

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

1 AMEND House Committee Substitute for House Bill No. 468, in the Title, Page 1, Lines 4-5, by  
2 deleting “job development, retention, and training” and inserting in lieu thereof “economic  
3 assistance to individuals and corporations”; and  
4

5 Further amend said Bill, Section 67.2050, Page 3, Line 69, by inserting after all of said Line the  
6 following:

7 “135.760. 1. This section shall be known and may be cited as the "Missouri Earned  
8 Income Tax Credit Act".

9 2. For all taxable years beginning on or after January 1, 2011, a resident individual who is  
10 allowed a federal earned income tax credit under Section 32 of the Internal Revenue Code of  
11 1986, as amended, shall be allowed a credit against the tax otherwise due under chapter 143, not  
12 including sections 143.191 to 143.265, in an amount equal to twenty percent of the allowable  
13 federal earned income tax credit. The tax credit allowed by this section shall be claimed by such  
14 individual at the time such individual files a return and shall be applied against the income tax  
15 liability imposed by chapter 143 after reduction for all other credits allowed thereon. For  
16 taxpayers whose filing status is married filing separately, such taxpayers may elect to apply the tax  
17 credit to the income tax liability of either taxpayer, or may elect to apply the tax credit evenly to  
18 the income tax liability of each spouse. Where the amount of the credit exceeds the tax liability,  
19 the difference shall be refunded to the taxpayer.

20 3. Notwithstanding the provision of subsection 4 of section 32.057, the department of  
21 revenue or any duly authorized employee or agent shall determine whether any taxpayer filing a  
22 report or return with the department of revenue who has not applied for the credit allowed under  
23 this section may qualify for the credit, and shall notify any qualified claimant of the claimant's  
24 potential eligibility, where the department determines such potential eligibility exists. In making a  
25 determination of eligibility under this section, the department shall use any appropriate and  
26 available data, including but not limited to data available from the Internal Revenue Service, the  
27 U.S. Department of Treasury, and state income tax returns from previous tax years.

28 4. The department shall prepare an annual report containing statistical information

1 regarding the tax credits issued under this section for the previous tax year, including the total  
2 amount of revenue expended on the earned income tax credit, the number of credits claimed, and  
3 the average value of the credits issued to taxpayers whose earned income falls within various  
4 income ranges determined by the department.

5 5. The department shall contract with one or more nonprofit groups to provide notice of  
6 the earned income tax credit to eligible taxpayers. The department shall require evidence of the  
7 effectiveness of the nonprofit group, the connection with the community in which the group  
8 operates, and the ability to contact taxpayers that are unlikely to claim the federal earned income  
9 tax credit, including but not limited to non-English speakers, elderly, tenants, and very low-  
10 income taxpayers who do not file tax returns annually. The department shall give preference to  
11 nonprofit groups with members in low- and moderate-income areas, nonprofit groups with at least  
12 fifty-one percent of the board of directors having low- to moderate-incomes and residents of target  
13 communities, and to nonprofit groups that have a record of effective door-to-door outreach for  
14 similar community projects.

15 6. The director of the department of revenue shall promulgate rules and regulations to  
16 administer the provisions of this section. Any rule or portion of a rule, as that term is defined in  
17 section 536.010, that is created under the authority delegated in this section shall become effective  
18 only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable,  
19 section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested  
20 with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to  
21 disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking  
22 authority and any rule proposed or adopted after August 28, 2011, shall be invalid and void.

23 7. Under section 23.253 of the Missouri sunset act:

24 (1) The provisions of the new program authorized under this section shall automatically  
25 sunset on December thirty-first six years after the effective date of this section unless reauthorized  
26 by an act of the general assembly; and

27 (2) If such program is reauthorized, the program authorized under this section shall  
28 automatically sunset on December thirty- first twelve years after the effective date of the  
29 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

32  
33 Further amend said bill by amending the title, enacting clause, and intersectional references  
34 accordingly.