

1-1 By: Farias, et al. (Senate Sponsor - West) H.B. No. 2360
1-2 (In the Senate - Received from the House May 11, 2009;
1-3 May 11, 2009, read first time and referred to Committee on Business
1-4 and Commerce; May 23, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;
1-6 May 23, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 2360 By: Estes

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the provision of information regarding employee
1-11 eligibility for the federal earned income tax credit.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Title 3, Labor Code, is amended by adding Chapter
1-14 104 to read as follows:

1-15 CHAPTER 104. INFORMATION REGARDING EARNED INCOME TAX CREDIT

1-16 Sec. 104.001. DEFINITIONS. In this chapter:

1-17 (1) "Employee" means an individual who is employed by
1-18 an employer for compensation.

1-19 (2) "Employer" means a person who employs one or more
1-20 employees.

1-21 Sec. 104.002. REQUIRED INFORMATION. (a) Not later than
1-22 March 1 of each year, each employer shall provide to the employer's
1-23 employees information regarding general eligibility requirements
1-24 for the federal earned income tax credit.

1-25 (b) An employer may not satisfy the requirements of
1-26 Subsection (a) solely by posting information in the place of
1-27 employment. The employer shall provide the required information to
1-28 the employee:

1-29 (1) in person;

1-30 (2) electronically at the employee's last known e-mail
1-31 address;

1-32 (3) through a flyer included, in writing or
1-33 electronically, as a payroll stuffer; or

1-34 (4) by mailing the information to the employee at the
1-35 employee's last known address by United States first class mail.

1-36 Sec. 104.003. PROVISION OF ADDITIONAL INFORMATION TO
1-37 EMPLOYEES. In addition to the information required by Section
1-38 104.002, an employer may provide to the employer's employees:

1-39 (1) Internal Revenue Service publications relating to
1-40 the federal earned income tax credit or information prepared by the
1-41 comptroller under Section 403.025, Government Code, relating to
1-42 that credit; or

1-43 (2) federal income tax forms necessary to claim the
1-44 federal earned income tax credit.

1-45 Sec. 104.004. COMMISSION DUTIES; RULES. (a) The
1-46 commission periodically shall notify employers regarding the
1-47 requirement adopted under Section 104.002. The commission shall
1-48 provide the notice as part of any other periodic notice sent to
1-49 employers and shall also post the notice on the commission's
1-50 Internet website.

1-51 (b) If the commission adopts rules under Section 301.067
1-52 regarding employer requirements under this chapter, each employer
1-53 shall provide the information required by Section 104.002 in the
1-54 manner prescribed by those rules.

1-55 SECTION 2. Section 301.067, Labor Code, is amended by
1-56 adding Subsection (d) to read as follows:

1-57 (d) The commission may adopt rules as necessary to implement
1-58 this section, including rules regarding the information that
1-59 employers must provide under Chapter 104 regarding employee
1-60 eligibility for the federal earned income tax credit.

1-61 SECTION 3. Section 403.025, Government Code, is amended by
1-62 adding Subsection (d) to read as follows:

1-63 (d) The comptroller shall produce and make available to

2-1 employers, by a written notice and a posting on the comptroller's
2-2 Internet website, a form that includes information:
2-3 (1) regarding the federal earned income tax credit for
2-4 distribution under Chapter 104, Labor Code; and
2-5 (2) explaining the availability of and contact
2-6 information for local volunteer income tax assistance programs.
2-7 SECTION 4. This Act takes effect September 1, 2009.

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