employment incentive payment for qualifying small businesses as provided for in this section.  
“Qualifying small business”, a business that had total annual sales in its most recently completed fiscal year of less than five million dollars, or has less than 100 employees, and has a principal place of business in the commonwealth.  
(b) For each taxable year from January 1, 2009 to December 31, 2011, a qualifying small business that creates a minimum of 1 and a maximum of 5 eligible jobs in the commonwealth during a single calendar year shall be entitled to a high wage incentive payment equal to a 6 per cent credit against its excise due under this chapter.  
(c) If a taxpayer is subject to a minimum excise under this chapter, the amount of credit allowed shall not reduce the excise to an amount less than the minimum excise.  
(d) A taxpayer entitled to a credit under this section for any taxable year may not carry over its excise for any succeeding taxable year. A qualifying small business that has previously been approved to receive a high wage incentive payment for any particular eligible job shall not be eligible to receive said payment for more than one calendar year.  A qualifying small business may apply to receive a high wage incentive payment that relates to a different application in the same calendar year or a different application in a different calendar year.  
(e) A qualifying small business that seeks a high wage incentive payment shall apply to the commissioner to receive such payment on a form to be prescribed by the commissioner.  This form shall reference the necessary information concerning the eligible jobs created by the company in the commonwealth during the application year and also the company’s average wage for such year and the previous calendar year.  The commissioner shall advise the company of his determination in writing.