

HOUSE _____ **AMENDMENT NO.** _____

Offered By

AMEND House Committee Substitute No. 2 for Senate Committee Substitute for Senate Bill No. 117,
Page 2, Section 32.028, Line 16, by inserting after all of said section and line, the following:

“32.057. 1. Except as otherwise specifically provided by law, it shall be unlawful for the director of revenue, any officer, employee, agent or deputy or former director, officer, employee, agent or deputy of the department of revenue, any person engaged or retained by the department of revenue on an independent contract basis, any person to whom authorized or unauthorized disclosure is made by the department of revenue, or any person who lawfully or unlawfully inspects any report or return filed with the department of revenue or to whom a copy, an abstract or a portion of any report or return is furnished by the department of revenue to make known in any manner, to permit the inspection or use of or to divulge to anyone any information relative to any such report or return, any information obtained by an investigation conducted by the department in the discharge of official duty, or any information received by the director in cooperation with the United States or other states in the enforcement of the revenue laws of this state. Such confidential information is limited to information received by the department in connection with the administration of the tax laws of this state.

2. Nothing in this section shall be construed to prohibit:

(1) The disclosure of information, returns, reports, or facts shown thereby, as described in subsection 1 of this section, by any officer, clerk or other employee of the department of revenue charged with the custody of such information:

(a) To a taxpayer or the taxpayer's duly authorized representative under regulations which the director of revenue may prescribe;

(b) In any action or proceeding, civil, criminal or mixed, brought to enforce the revenue laws of this state;

(c) To the state auditor or the auditor's duly authorized employees as required by subsection 4 of this section;

(d) To any city officer designated by ordinance of a city within this state to collect a city earnings tax, upon written request of such officer, which request states that the request is made for the purpose of determining or enforcing compliance with such city earnings tax ordinance and provided that such information disclosed shall be limited to that sufficient to identify the taxpayer, and further provided that in no event shall any information be disclosed that will result in the department of revenue being denied such information by the United States or any other state. The city officer requesting the identity of taxpayers filing state returns but not paying city earnings tax shall furnish to the director of revenue a list of taxpayers paying such earnings tax, and the director shall compare the list submitted with the director's

1 records and return to such city official the name and address of any taxpayer who is a resident of such city
2 who has filed a state tax return but who does not appear on the list furnished by such city. The director of
3 revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this
4 information;

5 (e) To any employee of any county or other political subdivision imposing a sales tax which is
6 administered by the state department of revenue whose office is authorized by the governing body of the
7 county or other political subdivision to receive any and all records of the state director of revenue
8 pertaining to the administration, collection and enforcement of its sales tax. The request for sales tax
9 records and reports shall include a description of the type of report requested, the media form including
10 electronic transfer, computer tape or disk, or printed form, and the frequency desired. The request shall be
11 made by annual written application and shall be filed with the director of revenue. The director of
12 revenue may set a fee to reimburse the department for the costs reasonably incurred in providing this
13 information. Such city or county or any employee thereof shall be subject to the same standards for
14 confidentiality as required for the department of revenue in using the information contained in the reports;

15 (f) To the director of the department of economic development or the director's duly authorized
16 employees in discharging the director's official duties to certify taxpayers eligibility to claim state tax
17 credits as prescribed by statutes;

18 (g) To any employee of any political subdivision, such records of the director of revenue
19 pertaining to the administration, collection and enforcement of the tax imposed in chapter 149 as are
20 necessary for ensuring compliance with any cigarette or tobacco tax imposed by such political
21 subdivision. The request for such records shall be made in writing to the director of revenue, and shall
22 include a description of the type of information requested and the desired frequency. The director of
23 revenue may charge a fee to reimburse the department for costs reasonably incurred in providing such
24 information;

25 (h) To the public solely relating to the number of cigarettes sold annually by each tobacco
26 product manufacturer, including but not limited to such information obtained by the department under
27 sections 196.1020 to 196.1035;

28 (2) The publication by the director of revenue or of the state auditor in the audit reports relating
29 to the department of revenue of:

30 (a) Statistics, statements or explanations so classified as to prevent the identification of any
31 taxpayer or of any particular reports or returns and the items thereof;

32 (b) The names and addresses without any additional information of persons who filed returns and
33 of persons whose tax refund checks have been returned undelivered by the United States Post Office;

34 (3) The director of revenue from permitting the Secretary of the Treasury of the United States or
35 the Secretary's delegates, the proper officer of any state of the United States imposing a tax equivalent to
36 any of the taxes administered by the department of revenue of the state of Missouri or the appropriate
37 representative of the multistate tax commission to inspect any return or report required by the respective
38 tax provision of this state, or may furnish to such officer an abstract of the return or report or supply the
39 officer with information contained in the return or disclosed by the report of any authorized investigation.
40 Such permission, however, shall be granted on condition that the corresponding revenue statute of the
41 United States or of such other state, as the case may be, grants substantially similar privileges to the
42 director of revenue and on further condition that such corresponding statute gives confidential status to the
43 material with which it is concerned;

1 (4) The disclosure of information, returns, reports, or facts shown thereby, by any person on
2 behalf of the director of revenue, in any action or proceeding to which the director is a party or on behalf
3 of any party to any action or proceeding pursuant to the revenue laws of this state when such information
4 is directly involved in the action or proceeding, in either of which events the court may require the
5 production of, and may admit in evidence, so much of such information as is pertinent to the action or
6 proceeding and no more;

7 (5) The disclosure of information, returns, reports, or facts shown thereby, by any person to a
8 state or federal prosecuting official, including, but not limited to, the state and federal attorneys general,
9 or the official's designees involved in any criminal, quasi-criminal, or civil investigation, action or
10 proceeding pursuant to the laws of this state or of the United States when such information is pertinent to
11 an investigation, action or proceeding involving the administration of the revenue laws or duties of public
12 office or employment connected therewith;

13 (6) Any school district from obtaining the aggregate amount of the financial institution tax paid
14 pursuant to chapter 148 by financial institutions located partially or exclusively within the school district's
15 boundaries, provided that the school district request such disclosure in writing to the department of
16 revenue;

17 (7) The disclosure of records which identify all companies licensed by this state pursuant to the
18 provisions of subsections 1 and 2 of section 149.035. The director of revenue may charge a fee to
19 reimburse the department for the costs reasonably incurred in providing such records;

20 (8) The disclosure to the commissioner of administration pursuant to section 34.040 of a list of
21 vendors and their affiliates who meet the conditions of section 144.635, but refuse to collect the use tax
22 levied pursuant to chapter 144 on their sales delivered to this state;

23 (9) The disclosure to the public of any information, or facts shown thereby regarding the claiming
24 of a state tax credit by a member of the Missouri general assembly or any statewide elected public official.
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26 3. Any person violating any provision of subsection 1 or 2 of this section shall, upon conviction,
27 be guilty of a class D felony.

28 4. The state auditor or the auditor's duly authorized employees who have taken the oath of
29 confidentiality required by section 29.070 shall have the right to inspect any report or return filed with the
30 department of revenue if such inspection is related to and for the purpose of auditing the department of
31 revenue; except that, the state auditor or the auditor's duly authorized employees shall have no greater
32 right of access to, use and publication of information, audit and related activities with respect to income
33 tax information obtained by the department of revenue pursuant to chapter 143 or federal statute than
34 specifically exists pursuant to the laws of the United States and of the income tax laws of the state of
35 Missouri.”; and
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37 Further amend said bill by amending the title, enacting clause, and intersectional references accordingly.