

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Bill No. 773, Page 6, Section 67.3005, Line 45,
2 by inserting after all of said section and line the following:

3
4 "135.760. 1. This section shall be known and may be cited as the "Missouri Earned Income
5 Tax Credit Act".

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

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

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

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

15 3. For all tax years beginning on or after January 1, 2019, an eligible taxpayer shall be
16 allowed a tax credit in an amount equal to twenty percent of the amount such taxpayer would
17 receive under the federal earned income tax credit. The tax credit allowed by this section shall be
18 claimed by such taxpayer at the time such taxpayer files a return and shall be applied against the
19 income tax liability imposed by chapter 143 after reduction for all other credits allowed thereon. If
20 the amount of the credit exceeds the tax liability, the difference shall not be refunded to the taxpayer
21 and shall not be carried forward to any subsequent tax year.

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

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

35 6. The department shall contract with one or more nonprofit group to provide notice of the
36 earned income tax credit to eligible taxpayers. The department shall require evidence of the

Action Taken _____ Date _____

1 effectiveness of the nonprofit group, the connection with the community in which the group
2 operates, and the ability to contact taxpayers that are unlikely to claim the federal earned income tax
3 credit including, but not limited to, non-English speakers, the elderly, tenants, and very low-income
4 taxpayers who do not file tax returns annually. The department shall give preference to nonprofit
5 groups with members in low- and moderate-income areas, to nonprofit groups with at least fifty-one
6 percent of its board of directors having low to moderate incomes and residing in target
7 communities, and to nonprofit groups that have a record of effective door-to-door outreach for
8 similar community projects.

9 7. The director of the department shall promulgate rules and regulations to administer the
10 provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010,
11 that is created under the authority delegated in this section shall become effective only if it complies
12 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This
13 section and chapter 536 are nonseverable, and if any of the powers vested with the general assembly
14 pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are
15 subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or
16 adopted after August 28, 2018, shall be invalid and void."; and

17
18 Further amend said bill, Page 16, Section 143.451, Line 244, by inserting after all of said section
19 and line the following:

20
21 "Section B. The enactment of section 135.760 of this act shall become effective upon a
22 growth in net general revenue sufficient to trigger the first reduction of the individual income tax
23 top rate under subsection 2 of section 143.011 and continued net general revenue growth of at least
24 an amount equal to the annual revenue reduction of the earned income tax credit in this act."; and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.