

FIRST REGULAR SESSION

# HOUSE BILL NO. 116

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES FLANIGAN (Sponsor), ALLEN AND ZERR (Co-sponsors).

0053L.011

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To amend chapter 32, RSMo, by adding thereto one new section relating to amnesty for certain taxes, with an emergency clause.

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

Section A. Chapter 32, RSMo, is amended by adding thereto one new section, to be known as section 32.383, to read as follows:

**32.383. 1. Notwithstanding the provisions of any other law to the contrary, with respect to taxes administered by the department of revenue, an amnesty from the assessment or payment of all penalties, additions to tax, and interest shall apply with respect to unpaid taxes or taxes due and owing reported and paid in full from August 1, 2011, to October 31, 2011, regardless of whether previously assessed, except for penalties, additions to tax, and interest paid before August 1, 2011. The amnesty shall apply only to state tax liabilities due or due but unpaid on or before December 31, 2010, and shall not extend to any taxpayer who at the time of payment is a party to any criminal investigations or to any civil or criminal litigation that is pending in any court of the United States or this state for nonpayment, delinquency, or fraud in relation to any state tax imposed by this state.**

**2. Upon written application by the taxpayer, on forms prescribed by the director of revenue, and upon compliance with the provisions of this section, the department of revenue shall not seek to collect any penalty, addition to tax, or interest that may be applicable. The department of revenue shall not seek civil or criminal prosecution for any taxpayer for the taxable period for which the amnesty has been granted.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17           **3. Amnesty shall be granted only to those taxpayers who have applied for amnesty**  
18 **within the period stated in this section, who have filed a tax return for each taxable period**  
19 **for which amnesty is requested, who have paid the entire balance due within sixty days of**  
20 **approval by the department of revenue, and who agree to comply with state tax laws for**  
21 **the next eight years from the date of the agreement. No taxpayer shall be entitled to a**  
22 **waiver of any penalty, addition to tax, or interest under this section unless full payment of**  
23 **the tax due is made in accordance with rules established by the director of revenue.**

24           **4. All taxpayers granted amnesty under this section shall comply with this state's**  
25 **tax laws for the eight years following the date of the amnesty agreement. If any such**  
26 **taxpayer fails to comply with all of this state's tax laws at any time during the eight years**  
27 **following the date of the agreement, all penalties, additions to tax, and interest that were**  
28 **waived under the amnesty agreement shall become due and owing immediately.**

29           **5. If a taxpayer elects to participate in the amnesty program established in this**  
30 **section as evidenced by full payment of the tax due as established by the director of**  
31 **revenue, that election shall constitute an express and absolute relinquishment of all**  
32 **administrative and judicial rights of appeal. No tax payment received under this section**  
33 **shall be eligible for refund or credit.**

34           **6. Nothing in this section shall be interpreted to disallow the department of revenue**  
35 **to adjust a taxpayer's tax return as a result of any state or federal audit.**

36           **7. All tax payments received as a result of the amnesty program established in this**  
37 **section, other than revenues earmarked by the Constitution of Missouri, shall be deposited**  
38 **in the state general revenue fund.**

39           **8. The department may promulgate rules or issue administrative guidelines as are**  
40 **necessary to implement the provisions of this section. Any rule or portion of a rule, as that**  
41 **term is defined in section 536.010, that is created under the authority delegated in this**  
42 **section shall become effective only if it complies with and is subject to all of the provisions**  
43 **of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are**  
44 **nonseverable and if any of the powers vested with the general assembly under chapter 536**  
45 **to review, to delay the effective date, or to disapprove and annul a rule are subsequently**  
46 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**  
47 **adopted after July 1, 2011, shall be invalid and void.**

48           **9. This section shall become effective on July 1, 2011, and shall expire on December**  
49 **31, 2014.**

          Section B. Because immediate action is necessary to secure adequate state revenue,  
2 section A of this act is deemed necessary for the immediate preservation of the public health,  
3 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of

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4 the constitution, and section A of this act shall be in full force and effect upon its passage and  
5 approval.

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