

HOUSE _____ **AMENDMENT NO.** _____

Offered By

1 AMEND House Committee Substitute for House Bill Nos. 116 & 316, Section 32.088, Page 5,
2 Lines 3 and 13, by deleting the words, "chapter 260" and inserting in lieu thereof the words,
3 "sections 260.262 or 260.273"; and
4

5 Further amend said bill, Section 32.383, Page 7, Line 49, by inserting after all of said section the
6 following:

7 "32.385.1. The director of revenue and the commissioner of administration may jointly
8 enter into a reciprocal collection and offset of indebtedness agreement with the federal
9 government, under which the State will offset from state tax refunds and from payments otherwise
10 due to vendors and contractors providing goods or services to state departments, agencies, or other
11 state agencies non-tax debt owed to the federal government; and the federal government will
12 offset from federal payments to vendors, contractors, and taxpayers debt owed to the state of
13 Missouri.

14 2. When used in this section, the following words, terms, and phrases are defined as set
15 forth herein:

16 (1) "Federal official" means a unit or official of the federal government charged with the
17 collection of non-tax liabilities payable to the federal government under 31 U.S.C. section 3716.

18 (2) "State agency" means any department, division, board, commission, office, or other
19 agency of the state of Missouri.

20 (3) "Non-tax liability due the State" means a liability certified to the director of revenue
21 by a state agency and shall include, but shall not be limited to, fines, fees, penalties, and other
22 non-tax assessments imposed by or payable to any state agency that is finally determined to be due
23 and owing.

24 (4) "Person" means an individual, partnership, society, association, joint stock company,
25 corporation, public corporation, or any public authority, estate, receiver, trustee, assignee, referee,
26 and any other person acting in a fiduciary or representative capacity whether appointed by a court
27 or otherwise, and any combination of the foregoing.

28 (5) "Refund" means an amount described as a refund of tax under the provisions of the
29 State tax law that authorized its payment.

1 (6) "Vendor payment" means any payment, other than a refund, made by the state to any
2 person or entity, and shall include but shall not be limited to any expense reimbursement to an
3 employee of the State; but shall not include a person's salary, wages, or pension.

4 (7) "Offset agreement" is the agreement authorized by this section.

5 3. Under the offset agreement, a federal official may

6 (1) Certify to the state of Missouri the existence of a person's delinquent non-tax liability
7 owed by the person to the federal government; and

8 (2) Request that the state of Missouri withhold any refund and vendor payment to which
9 the person is entitled.

10 (3) Certify and request the state of Missouri to withhold a refund or vendor payment only
11 if the laws of the United States:

12 (a) Allow the state of Missouri to enter into a reciprocal agreement with the United States,
13 under which the federal official would be authorized to offset federal payments to collect
14 delinquent tax and non-tax debts owed to the State; and

15 (b) Provide for the payment of the amount withheld to the state.

16 (4) Retain a portion of the proceeds of any collection setoff as provided under the setoff
17 agreement.

18 4. Under the offset agreement, a certification by a federal official to the state of Missouri
19 shall include:

20 (1) the full name of the person and any other names known to be used by the person;

21 (2) the social security number or federal tax identification number;

22 (3) the amount of the non-tax liability; and

23 (4) a statement that the debt is past due and legally enforceable in the amount certified.

24 5. If a person for whom a certification is received from a federal official is due a refund of
25 Missouri tax or a vendor payment, the agreement may provide that the state of Missouri shall

26 (1) withhold a refund or vendor payment that is due a person whose name has been
27 certified by a federal official;

28 (2) in accordance with the provisions of the offset agreement, notify the person of the
29 amount withheld in satisfaction of a liability certified by a federal official;

30 (3) pay to the federal official the lesser of:

31 (a) the entire refund or vendor payment; or

32 (b) the amount certified; and

33 (4) pay any refund or vendor payment in excess of the certified amount to the person.

34 6. Under the agreement, the director of revenue shall

35 (1) certify to a federal official the existence of a person's delinquent tax or non-tax
36 liability due the state owed by the person to any state agency;

1 (2) request that the federal official withhold any eligible vendor payment to which the
2 person is entitled; and

3 (3) provide for the payment of the amount withheld to the state.

4 7. A certification by a state agency to the director of revenue and by the director of
5 revenue to the federal official under the offset agreement shall include:

6 (1) the full name and address of the person and any other names known to be used by the
7 person;

8 (2) the social security number or tax identification number;

9 (3) the amount of the tax or non-tax liability;

10 (4) a statement that the debt is past due and legally enforceable in the amount certified;

11 and

12 (5) any other information required by federal statute or regulation applicable to the
13 collection of the debt by offset of federal payments.

14 8. Any other provisions of law to the contrary notwithstanding, the director of revenue
15 and the commissioner of administration shall have the authority to enter into reciprocal
16 agreements with any other state which extends a like comity to this state to set off offset from
17 state tax refunds and from payments otherwise due to vendors and contractors providing goods or
18 services to state departments, agencies, or other state agencies non-tax debt for debts due the
19 other state that extends a like comity to this state.”; and

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21 Further amend said bill, Section 32.410, Page 7, Line 1, by deleting the number, “32.470” and
22 inserting in lieu thereof the number, “32.460”; and

23
24 Further amend said bill by amending the title, enacting clause, and intersectional references
25 accordingly.