

SECOND REGULAR SESSION

SENATE BILL NO. 939

99TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CIERPIOT.

Read 1st time January 22, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

6108S.01I

AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating to taxation.

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

Section A. Chapter 135, RSMo, is amended by adding thereto one new
2 section, to be known as section 135.760, to read as follows:

**135.760. 1. This section shall be known and may be cited as the
2 "Missouri Earned Income Tax Credit Act".**

3 2. For purposes of this section, the following terms mean:

4 (1) "Department", the department of revenue;

**5 (2) "Eligible taxpayer", a resident individual with a filing status
6 of single, head of household, widowed, or married filing combined, who
7 is subject to the tax imposed under chapter 143, excluding withholding
8 tax imposed under sections 143.191 to 143.265, and who is allowed a
9 federal earned income tax credit under Section 32 of the Internal
10 Revenue Code of 1986, as amended;**

**11 (3) "Tax credit", a credit against the tax otherwise due under
12 chapter 143, excluding withholding tax imposed under sections 143.191
13 to 143.265.**

**14 3. For all tax years beginning on or after January 1, 2020, an
15 eligible taxpayer shall be allowed a tax credit in the amount equal to
16 twenty percent of the amount such taxpayer would receive under the
17 federal earned income tax credit. The tax credit allowed by this section
18 shall be claimed by such taxpayer at the time such taxpayer files a
19 return and shall be applied against the income tax liability imposed by
20 chapter 143 after reduction for all other credits allowed thereon. If the
21 amount of the credit exceeds the tax liability, the difference shall not
22 be refunded to the taxpayer and shall not be carried forward to any**

23 subsequent tax year.

24 4. Notwithstanding the provisions of subsection 4 of section
25 32.057 to the contrary, the department shall determine whether any
26 taxpayer filing a report or return with the department who did not
27 apply for the credit authorized under this section may qualify for the
28 credit and, if so determines a taxpayer may qualify for the credit, shall
29 notify such taxpayer of his or her potential eligibility. In making a
30 determination of eligibility under this section, the department shall use
31 any appropriate and available data including, but not limited to, data
32 available from the Internal Revenue Service, the U.S. Department of
33 Treasury, and state income tax returns from previous tax years.

34 5. The department shall prepare an annual report containing
35 statistical information regarding the tax credits issued under this
36 section for the previous tax year, including the total amount of revenue
37 expended on the earned income tax credit, the number of credits
38 claimed, and the average value of the credits issued to taxpayers whose
39 earned income falls within various income ranges determined by the
40 department.

41 6. The department shall contract with one or more nonprofit
42 groups to provide notice of the earned income tax credit to eligible
43 taxpayers. The department shall require evidence of the effectiveness
44 of the nonprofit group, the connection with the community in which the
45 group operates, and the ability to contact taxpayers that are unlikely
46 to claim the federal earned income tax credit including, but not limited
47 to, non-English speakers, elderly, tenants, and very low-income
48 taxpayers who do not file tax returns annually. The department shall
49 give preference to nonprofit groups with members in low- and
50 moderate-income areas, nonprofit groups with at least fifty-one percent
51 of its board of directors having low to moderate incomes and residing
52 in target communities, and to nonprofit groups that have a record of
53 effective door-to-door outreach for similar community projects.

54 7. The director of the department shall promulgate rules and
55 regulations to administer the provisions of this section. Any rule or
56 portion of a rule, as that term is defined in section 536.010 that is
57 created under the authority delegated in this section shall become
58 effective only if it complies with and is subject to all of the provisions
59 of chapter 536, and, if applicable, section 536.028. This section and

60 chapter 536 are nonseverable and if any of the powers vested with the
61 general assembly pursuant to chapter 536, to review, to delay the
62 effective date, or to disapprove and annul a rule are subsequently held
63 unconstitutional, then the grant of rulemaking authority and any rule
64 proposed or adopted after August 28, 2018, shall be invalid and void.

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Unofficial

Bill

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