

By: Farias

H.B. No. 2360

A BILL TO BE ENTITLED

AN ACT

relating to the provision by employers of information regarding employee eligibility for the federal earned income tax credit.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Title 3, Labor Code, is amended by adding Chapter 104 to read as follows:

CHAPTER 104. EMPLOYER INFORMATION REGARDING EARNED INCOME TAX

CREDIT

Sec. 104.001. DEFINITIONS. In this chapter:

(1) "Employee" means an individual who is employed by an employer for compensation.

(2) "Employer" means a person who employs one or more employees.

Sec. 104.002. REQUIRED INFORMATION. Each employer shall provide the employer's employees annually, at the time the employer provides the employee with the employee's Internal Revenue Service Form W-2, information regarding eligibility for the federal earned income tax credit.

Sec. 104.003. PROVISION OF INFORMATION TO EMPLOYEES. (a) An employer may provide the information required by Section 104.002 by providing:

(1) Internal Revenue Service publications relating to the federal earned income tax credit or information prepared by the comptroller under Section 403.025, Government Code, relating to

1 that credit; or

2 (2) federal income tax forms necessary to claim the
3 federal earned income tax credit.

4 (b) If the employer's place of employment is located in
5 close geographic proximity to a program that provides free federal
6 income tax preparation services to low-income and other eligible
7 persons, the employer may provide the information required under
8 Section 104.002 by providing employees with material containing the
9 address, Internet website, telephone number, or other relevant
10 information regarding the program.

11 Sec. 104.004. COMPLIANCE WITH COMMISSION RULES. If the
12 commission adopts rules under Section 301.067 regarding employer
13 requirements under this chapter, each employer shall provide the
14 information required by Section 104.002 in the manner prescribed by
15 those rules.

16 SECTION 2. Section 301.067, Labor Code, is amended by
17 adding Subsection (d) to read as follows:

18 (d) The commission may adopt rules as necessary to implement
19 this section, including rules regarding the information that
20 employers must provide under Chapter 104 regarding employee
21 eligibility for the federal earned income tax credit.

22 SECTION 3. Section 403.025, Government Code, is amended by
23 adding Subsection (d) to read as follows:

24 (d) The comptroller shall produce and make available to
25 employers written information:

26 (1) regarding the federal earned income tax credit for
27 distribution under Chapter 104, Labor Code; and

1 (2) explaining the availability of and contact
2 information for local volunteer income tax assistance programs.

3 SECTION 4. This Act takes effect September 1, 2009.