

SECOND REGULAR SESSION

# HOUSE BILL NO. 1407

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES RIBACK WILSON (25), BERKOWITZ, BOUCHER, BRAY, FARNEN, FRASER, HARDING, HARLAN, HOSMER, KELLY (27), OSTMANN, REYNOLDS, SCHEVE, WALTON, FROELKER, SKAGGS (Co-sponsors), LADD BAKER, BARRY, CARNAHAN, COLEMAN, COPENHAVER, GAMBARO, HILGEMANN, REID, RELFORD, VAN ZANDT, VILLA, WILLIAMS AND WILLOUGHBY.

Read 1<sup>st</sup> time January 10, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3111L.02I

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### AN ACT

To amend chapter 135, RSMo, by adding thereto one new section relating solely to the creation of an earned income tax credit.

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*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 section, to be known as section 135.760, to read as follows:

**135.760. 1. For all taxable years beginning on or after January 1, 2003, a resident individual who is allowed a federal earned income tax credit pursuant to Section 32 of the Internal Revenue Code shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to ten percent of the allowable federal earned income tax credit. For all taxable years beginning on or after January 1, 2004, a resident individual who is allowed a federal earned income tax credit pursuant to Section 32 of the Internal Revenue Code shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to fifteen percent of the allowable federal earned income tax credit. For all taxable years beginning on or after January 1, 2005, a resident individual who is allowed a federal earned income tax credit pursuant to Section 32 of the Internal Revenue Code shall be allowed a credit against the tax otherwise due pursuant to chapter 143, RSMo, not including sections 143.191 to 143.265, RSMo, in an amount equal to twenty percent of the allowable federal earned income tax credit. The tax credit allowed by this section shall be claimed by such individual at the time such individual files a return and shall be applied against the income**

17 tax liability imposed by chapter 143, RSMo. Where the amount of the credit exceeds the  
18 tax liability, the difference shall be refunded to the taxpayer or carried forward into each  
19 subsequent taxable year until such credit is fully used.

20       **2. The director of the department of revenue shall promulgate rules and regulations**  
21 **to administer the provisions of this section. No rule or portion of a rule promulgated**  
22 **pursuant to the authority of this section shall become effective unless it has been**  
23 **promulgated pursuant to chapter 536, RSMo.**

24       **3. Notwithstanding the provision of subsection 4 of section 32.057, RSMo, the**  
25 **department of revenue or any duly authorized employee or agent shall determine whether**  
26 **any taxpayer filing a report or return with the department of revenue who has not applied**  
27 **for the credit allowed pursuant to this section may qualify for the credit, and shall notify**  
28 **any qualified claimant of the claimant's potential eligibility, where the department**  
29 **determines such potential eligibility exists.**