

January 9, 1962



Honorable Vernon E. Betz
State Representative
Grundy County
Trenton, Missouri

Dear Mr. Betz:

We are in receipt of your letter of January 3, 1962, requesting information regarding taxation of the income of railroad employees who earn their income in two states.

We direct your attention to Subsection 1 of Section 143.010, RSMo 1959, which reads as follows:

"Every single individual, a citizen or resident of this state having a gross income in excess of one thousand two hundred dollars, and every married couple, citizens or residents of this state having a gross income in excess of two thousand four hundred dollars, shall file an income tax return or returns, and pay a tax upon net income received, from all sources during the preceding year in excess of the exemptions herein provided."

We also direct your attention to Section 143.160, Subsection (5) (a), RSMo 1959, which reads as follows:

"In ascertaining net income there may be deducted from gross income derived during the same period the following:

(5) Income on which tax is paid in another state or country or in the District of Columbia:

(a) Such part of the income in any taxable year on which a tax is imposed by any other state or country or the

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District of Columbia and paid to such state or country or the District of Columbia shall be deducted where such income is included in the taxpayer's return, but such credit shall not exceed such proportion of the tax payable under this chapter as the income subject to tax in such other state or country or the District of Columbia bears to the taxpayer's net income upon which the tax is imposed by this chapter."

We enclose a copy of an opinion of this office issued July 18, 1947, to the Honorable M. E. Morris, which we believe adequately answers the problem posed in your request.

Yours very truly,

THOMAS F. EAGLETON
Attorney General

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