

FIRST REGULAR SESSION

[PERFECTED]

HOUSE BILL NO. 129

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES VAN ZANDT AND CAMPBELL (Co-sponsors).

Pre-filed December 13, 2000, and 1000 copies ordered printed.

Read 1st time January 3, 2001.

Read 2nd time January 4, 2001, and referred to the Committee on Ways and Means, January 23, 2001.

Reported from the Committee on Ways and Means, February 15, 2001, with recommendation that the bill Do Pass by Consent.

Perfectured by Consent March 5, 2001.

ANNE C. WALKER, Chief Clerk

0684L.01P

AN ACT

To amend chapter 136, RSMo, relating to collection of state taxes by adding thereto one new section relating to government contracts for the examination of taxpayer records.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 136, RSMo, is amended by adding thereto one new section, to be
2 known as section 136.076, to read as follows:

**136.076. 1. Neither this state nor any county of this state shall enter into any
2 contract or arrangement or expend any general revenue or special revenue funds for the
3 examination of a taxpayer's books and records if any part of the compensation paid or
4 payable for the services of the person, firm or corporation conducting the examination is
5 contingent upon or otherwise related to the amount of tax, interest, court cost or penalty
6 assessed against or collected from the taxpayer. A contract or arrangement in violation of
7 this section, if made or entered into after the effective date of this act, is void and
8 unenforceable. Any assessment or preliminary assessment of taxes, penalties or interest
9 proposed or asserted by a person, firm or corporation compensated pursuant to any such
10 contract or arrangement shall likewise be null and void. Any contract or arrangement, if
11 made or entered into after the effective date of this section, in which the person, firm or
12 corporation conducting the examination agrees or has an understanding with the taxing
13 authority that all or part of the compensation paid or payable will be waived or otherwise**

14 not paid if there is no assessment or no collection of tax or if less than a certain amount is
15 assessed or collected is void and unenforceable.

16 2. For the purposes of this section the word "tax" shall mean any tax, license, fee
17 or other charge payable to the state of Missouri, any agency thereof, county or any agency
18 thereof, or other political subdivision or any agency thereof, including but not limited to,
19 income, franchise, sales and use, property, business license, gross receipts or any other
20 taxes payable by the taxpayer on account of its activities or property in, or income, sales,
21 gross receipts or the like derived from sources within, the state, county or political
22 subdivision.

23 3. The provisions of this section shall not be construed to prohibit or restrict this
24 state or a county of this state from entering into contracts or arrangements for the
25 collection of any tax, interest, court cost or penalty when the person, firm or corporation
26 making such assessment or collection has no authority to determine the amount of tax,
27 interest, court cost or penalty owed this state or a county or other political subdivision of
28 this state without approval of the entity.