

ENROLLED HOUSE
BILL NO. 2846

By: Kinnamon of the House

and

Maddox of the Senate

An Act relating to revenue and taxation; amending 68 O.S. 1991, Section 262, as last amended by Section 23, Chapter 290, O.S.L. 1996 (68 O.S. Supp. 1997, Section 262), which relates to contracts with private contractors to audit and collect delinquent taxes; permitting the Oklahoma Tax Commission to contract and expend certain monies; prohibiting Oklahoma Tax Commission from entering into contracts where compensation is based on percentage basis or based on amount of money collected; declaring that certain contracts shall be void and unenforceable; deleting language; permitting Oklahoma Tax Commission to contract with certain private auditors or audit firms; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 68 O.S. 1991, Section 262, as last amended by Section 23, Chapter 290, O.S.L. 1996 (68 O.S. Supp. 1997, Section 262), is amended to read as follows:

Section 262. The Oklahoma Tax Commission may contract with private auditors or audit firms to audit the books of individuals, firms, or corporations which the Tax Commission believes may owe the State of Oklahoma additional tax monies. The Tax Commission may contract and may expend monies from the Oklahoma Tax Commission Reimbursement Fund to enter into such contracts. However, in no instance shall any such contract be paid upon a percentage basis, or on any basis whereby the compensation under the contract is dependent upon the amount of monies collected. Any such contract containing a provision whereby the compensation is conditioned upon or measured directly or indirectly by the amount of money collected shall be void and unenforceable. The ~~Oklahoma~~ Tax Commission may contract and may expend monies from the Oklahoma Tax Commission Reimbursement Fund in payment of a reasonable fee of the delivered funds in payment ~~to private auditors or audit firms to audit the books of persons as defined in the Uniform Tax Procedure Code, Section 201 et seq. of this title, which the Commission believes may owe the State of Oklahoma additional tax monies, or of contracts entered into~~ with temporary service companies or professional collection agencies as necessary for the collection of delinquent taxes or other monies owed to the state. Such payment shall not be made until the funds have been deposited with the Tax Commission. Temporary employees or contractors hereunder shall not disclose confidential tax information except as authorized by Section 205 of this title, subject to the penalties contained therein.

SECTION 2. This act shall become effective November 1, 1998.

Passed the House of Representatives the 19th day of May, 1998.

Speaker of the House of
Representatives

Passed the Senate the 19th day of May, 1998.

President of the Senate