

# SENATE AMENDMENTS

2<sup>nd</sup> Printing

By: Farias, Turner of Harris, Elkins,  
Thompson

H.B. No. 2360

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the provision by employers of information regarding  
3 employee eligibility for the federal earned income tax credit.

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

5 SECTION 1. Title 3, Labor Code, is amended by adding Chapter  
6 104 to read as follows:

7 CHAPTER 104. EMPLOYER INFORMATION REGARDING EARNED INCOME TAX  
8 CREDIT

9 Sec. 104.001. DEFINITIONS. In this chapter:

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

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

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

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

22 (1) Internal Revenue Service publications relating to  
23 the federal earned income tax credit or information prepared by the  
24 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) An employer may not satisfy the requirements of Section  
5 104.002 solely by posting information in the place of employment.  
6 The employer must provide the required information in person or by  
7 mailing the documents described by Subsection (a) to the employee  
8 at the employee's last known address by first class mail.

9 Sec. 104.004. COMMISSION DUTIES; RULES. (a) The  
10 commission periodically shall notify employers regarding the  
11 requirement adopted under Section 104.002. The commission shall  
12 provide the notice as part of any other periodic notice sent to  
13 employers and shall also post the notice on the commission's  
14 Internet website.

15 (b) If the commission adopts rules under Section 301.067  
16 regarding employer requirements under this chapter, each employer  
17 shall provide the information required by Section 104.002 in the  
18 manner prescribed by those rules.

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

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

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

27 (d) The comptroller shall produce and make available to

1 employers, by a written notice and a posting on the comptroller's  
2 Internet website, a form that includes information:

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

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

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

**ADOPTED**

MAY 27 2009

*Atty Gen*  
Secretary of the Senate

By: WEST

H.B. No. 2360

Substitute the following for H.B. No. 2360:

By: *Greg Estes*

C.S. \_\_\_ B. No. \_\_\_

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5 SECTION 1. Title 3, Labor Code, is amended by adding Chapter  
6 104 to read as follows:

7 CHAPTER 104. INFORMATION REGARDING EARNED INCOME TAX CREDIT

8 Sec. 104.001. DEFINITIONS. In this chapter:

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

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

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

17 (b) An employer may not satisfy the requirements of  
18 Subsection (a) solely by posting information in the place of  
19 employment. The employer shall provide the required information to  
20 the employee:

21 (1) in person;

22 (2) electronically at the employee's last known e-mail  
23 address;

24 (3) through a flyer included, in writing or

1 electronically, as a payroll staffer; or

2 (4) by mailing the information to the employee at the  
3 employee's last known address by United States first class mail.

4 Sec. 104.003. PROVISION OF ADDITIONAL INFORMATION TO  
5 EMPLOYEES. In addition to the information required by Section  
6 104.002, an employer may provide to the employer's employees:

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

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

13 Sec. 104.004. COMMISSION DUTIES; RULES. (a) The  
14 commission periodically shall notify employers regarding the  
15 requirement adopted under Section 104.002. The commission shall  
16 provide the notice as part of any other periodic notice sent to  
17 employers and shall also post the notice on the commission's  
18 Internet website.

19 (b) If the commission adopts rules under Section 301.067  
20 regarding employer requirements under this chapter, each employer  
21 shall provide the information required by Section 104.002 in the  
22 manner prescribed by those rules.

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

25 (d) The commission may adopt rules as necessary to implement  
26 this section, including rules regarding the information that  
27 employers must provide under Chapter 104 regarding employee

1 eligibility for the federal earned income tax credit.

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

4 (d) The comptroller shall produce and make available to  
5 employers, by a written notice and a posting on the comptroller's  
6 Internet website, a form that includes information:

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

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

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

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 27, 2009**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2360** by Farias (Relating to the provision of information regarding employee eligibility for the federal earned income tax credit.), **As Passed 2nd House**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Labor Code relating to the provision of information regarding employee eligibility for the federal earned income tax credit. Based on the analysis of the Texas Workforce Commission and the Comptroller of Public Accounts, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 320 Texas Workforce Commission

**LBB Staff:** JOB, SZ, JRO, NV

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 22, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2360** by Farias (Relating to the provision of information regarding employee eligibility for the federal earned income tax credit. ), **Committee Report 2nd House, Substituted**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Labor Code relating to the provision of information regarding employee eligibility for the federal earned income tax credit. Based on the analysis of the Texas Workforce Commission and the Comptroller of Public Accounts, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 320 Texas Workforce Commission

**LBB Staff:** JOB, JRO, NV



**LEGISLATIVE BUDGET BOARD**  
Austin, Texas

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 20, 2009**

**TO:** Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2360** by Farias (Relating to the provision by employers of information regarding employee eligibility for the federal earned income tax credit.), **As Engrossed**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Labor Code relating to the provision by employers of information regarding employee eligibility for the federal earned income tax credit. Based on the analysis of the Texas Workforce Commission and the Comptroller of Public Accounts, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 320 Texas Workforce Commission

**LBB Staff:** JOB, JRO, NV

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**March 24, 2009**

**TO:** Honorable Joe Deshotel, Chair, House Committee on Business & Industry

**FROM:** John S. O'Brien, Director, Legislative Budget Board

**IN RE: HB2360** by Farias (Relating to the provision by employers of information regarding employee eligibility for the federal earned income tax credit.), **As Introduced**

**No fiscal implication to the State is anticipated.**

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 320 Texas Workforce Commission

**LBB Staff:** JOB, JRO, NV