

SENATE SUBSTITUTE

FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILLS NOS. 26, 11 & 31

AN ACT

To repeal sections 32.087, 66.601, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775, 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151, 144.010, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043, 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100, 144.140, 144.210, 144.285, 144.440, 144.517, 144.526, 144.605, 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009, 144.1012, 144.1015, 221.407, 238.235, 238.410, 644.032, RSMo, and to enact in lieu thereof eighty new sections relating to taxation, with penalty provisions and effective dates for certain sections.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1 Section A. Sections 32.087, 66.601, 66.620, 67.395, 67.525,
2 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584, 67.712,
3 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799, 67.997,
4 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1713, 67.1775,
5 67.1959, 67.1971, 67.2000, 67.2030, 67.2525, 67.2530, 94.578,
6 94.605, 94.660, 94.705, 143.011, 143.021, 143.071, 143.151,
7 144.010, 144.014, 144.020, 144.021, 144.030, 144.032, 144.043,
8 144.049, 144.054, 144.069, 144.070, 144.080, 144.083, 144.100,
9 144.140, 144.210, 144.285, 144.440, 144.517, 144.526, 144.605,

1 144.655, 144.710, 144.1000, 144.1003, 144.1006, 144.1009,
2 144.1012, 144.1015, 221.407, 238.235, 238.410, and 644.032, RSMo,
3 are repealed and eighty new sections enacted in lieu thereof, to
4 be known as sections 32.070, 32.086, 32.087, 66.620, 67.395,
5 67.525, 67.571, 67.576, 67.578, 67.581, 67.582, 67.583, 67.584,
6 67.712, 67.713, 67.729, 67.737, 67.738, 67.745, 67.782, 67.799,
7 67.997, 67.1300, 67.1303, 67.1305, 67.1545, 67.1712, 67.1775,
8 67.1959, 67.2000, 67.2030, 67.2525, 67.2530, 94.578, 94.605,
9 94.660, 94.705, 143.011, 143.021, 143.022, 143.071, 143.151,
10 144.010, 144.014, 144.020, 144.021, 144.022, 144.030, 144.032,
11 144.040, 144.041, 144.042, 144.043, 144.049, 144.054, 144.070,
12 144.080, 144.082, 144.083, 144.084, 144.100, 144.105, 144.110,
13 144.123, 144.124, 144.125, 144.140, 144.210, 144.212, 144.285,
14 144.440, 144.522, 144.526, 144.605, 144.655, 144.710, 221.407,
15 238.235, 238.410, and 644.032, to read as follows:

16 32.070. 1. The director of the department of revenue shall
17 enter into the streamlined sales and use tax agreement with one
18 or more states to simplify and modernize sales and use tax
19 administration in order to substantially reduce the burden of tax
20 compliance for all sellers and for all types of commerce. In
21 furtherance of the streamlined sales and use tax agreement, the
22 director of the department of revenue may act jointly with other
23 states that are members of the streamlined sales and use tax
24 agreement to establish standards for certification of a certified
25 service provider and certified automated system and establish
26 performance standards for multistate sellers.

27 2. The director of the department of revenue may take other
28 action reasonably required to implement the provisions set forth

1 in the streamlined sales and use tax administration act,
2 including, but not limited to, the promulgation of rules and the
3 joint procurement, with other member states, of goods and
4 services in furtherance of the streamlined sales and use tax
5 agreement.

6 3. For the purposes of representing the state as a member
7 of the agreement and, if necessary, amending the agreement, the
8 state shall be represented by three delegates, one of whom shall
9 be appointed by the governor, one shall be a member of the
10 general assembly appointed by mutual agreement of the president
11 pro tem of the senate and the speaker of the house of
12 representatives, with the director of the department of revenue
13 or the director's designee as the third delegate. The delegates
14 shall recommend to the committees responsible for reviewing tax
15 issues in the senate and the house of representatives each year
16 any amendment of state statutes required to be substantially in
17 compliance with the agreement. Such delegates shall make a
18 written report by the fifteenth day of January each year
19 regarding the status of the agreement.

20 4. The department of revenue shall promulgate rules
21 necessary to implement the provisions of the streamlined sales
22 and use tax agreement. Any rule or portion of a rule, as that
23 term is defined in section 536.010, that is created under the
24 authority delegated in this section shall become effective only
25 if it complies with and is subject to all of the provisions of
26 chapter 536 and, if applicable, section 536.028. This section
27 and chapter 536 are nonseverable and if any of the powers vested
28 with the general assembly pursuant to chapter 536 to review, to

1 delay the effective date, or to disapprove and annul a rule are
2 subsequently held unconstitutional, then the grant of rulemaking
3 authority and any rule proposed or adopted after August 28, 2013,
4 shall be invalid and void.

5 32.086. Notwithstanding any other provision of law, for all
6 local sales and use taxes collected by the department and
7 remitted to a political jurisdiction or taxing district, the
8 department shall remit one percent of the amount collected to the
9 general revenue fund to offset the cost of collection, unless a
10 greater amount is specified in the local sales and use tax law.
11 The department shall not commingle the remaining amounts
12 collected with general revenues and shall remit the remaining
13 amounts collected to the political jurisdiction or taxing
14 district less any credits for erroneous payments, overpayments,
15 and dishonored checks.

16 32.087. 1. Within ten days after the adoption of any
17 ordinance or order in favor of adoption of any local sales tax
18 authorized under the local sales tax law by the voters of a
19 taxing entity, the governing body or official of such taxing
20 entity shall forward to the director of revenue by United States
21 registered mail or certified mail a certified copy of the
22 ordinance or order. The ordinance or order shall reflect the
23 effective date thereof.

24 2. Any local sales tax so adopted shall become effective on
25 the first day of the second calendar quarter after the director
26 of revenue receives notice of adoption of the local sales tax,
27 except as provided in subsection [18] 17 of this section.

28 3. Every retailer within the jurisdiction of one or more

1 taxing entities which has imposed one or more local sales taxes
2 under the local sales tax law shall add all taxes so imposed
3 along with the tax imposed by the sales tax law of the state of
4 Missouri to the sale price and, when added, the combined tax
5 shall constitute a part of the price, and shall be a debt of the
6 purchaser to the retailer until paid, and shall be recoverable at
7 law in the same manner as the purchase price. The combined rate
8 of the state sales tax and all local sales taxes shall be the sum
9 of the rates, multiplying the combined rate times the amount of
10 the sale.

11 4. [The brackets required to be established by the director
12 of revenue under the provisions of section 144.285 shall be based
13 upon the sum of the combined rate of the state sales tax and all
14 local sales taxes imposed under the provisions of the local sales
15 tax law.

16 5.] The ordinance or order imposing a local sales tax under
17 the local sales tax law shall impose upon all sellers a tax for
18 the privilege of engaging in the business of selling tangible
19 personal property or rendering taxable services at retail to the
20 extent and in the manner provided in sections 144.010 to 144.525,
21 and the rules and regulations of the director of revenue issued
22 pursuant thereto; except that the rate of the tax shall be the
23 sum of the combined rate of the state sales tax or state highway
24 use tax and all local sales taxes imposed under the provisions of
25 the local sales tax law.

26 [6.] 5. On and after the effective date of any local sales
27 tax imposed under the provisions of the local sales tax law, the
28 director of revenue shall perform all functions incident to the

1 administration, collection, enforcement, and operation of the
2 tax, and the director of revenue shall collect in addition to the
3 sales tax for the state of Missouri all additional local sales
4 taxes authorized under the authority of the local sales tax law.
5 All local sales taxes imposed under the local sales tax law
6 together with all taxes imposed under the sales tax law of the
7 state of Missouri shall be collected together and reported upon
8 such forms and under such administrative rules and regulations as
9 may be prescribed by the director of revenue.

10 [7.] 6. All applicable provisions contained in sections
11 144.010 to 144.525 governing the state sales tax and section
12 32.057, the uniform confidentiality provision, shall apply to the
13 collection of any local sales tax imposed under the local sales
14 tax law except as modified by the local sales tax law.

15 [8.] 7. All exemptions granted to agencies of government,
16 organizations, persons and to the sale of certain articles and
17 items of tangible personal property and taxable services under
18 the provisions of sections 144.010 to 144.525, as these sections
19 now read and as they may hereafter be amended, it being the
20 intent of this general assembly to ensure that the same sales tax
21 exemptions granted from the state sales tax law also be granted
22 under the local sales tax law, are hereby made applicable to the
23 imposition and collection of all local sales taxes imposed under
24 the local sales tax law.

25 [9.] 8. The same sales tax permit, exemption certificate
26 and retail certificate required by sections 144.010 to 144.525
27 for the administration and collection of the state sales tax
28 shall satisfy the requirements of the local sales tax law, and no

1 additional permit or exemption certificate or retail certificate
2 shall be required; except that the director of revenue may
3 prescribe a form of exemption certificate for an exemption from
4 any local sales tax imposed by the local sales tax law.

5 [10.] 9. All discounts allowed the retailer under the
6 provisions of the state sales tax law for the collection of and
7 for payment of taxes under the provisions of the state sales tax
8 law are hereby allowed and made applicable to any local sales tax
9 collected under the provisions of the local sales tax law.

10 [11.] 10. The penalties provided in section 32.057 and
11 sections 144.010 to 144.525 for a violation of the provisions of
12 those sections are hereby made applicable to violations of the
13 provisions of the local sales tax law.

14 [12. (1)] 11. For the purposes of any local sales tax
15 imposed by an ordinance or order under the local sales tax law,
16 all sales[, except the sale of motor vehicles, trailers, boats,
17 and outboard motors, shall be deemed to be consummated at the
18 place of business of the retailer unless the tangible personal
19 property sold is delivered by the retailer or his agent to an
20 out-of-state destination. In the event a retailer has more than
21 one place of business in this state which participates in the
22 sale, the sale shall be deemed to be consummated at the place of
23 business of the retailer where the initial order for the tangible
24 personal property is taken, even though the order must be
25 forwarded elsewhere for acceptance, approval of credit, shipment
26 or billing. A sale by a retailer's agent or employee shall be
27 deemed to be consummated at the place of business from which he
28 works.

1 (2) For the purposes of any local sales tax imposed by an
2 ordinance or order under the local sales tax law, all sales of
3 motor vehicles, trailers, boats, and outboard motors shall be
4 deemed to be consummated at the residence of the purchaser and
5 not at the place of business of the retailer, or the place of
6 business from which the retailer's agent or employee works.

7 (3) For the purposes of any local tax imposed by an
8 ordinance or under the local sales tax law on charges for mobile
9 telecommunications services, all taxes of mobile
10 telecommunications service shall be imposed as provided in the
11 Mobile Telecommunications Sourcing Act, 4 U.S.C. Sections 116
12 through 124, as amended] shall be sourced as provided by sections
13 144.040 to 144.043.

14 [13.] 12. Local sales taxes imposed pursuant to the local
15 sales tax law on the purchase and sale of motor vehicles,
16 trailers, boats, and outboard motors shall not be collected and
17 remitted by the seller, but shall be collected by the director of
18 revenue at the time application is made for a certificate of
19 title, if the address of the applicant is within a taxing entity
20 imposing a local sales tax under the local sales tax law.

21 [14.] 13. The director of revenue and any of [his] the
22 director's deputies, assistants and employees who have any duties
23 or responsibilities in connection with the collection, deposit,
24 transfer, transmittal, disbursement, safekeeping, accounting, or
25 recording of funds which come into the hands of the director of
26 revenue under the provisions of the local sales tax law shall
27 enter a surety bond or bonds payable to any and all taxing
28 entities in whose behalf such funds have been collected under the

1 local sales tax law in the amount of one hundred thousand dollars
2 for each such tax; but the director of revenue may enter into a
3 blanket bond covering ~~[himself]~~ the director and all such
4 deputies, assistants and employees. The cost of any premium for
5 such bonds shall be paid by the director of revenue from the
6 share of the collections under the sales tax law retained by the
7 director of revenue for the benefit of the state.

8 [15.] 14. The director of revenue shall annually report on
9 ~~[his]~~ the director's management of each trust fund which is
10 created under the local sales tax law and administration of each
11 local sales tax imposed under the local sales tax law. ~~[He]~~ The
12 director shall provide each taxing entity imposing one or more
13 local sales taxes authorized by the local sales tax law with a
14 detailed accounting of the source of all funds received by ~~[him]~~
15 the director for the taxing entity. Notwithstanding any other
16 provisions of law, the state auditor shall annually audit each
17 trust fund. A copy of the director's report and annual audit
18 shall be forwarded to each taxing entity imposing one or more
19 local sales taxes.

20 [16.] 15. Within the boundaries of any taxing entity where
21 one or more local sales taxes have been imposed, if any person is
22 delinquent in the payment of the amount required to be paid by
23 ~~[him]~~ such person under the local sales tax law or in the event a
24 determination has been made against ~~[him]~~ such person for taxes
25 and penalty under the local sales tax law, the limitation for
26 bringing suit for the collection of the delinquent tax and
27 penalty shall be the same as that provided in sections 144.010 to
28 144.525. Where the director of revenue has determined that suit

1 must be filed against any person for the collection of delinquent
2 taxes due the state under the state sales tax law, and where such
3 person is also delinquent in payment of taxes under the local
4 sales tax law, the director of revenue shall notify the taxing
5 entity in the event any person fails or refuses to pay the amount
6 of any local sales tax due so that appropriate action may be
7 taken by the taxing entity.

8 [17.] 16. Where property is seized by the director of
9 revenue under the provisions of any law authorizing seizure of
10 the property of a taxpayer who is delinquent in payment of the
11 tax imposed by the state sales tax law, and where such taxpayer
12 is also delinquent in payment of any tax imposed by the local
13 sales tax law, the director of revenue shall permit the taxing
14 entity to join in any sale of property to pay the delinquent
15 taxes and penalties due the state and to the taxing entity under
16 the local sales tax law. The proceeds from such sale shall first
17 be applied to all sums due the state, and the remainder, if any,
18 shall be applied to all sums due such taxing entity.

19 [18.] 17. If a local sales tax has been in effect for at
20 least one year under the provisions of the local sales tax law
21 and voters approve reimposition of the same local sales tax at
22 the same rate at an election as provided for in the local sales
23 tax law prior to the date such tax is due to expire, the tax so
24 reimposed shall become effective the first day of the first
25 calendar quarter after the director receives a certified copy of
26 the ordinance, order or resolution accompanied by a map clearly
27 showing the boundaries thereof and the results of such election,
28 provided that such ordinance, order or resolution and all

1 necessary accompanying materials are received by the director at
2 least thirty days prior to the expiration of such tax. Any
3 administrative cost or expense incurred by the state as a result
4 of the provisions of this subsection shall be paid by the city or
5 county reimposing such tax.

6 18. If the boundaries of a city in which a sales tax or use
7 tax has been imposed shall thereafter be changed or altered, the
8 city clerk shall forward to the director of revenue by United
9 States registered mail or certified mail a certified copy of the
10 ordinance adding or detaching territory from the city within ten
11 days of adoption of the ordinance. The ordinance shall reflect
12 the effective date of the ordinance and shall be accompanied by a
13 map of the city clearly showing the territory added or detached
14 from the city boundaries. Upon receipt of the ordinance and map,
15 the tax imposed under the local sales tax law or local use tax
16 law shall be effective in the added territory or abolished in the
17 detached territory on the first day of a calendar quarter after
18 one hundred twenty days' notice to sellers.

19 19. Any change to any local sales tax or local use tax
20 boundary or rate shall be effective on the first day of a
21 calendar quarter after one hundred twenty days' notice to
22 sellers.

23 66.620. 1. All county sales taxes collected by the
24 director of revenue under sections 66.600 to 66.630 on behalf of
25 any county[, less one percent for cost of collection which shall
26 be deposited in the state's general revenue fund after payment of
27 premiums for surety bonds as provided in section 32.087,] shall
28 be deposited in a special trust fund, which is hereby created, to

1 be known as the "County Sales Tax Trust Fund". [The moneys in
2 the county sales tax trust fund shall not be deemed to be state
3 funds and shall not be commingled with any funds of the state.]

4 The director of revenue shall keep accurate records of the amount
5 of money in the trust fund which was collected in each county
6 imposing a county sales tax, and the records shall be open to the
7 inspection of officers of the county and the public. Not later
8 than the tenth day of each month, the director of revenue shall
9 distribute all moneys deposited in the trust fund during the
10 preceding month to the county which levied the tax; such funds
11 shall be deposited with the county treasurer of the county and
12 all expenditures of funds arising from the county sales tax trust
13 fund shall be by an appropriation act to be enacted by the
14 legislative council of the county, and to the cities, towns and
15 villages located wholly or partly within the county which levied
16 the tax in the manner as set forth in sections 66.600 to 66.630.

17 2. In any county not adopting an additional sales tax and
18 alternate distribution system as provided in section 67.581, for
19 the purposes of distributing the county sales tax, the county
20 shall be divided into two groups, "Group A" and "Group B". Group
21 A shall consist of all cities, towns and villages which are
22 located wholly or partly within the county which levied the tax
23 and which had a city sales tax in effect under the provisions of
24 sections 94.500 to 94.550 on the day prior to the adoption of the
25 county sales tax ordinance, except that beginning January 1,
26 1980, group A shall consist of all cities, towns and villages
27 which are located wholly or partly within the county which levied
28 the tax and which had a city sales tax approved by the voters of

1 such city under the provisions of sections 94.500 to 94.550 on
2 the day prior to the effective date of the county sales tax. For
3 the purposes of determining the location of consummation of sales
4 for distribution of funds to cities, towns and villages in group
5 A, the boundaries of any such city, town or village shall be the
6 boundary of that city, town or village as it existed on March 19,
7 1984. Group B shall consist of all cities, towns and villages
8 which are located wholly or partly within the county which levied
9 the tax and which did not have a city sales tax in effect under
10 the provisions of sections 94.500 to 94.550 on the day prior to
11 the adoption of the county sales tax ordinance, and shall also
12 include all unincorporated areas of the county which levied the
13 tax; except that, beginning January 1, 1980, group B shall
14 consist of all cities, towns and villages which are located
15 wholly or partly within the county which levied the tax and which
16 did not have a city sales tax approved by the voters of such city
17 under the provisions of sections 94.500 to 94.550 on the day
18 prior to the effective date of the county sales tax and shall
19 also include all unincorporated areas of the county which levied
20 the tax.

21 3. Until January 1, 1994, the director of revenue shall
22 distribute to the cities, towns and villages in group A the taxes
23 based on the location in which the sales were deemed consummated
24 under section 66.630 and subsection 12 of section 32.087. Except
25 for distribution governed by section 66.630, after deducting the
26 distribution to the cities, towns and villages in group A, the
27 director of revenue shall distribute the remaining funds in the
28 county sales tax trust fund to the cities, towns and villages and

1 the county in group B as follows: To the county which levied the
2 tax, a percentage of the distributable revenue equal to the
3 percentage ratio that the population of the unincorporated areas
4 of the county bears to the total population of group B; and to
5 each city, town or village in group B located wholly within the
6 taxing county, a percentage of the distributable revenue equal to
7 the percentage ratio that the population of such city, town or
8 village bears to the total population of group B; and to each
9 city, town or village located partly within the taxing county, a
10 percentage of the distributable revenue equal to the percentage
11 ratio that the population of that part of the city, town or
12 village located within the taxing county bears to the total
13 population of group B.

14 4. From and after January 1, 1994, the director of revenue
15 shall distribute to the cities, towns and villages in group A a
16 portion of the taxes based on the location in which the sales
17 were deemed consummated under section 66.630 and subsection 12 of
18 section 32.087 in accordance with the formula described in this
19 subsection. After deducting the distribution to the cities,
20 towns and villages in group A, the director of revenue shall
21 distribute funds in the county sales tax trust fund to the
22 cities, towns and villages and the county in group B as follows:
23 To the county which levied the tax, ten percent multiplied by the
24 percentage of the population of unincorporated county which has
25 been annexed or incorporated since April 1, 1993, multiplied by
26 the total of all sales tax revenues countywide, and a percentage
27 of the remaining distributable revenue equal to the percentage
28 ratio that the population of unincorporated areas of the county

1 bears to the total population of group B; and to each city, town
2 or village in group B located wholly within the taxing county, a
3 percentage of the remaining distributable revenue equal to the
4 percentage ratio that the population of such city, town or
5 village bears to the total population of group B; and to each
6 city, town or village located partly within the taxing county, a
7 percentage of the remaining distributable revenue equal to the
8 percentage ratio that the population of that part of the city,
9 town or village located within the taxing county bears to the
10 total population of group B.

11 5. (1) For purposes of administering the distribution
12 formula of subsection 4 of this section, the revenues arising
13 each year from sales occurring within each group A city, town or
14 village shall be distributed as follows: Until such revenues
15 reach the adjusted county average, as hereinafter defined, there
16 shall be distributed to the city, town or village all of such
17 revenues reduced by the percentage which is equal to ten percent
18 multiplied by the percentage of the population of unincorporated
19 county which has been annexed or incorporated after April 1,
20 1993; and once revenues exceed the adjusted county average, total
21 revenues shall be shared in accordance with the redistribution
22 formula as defined in this subsection.

23 (2) For purposes of this subsection, the "adjusted county
24 average" is the per capita countywide average of all sales tax
25 distributions during the prior calendar year reduced by the
26 percentage which is equal to ten percent multiplied by the
27 percentage of the population of unincorporated county which has
28 been annexed or incorporated after April 1, 1993; the

1 "redistribution formula" is as follows: During 1994, each group
2 A city, town and village shall receive that portion of the
3 revenues arising from sales occurring within the municipality
4 that remains after deducting therefrom an amount equal to the
5 cumulative sales tax revenues arising from sales within the
6 municipality multiplied by the percentage which is the sum of ten
7 percent multiplied by the percentage of the population of
8 unincorporated county which has been annexed or incorporated
9 after April 1, 1993, and the percentage, if greater than zero,
10 equal to the product of 8.5 multiplied by the logarithm (to base
11 10) of the product of 0.035 multiplied by the total of cumulative
12 per capita sales taxes arising from sales within the municipality
13 less the adjusted county average. During 1995, each group A
14 city, town and village shall receive that portion of the revenues
15 arising from sales occurring within the municipality that remains
16 after deducting therefrom an amount equal to the cumulative sales
17 tax revenues arising from sales within the municipality
18 multiplied by the percentage which is the sum of ten percent
19 multiplied by the percentage of the population of unincorporated
20 county which has been annexed or incorporated after April 1,
21 1993, and the percentage, if greater than zero, equal to the
22 product of seventeen multiplied by the logarithm (to base 10) of
23 the product of 0.035 multiplied by the total of cumulative per
24 capita sales taxes arising from sales within the municipality
25 less the adjusted county average. From January 1, 1996, until
26 January 1, 2000, each group A city, town and village shall
27 receive that portion of the revenues arising from sales occurring
28 within the municipality that remains after deducting therefrom an

1 amount equal to the cumulative sales tax revenues arising from
2 sales within the municipality multiplied by the percentage which
3 is the sum of ten percent multiplied by the percentage of the
4 population of unincorporated county which has been annexed or
5 incorporated after April 1, 1993, and the percentage, if greater
6 than zero, equal to the product of 25.5 multiplied by the
7 logarithm (to base 10) of the product of 0.035 multiplied by the
8 total of cumulative per capita sales taxes arising from sales
9 within the municipality less the adjusted county average. From
10 and after January 1, 2000, the distribution formula covering the
11 period from January 1, 1996, until January 1, 2000, shall
12 continue to apply, except that the percentage computed for sales
13 arising within the municipalities shall be not less than 7.5
14 percent for municipalities within which sales tax revenues exceed
15 the adjusted county average, nor less than 12.5 percent for
16 municipalities within which sales tax revenues exceed the
17 adjusted county average by at least twenty-five percent.

18 (3) For purposes of applying the redistribution formula to
19 a municipality which is partly within the county levying the tax,
20 the distribution shall be calculated alternately for the
21 municipality as a whole, except that the factor for annexed
22 portion of the county shall not be applied to the portion of the
23 municipality which is not within the county levying the tax, and
24 for the portion of the municipality within the county levying the
25 tax. Whichever calculation results in the larger distribution to
26 the municipality shall be used.

27 (4) Notwithstanding any other provision of this section,
28 the fifty percent of additional sales taxes as described in

1 section 99.845 arising from economic activities within the area
2 of a redevelopment project established after July 12, 1990,
3 pursuant to sections 99.800 to 99.865, while tax increment
4 financing remains in effect shall be deducted from all
5 calculations of countywide sales taxes, shall be distributed
6 directly to the municipality involved, and shall be disregarded
7 in calculating the amounts distributed or distributable to the
8 municipality. Further, any agreement, contract or covenant
9 entered into prior to July 12, 1990, between a municipality and
10 any other political subdivision which provides for an
11 appropriation of incremental sales tax revenues to the special
12 allocation fund of a tax increment financing project while tax
13 increment financing remains in effect shall continue to be in
14 full force and effect and the sales taxes so appropriated shall
15 be deducted from all calculations of countywide sales taxes,
16 shall be distributed directly to the municipality involved, and
17 shall be disregarded in calculating the amounts distributed or
18 distributable to the municipality. In addition, and
19 notwithstanding any other provision of this chapter to the
20 contrary, economic development funds shall be distributed in full
21 to the municipality in which the sales producing them were deemed
22 consummated. Additionally, economic development funds shall be
23 deducted from all calculations of countywide sales taxes and
24 shall be disregarded in calculating the amounts distributed or
25 distributable to the municipality. As used in this subdivision,
26 the term "economic development funds" means the amount of sales
27 tax revenue generated in any fiscal year by projects authorized
28 pursuant to chapter 99 or chapter 100 in connection with which

1 such sales tax revenue was pledged as security for, or was
2 guaranteed by a developer to be sufficient to pay, outstanding
3 obligations under any agreement authorized by chapter 100,
4 entered into or adopted prior to September 1, 1993, between a
5 municipality and another public body. The cumulative amount of
6 economic development funds allowed under this provision shall not
7 exceed the total amount necessary to amortize the obligations
8 involved.

9 6. If the qualified voters of any city, town or village
10 vote to change or alter its boundaries by annexing any
11 unincorporated territory included in group B or if the qualified
12 voters of one or more city, town or village in group A and the
13 qualified voters of one or more city, town or village in group B
14 vote to consolidate, the area annexed or the area consolidated
15 which had been a part of group B shall remain a part of group B
16 after annexation or consolidation. After the effective date of
17 the annexation or consolidation, the annexing or consolidated
18 city, town or village shall receive a percentage of the group B
19 distributable revenue equal to the percentage ratio that the
20 population of the annexed or consolidated area bears to the total
21 population of group B and such annexed area shall not be
22 classified as unincorporated area for determination of the
23 percentage allocable to the county. If the qualified voters of
24 any two or more cities, towns or villages in group A each vote to
25 consolidate such cities, towns or villages, then such
26 consolidated cities, towns or villages shall remain a part of
27 group A. For the purpose of sections 66.600 to 66.630,
28 population shall be as determined by the last federal decennial

1 census or the latest census that determines the total population
2 of the county and all political subdivisions therein. For the
3 purpose of calculating the adjustment based on the percentage of
4 unincorporated county population which is annexed after April 1,
5 1993, the accumulated percentage immediately before each census
6 shall be used as the new percentage base after such census.
7 After any annexation, incorporation or other municipal boundary
8 change affecting the unincorporated area of the county, the chief
9 elected official of the county shall certify the new population
10 of the unincorporated area of the county and the percentage of
11 the population which has been annexed or incorporated since April
12 1, 1993, to the director of revenue. After the adoption of the
13 county sales tax ordinance, any city, town or village in group A
14 may by adoption of an ordinance by its governing body cease to be
15 a part of group A and become a part of group B. Within ten days
16 after the adoption of the ordinance transferring the city, town
17 or village from one group to the other, the clerk of the
18 transferring city, town or village shall forward to the director
19 of revenue, by registered mail, a certified copy of the
20 ordinance. Distribution to such city as a part of its former
21 group shall cease and as a part of its new group shall begin on
22 the first day of January of the year following notification to
23 the director of revenue, provided such notification is received
24 by the director of revenue on or before the first day of July of
25 the year in which the transferring ordinance is adopted. If such
26 notification is received by the director of revenue after the
27 first day of July of the year in which the transferring ordinance
28 is adopted, then distribution to such city as a part of its

1 former group shall cease and as a part of its new group shall
2 begin the first day of July of the year following such
3 notification to the director of revenue. Once a group A city,
4 town or village becomes a part of group B, such city may not
5 transfer back to group A.

6 7. If any city, town or village shall hereafter change or
7 alter its boundaries, the city clerk of the municipality shall
8 forward to the director of revenue, by registered mail, a
9 certified copy of the ordinance adding or detaching territory
10 from the municipality. The ordinance shall reflect the effective
11 date thereof, and shall be accompanied by a map of the
12 municipality clearly showing the territory added thereto or
13 detached therefrom. Upon receipt of the ordinance and map, the
14 tax imposed by sections 66.600 to 66.630 shall be redistributed
15 and allocated in accordance with the provisions of this section
16 on the effective date of the change of the municipal boundary so
17 that the proper percentage of group B distributable revenue is
18 allocated to the municipality in proportion to any annexed
19 territory. If any area of the unincorporated county elects to
20 incorporate subsequent to the effective date of the county sales
21 tax as set forth in sections 66.600 to 66.630, the newly
22 incorporated municipality shall remain a part of group B. The
23 city clerk of such newly incorporated municipality shall forward
24 to the director of revenue, by registered mail, a certified copy
25 of the incorporation election returns and a map of the
26 municipality clearly showing the boundaries thereof. The
27 certified copy of the incorporation election returns shall
28 reflect the effective date of the incorporation. Upon receipt of

1 the incorporation election returns and map, the tax imposed by
2 sections 66.600 to 66.630 shall be distributed and allocated in
3 accordance with the provisions of this section on the effective
4 date of the incorporation.

5 8. The director of revenue may authorize the state
6 treasurer to make refunds from the amounts in the trust fund and
7 credited to any county for erroneous payments and overpayments
8 made, and may redeem dishonored checks and drafts deposited to
9 the credit of such counties. If any county abolishes the tax,
10 the county shall notify the director of revenue of the action at
11 least ninety days prior to the effective date of the repeal and
12 the director of revenue may order retention in the trust fund,
13 for a period of one year, of two percent of the amount collected
14 after receipt of such notice to cover possible refunds or
15 overpayment of the tax and to redeem dishonored checks and drafts
16 deposited to the credit of such accounts. After one year has
17 elapsed after the effective date of abolition of the tax in such
18 county, the director of revenue shall remit the balance in the
19 account to the county and close the account of that county. The
20 director of revenue shall notify each county of each instance of
21 any amount refunded or any check redeemed from receipts due the
22 county.

23 9. Except as modified in sections 66.600 to 66.630, all
24 provisions of sections 32.085 and 32.087 shall apply to the tax
25 imposed under sections 66.600 to 66.630.

26 67.395. 1. All sales taxes collected by the director of
27 revenue under sections 67.391 to 67.395 on behalf of any county,
28 [less one percent for cost of collection which shall be deposited

1 in the state's general revenue fund after payment of premiums for
2 surety bonds as provided in section 32.087] shall be deposited
3 with the state treasurer in a special trust fund, which is hereby
4 created, to be known as the "County Anti-Drug Sales Tax Trust
5 Fund". [The moneys in the county anti-drug sales tax trust fund
6 shall not be deemed to be state funds and shall not be commingled
7 with any funds of the state.] The director of revenue shall keep
8 accurate records of the amount of money in the trust fund which
9 was collected in each county imposing a sales tax under sections
10 67.391 to 67.395, and the records shall be open to the inspection
11 of officers of the county and the public. Not later than the
12 tenth day of each month, the director of revenue shall distribute
13 all moneys deposited in the trust fund during the preceding month
14 to the county which levied the tax. Such funds shall be
15 deposited with the county treasurer of each such county, and all
16 expenditures of funds arising from the county anti-drug sales tax
17 trust fund shall be by an appropriation act to be enacted by the
18 governing body of each such county.

19 2. The director of revenue may authorize the state
20 treasurer to make refunds from the amounts in the trust fund and
21 credited to any county for erroneous payments and overpayments
22 made, and may redeem dishonored checks and drafts deposited to
23 the credit of such counties. If any county abolishes the tax,
24 the county shall notify the director of revenue of the action at
25 least ninety days prior to the effective date of the repeal and
26 the director of revenue may order retention in the trust fund,
27 for a period of one year, of two percent of the amount collected
28 after receipt of such notice to cover possible refunds or

1 overpayment of the tax and to redeem dishonored checks and drafts
2 deposited to the credit of such accounts. After one year has
3 elapsed after the effective date of abolition of the tax in such
4 county, the director of revenue shall authorize the state
5 treasurer to remit the balance in the account to the county and
6 close the account of that county. The director of revenue shall
7 notify each county of each instance of any amount refunded or any
8 check redeemed from receipts due the county.

9 3. Except as modified in sections 67.391 to 67.395, all
10 provisions of sections 32.085 [and] to 32.087 shall apply to the
11 tax imposed under sections 67.391 to 67.395.

12 67.525. 1. All county sales taxes collected by the
13 director of revenue under sections 67.500 to 67.545 on behalf of
14 any county[, less one percent for cost of collection, which shall
15 be deposited in the state's general revenue fund after payment of
16 premiums for surety bonds as provided in section 32.087,] shall
17 be deposited with the state treasurer in a county sales tax trust
18 fund, which fund shall be separate and apart from the county
19 sales tax trust fund established by section 66.620. [The moneys
20 in such county sales tax trust fund shall not be deemed to be
21 state funds and shall not be commingled with any funds of the
22 state.] The director of revenue shall keep accurate records of
23 the amount of money in the trust fund which was collected in each
24 county imposing a county sales tax, and the records shall be open
25 to the inspection of officers of the county and to the public.
26 Not later than the tenth day of each month the director of
27 revenue shall distribute all moneys deposited in the trust fund
28 during the preceding month by distributing to the county

1 treasurer, or such other officer as may be designated by the
2 county ordinance or order, of each county imposing the tax
3 authorized by sections 67.500 to 67.545, the sum due the county
4 as certified by the director of revenue.

5 2. The director of revenue may authorize the state
6 treasurer to make refunds from the amounts in the trust fund and
7 credited to any county for erroneous payments and overpayments
8 made, and may redeem dishonored checks and drafts deposited to
9 the credit of such counties. If any county abolishes the tax,
10 the county shall notify the director of revenue of the action at
11 least ninety days prior to the effective date of the repeal, and
12 the director of revenue may order retention in the trust fund,
13 for a period of one year, of two percent of the amount collected
14 after receipt of such notice to cover possible refunds or
15 overpayment of the tax and to redeem dishonored checks and drafts
16 deposited to the credit of such accounts. After one year has
17 elapsed after the effective date of abolition of the tax in such
18 county, the director of revenue shall authorize the state
19 treasurer to remit the balance in the account to the county and
20 close the account of that county. The director of revenue shall
21 notify each county of each instance of any amount refunded or any
22 check redeemed from receipts due the county.

23 3. Except as modified in sections 67.500 to 67.545, all
24 provisions of sections 32.085 [and] to 32.087 shall apply to the
25 tax imposed under sections 67.500 to 67.545.

26 67.571. 1. The governing body of any county of the first
27 classification with a population of more than eighty-two thousand
28 inhabitants and less than ninety thousand inhabitants may, in

1 addition to any tourism sales tax imposed pursuant to sections
2 67.671 to 67.685, by a majority vote, impose a sales tax for the
3 funding of museums and festivals. For purposes of this section,
4 the term "funding of museums and festivals" shall mean:

5 (1) Funding of museums operating in the county, which are
6 registered with the United States Internal Revenue Service as a
7 501(C)(3) corporation and which are considered by the board to be
8 tourism attractions; and

9 (2) Funding of organizations that are registered as
10 501(C)(3) corporations which promote cultural heritage tourism
11 including festivals and the arts.

12 2. Any question submitted to the voters of such county to
13 establish a sales tax pursuant to this section shall be submitted
14 in substantially the following form:

15 Shall the county of (insert the name of
16 the county) impose a sales tax of (insert rate of
17 percent) percent to be used to fund (museums, cultural heritage,
18 festivals) in certain areas of the county?

19 YES NO

20 3. If a majority of the votes cast on the proposal by the
21 qualified voters voting thereon are in favor of the proposal, and
22 the tax takes effect pursuant to this section, the museums and
23 festivals board appointed pursuant to subsection 5 of this
24 section shall determine in what manner the tax revenue moneys
25 will be expended, and disbursements of these moneys shall be made
26 strictly in accordance with directions of the board which are
27 consistent with the provisions of sections 67.571 to 67.577.
28 Expenditures of these tax moneys may be made for the employment

1 of personnel selected by the board to assist in carrying out the
2 duties of the board, and the board is expressly authorized to
3 employ such personnel. Expenditures of these tax moneys may be
4 made directly to corporations pursuant to subsection 1 of this
5 section. No such tax revenue moneys shall be disbursed to or on
6 behalf of any corporation, organization or entity that is not
7 duly registered with the Internal Revenue Service as a 501(C)(3)
8 organization.

9 4. Any sales tax imposed pursuant to this section shall be
10 imposed at a rate not to exceed two-tenths of one percent on
11 receipts from the sale of certain tangible personal property or
12 taxable services within the county pursuant to sections 67.571 to
13 67.577.

14 5. The governing body of any county which imposes a sales
15 tax pursuant to this section may establish a museums and
16 festivals board for the purpose of expending funds collected from
17 any sales tax submitted and approved by the county's voters
18 pursuant to this section. The board shall be comprised of six
19 members who are appointed by the governing body of the county
20 from a list of candidates supplied by the chair of each of the
21 two major political parties of the county. The board shall be
22 comprised of three members from each of the two political
23 parties. Members shall serve for three-year terms, but of the
24 members first appointed, one shall be appointed for a term of one
25 year, two shall be appointed for a term of two years, and two
26 shall be appointed for a term of three years. Each member shall
27 be a resident of the county from which he or she is appointed.
28 The members of the board shall not receive compensation for

1 service on the board, but shall be reimbursed from the tax
2 revenue money for any reasonable and necessary expenses incurred
3 in service on the board.

4 6. In the area of each county in which a sales tax has been
5 imposed in the manner provided by sections 67.571 to 67.577,
6 every retailer within such area shall add the tax imposed by the
7 provisions of sections 67.571 to 67.577 to his sale price, and
8 this tax shall be a debt of the purchaser to the retailer until
9 paid, and shall be recoverable at law in the same manner as the
10 purchase price.

11 7. In counties imposing a tax under the provisions of
12 sections 67.571 to 67.577, in order to permit sellers required to
13 collect and report the sales tax to collect the amount required
14 to be reported and remitted, but not to change the requirements
15 of reporting or remitting the tax, or to serve as a levy of the
16 tax, and in order to avoid fractions of pennies, the governing
17 body may authorize the use of a bracket system similar to that
18 authorized by the provisions of section 144.285, and
19 notwithstanding the provisions of that section, this new bracket
20 system shall be used where this tax is imposed and shall apply to
21 all taxable transactions.

22 8. Except as modified in this section, all provisions of
23 sections 32.085 to 32.087 shall apply to the tax imposed under
24 this section.

25 67.576. 1. The following provisions shall govern the
26 collection of the tax imposed by the provisions of sections
27 67.571 to 67.577:

28 (1) All applicable provisions contained in sections 144.010

1 to 144.510 governing the state sales tax and section 32.057, the
2 uniform confidentiality provision, shall apply to the collection
3 of the tax imposed by the provisions of sections 67.571 to
4 67.577;

5 (2) All exemptions granted to agencies of government,
6 organizations, and persons under the provisions of sections
7 144.010 to 144.510 are hereby made applicable to the imposition
8 and collection of the tax imposed by sections 67.571 to 67.577.

9 2. The same sales tax permit, exemption certificate and
10 retail certificate required by sections 144.010 to 144.510 for
11 the administration and collection of the state sales tax shall
12 satisfy the requirements of sections 67.571 to 67.577, and no
13 additional permit or exemption certificate or retail certificate
14 shall be required; except that, the director of revenue may
15 prescribe a form of exemption certificate for an exemption from
16 the tax imposed by sections 67.571 to 67.577.

17 3. All discounts allowed the retailer pursuant to the
18 provisions of the state sales tax law for the collection of and
19 for payment of taxes pursuant to that act are hereby allowed and
20 made applicable to any taxes collected pursuant to the provisions
21 of sections 67.571 to 67.577.

22 4. The penalties provided in section 32.057 and sections
23 144.010 to 144.510 for a violation of those acts are hereby made
24 applicable to violations of the provisions of sections 67.571 to
25 67.577.

26 5. [For the purposes of the sales tax imposed by an order
27 pursuant to sections 67.571 to 67.577, all retail sales shall be
28 deemed to be consummated at the place of business of the

1 retailer] Except as provided in sections 67.571 to 67.577, all
2 provisions of sections 32.085 to 32.087 shall apply to the tax
3 imposed under sections 67.571 to 67.577.

4 67.578. 1. The governing authority of any county of the
5 third classification without a township form of government and
6 with more than sixteen thousand four hundred but less than
7 sixteen thousand five hundred inhabitants may impose a sales tax
8 in an amount not to exceed one-fifth of one percent on all retail
9 sales made in the county which are subject to taxation pursuant
10 to sections 144.010 to 144.525, to be used solely for the funding
11 of museums. For purposes of this section, the term "museums"
12 means museums operating in the county, which are registered with
13 the United States Internal Revenue Service as a 501(c)(3)
14 corporation and which are considered by the board to be a tourism
15 attraction. The tax authorized by this section shall be in
16 addition to any and all other sales taxes allowed by law, except
17 that no sales tax shall be imposed pursuant to this section
18 unless the governing authority submits to the voters of the
19 county, at a county or state general, primary, or special
20 election, a proposal to authorize the governing authority to
21 impose the tax.

22 2. The ballot of submission shall contain, but need not be
23 limited to, the following language:

24 Shall the county of (insert the name of the
25 county) impose a sales tax of (insert rate of percent)
26 percent for the funding of museums? "Museums" means museums
27 operating in the county, which are registered with the United
28 States Internal Revenue Service as a 501(c)(3) corporation and

1 which are considered by the museum board to be a tourism
2 attraction.

3 YES NO

4

5 If you are in favor of the question, place an "X" in the box
6 opposite "YES". If you are opposed to the question, place an "X"
7 in the box opposite "NO".

8

9 If a majority of the votes cast on the proposal by the qualified
10 voters voting thereon are in favor of the proposal, then the
11 sales tax shall become effective on the first day of the second
12 calendar quarter after the director of revenue receives notice of
13 the adoption of the tax. If the proposal receives less than the
14 required majority of votes, then the governing authority shall
15 have no power to impose the tax unless and until the governing
16 authority has again submitted another proposal to authorize the
17 governing authority to impose the sales tax authorized by this
18 section and such proposal is approved by the required majority of
19 the qualified voters voting thereon.

20 3. On or after the effective date of the tax, the director
21 of revenue shall be responsible for the administration,
22 collection, enforcement, and operation of the tax, and sections
23 32.085 [and] to 32.087 shall apply. The director may retain an
24 amount not to exceed one percent for deposit in the general
25 revenue fund to offset the costs of collection. In order to
26 permit sellers required to collect and report the sales tax to
27 collect the amount required to be reported and remitted, but not
28 to change the requirements of reporting or remitting the tax, or

1 to serve as a levy of the tax, and in order to avoid fractions of
2 pennies, the governing authority may authorize the use of a
3 bracket system similar to that authorized in section 144.285, and
4 notwithstanding the provisions of that section, this new bracket
5 system shall be used where this tax is imposed and shall apply to
6 all taxable transactions. Beginning with the effective date of
7 the tax, every retailer in the county shall add the sales tax to
8 the sale price, and this tax shall be a debt of the purchaser to
9 the retailer until paid, and shall be recoverable at law in the
10 same manner as the purchase price. For purposes of this section,
11 all retail sales shall be deemed to be consummated at the place
12 of business of the retailer.

13 4. All applicable provisions in sections 144.010 to 144.525
14 governing the state sales tax, and section 32.057, the uniform
15 confidentiality provision, shall apply to the collection of the
16 tax, and all exemptions granted to agencies of government,
17 organizations, and persons pursuant to sections 144.010 to
18 144.525 are hereby made applicable to the imposition and
19 collection of the tax. The same sales tax permit, exemption
20 certificate, and retail certificate required by sections 144.010
21 to 144.525 for the administration and collection of the state
22 sales tax shall satisfy the requirements of this section, and no
23 additional permit or exemption certificate or retail certificate
24 shall be required; except that, the director of revenue may
25 prescribe a form of exemption certificate for an exemption from
26 the tax. All discounts allowed the retailer pursuant to the
27 state sales tax law for the collection of and for payment of
28 taxes are hereby allowed and made applicable to the tax. The

1 penalties for violations provided in section 32.057 and sections
2 144.010 to 144.525 are hereby made applicable to violations of
3 this section. If any person is delinquent in the payment of the
4 amount required to be paid pursuant to this section, or in the
5 event a determination has been made against the person for taxes
6 and penalty pursuant to this section, the limitation for bringing
7 suit for the collection of the delinquent tax and penalty shall
8 be the same as that provided in sections 144.010 to 144.525.

9 5. The governing authority may authorize any museum board
10 already existing in the county, or may establish a museum board,
11 to expend revenue collected pursuant to this section. In the
12 event that no museum board already exists, the board established
13 pursuant to this section shall consist of six members who are
14 appointed by the governing authority from a list of candidates
15 supplied by the chair of each of the two major political parties
16 of the county, with three members from each of the two parties.
17 Members shall serve for three-year terms, but of the members
18 first appointed, ~~[one]~~ two shall be appointed for a term of one
19 year, two shall be appointed for a term of two years, and two
20 shall be appointed for a term of three years. Each member shall
21 be a resident of the county. The members shall not receive
22 compensation for service on the board, but shall be reimbursed
23 from the revenues collected pursuant to this section for any
24 reasonable and necessary expenses incurred in service on the
25 board. The board shall determine in what manner the revenues
26 will be expended, and disbursements of these moneys shall be made
27 strictly in accordance with this section. Expenditures may be
28 made for the employment of personnel selected by the board to

1 assist in carrying out the duties of the board, and the board is
2 expressly authorized to employ such personnel.

3 6. The governing authority may submit the question of
4 repeal of the tax to the voters at any county or state general,
5 primary, or special election. The ballot of submission shall
6 contain, but need not be limited to, the following language:

7 Shall the county of (insert name of
8 county) repeal the sales tax of (insert rate of percent)
9 percent for the funding of museums?

10 YES NO

11 If you are in favor of the question, place an "X" in the box
12 opposite "YES". If you are opposed to the question, place an "X"
13 in the box opposite "NO".

14
15 [If a majority of the votes cast on the proposal are in favor of
16 repeal, that repeal shall become effective on December
17 thirty-first of the calendar year in which the repeal was
18 approved.]

19 67.581. 1. In addition to the sales tax permitted by
20 sections 66.600 to 66.630, any county of the first class having a
21 charter form of government and having a population of nine
22 hundred thousand or more may impose an additional countywide
23 sales tax upon approval by a vote of the qualified voters of the
24 county. The proposal may be submitted to the voters by the
25 governing body of the county and shall be submitted to the voters
26 at the next general election upon petitions signed by a number of
27 qualified voters residing in the county equal to at least eight
28 percent of the votes cast in the county in the next preceding

1 gubernatorial election filed with the governing body of the
2 county. The submission shall include the levying of a sales tax
3 at a rate of not to exceed two hundred seventy-five
4 one-thousandths of one percent on the receipts from the sale at
5 retail of all tangible personal property or taxable services
6 within the county which are also taxable under the provisions of
7 sections 66.600 to 66.630, and shall provide for the distribution
8 of the proceeds in the manner provided in either subsection 4 or
9 subsection 5 of this section. If either of the alternative
10 distribution systems as provided in subsection 4 or subsection 5
11 of this section is approved by the voters, then the alternative
12 system of distribution may not be submitted to the voters for at
13 least three years from the date of such voter approval.

14 2. The ballot of submission shall contain, but is not
15 limited to, the following language:

16 Shall the County of levy an additional sales
17 tax at the rate of (insert rate) and distribute the
18 proceeds in the manner provided in
19 (insert proper reference) (subsection 4) (subsection 5) of section
20 67.581, RSMo?

21 YES NO

22 If a majority of the votes cast on the proposal by the qualified
23 voters voting thereon are in favor of the proposal, the
24 additional sales tax shall be levied and collected and the
25 proceeds from the additional tax shall be distributed as provided
26 in either subsection 4 or subsection 5 of this section.

27
28 If a majority of the votes cast by the qualified voters voting

1 thereon are opposed to the proposal, then the governing body of
2 the county shall have no power to impose the additional sales tax
3 authorized by this section unless and until a proposal for the
4 levy of such tax is submitted to and approved by the voters of
5 the county.

6 3. The provisions of sections 66.600 to 66.630 and
7 sections 32.085 [and] to 32.087, except to the extent otherwise
8 provided in this section, shall govern the levy, collection,
9 distribution and other procedures related to an additional sales
10 tax imposed pursuant to this section.

11 4. In any county adopting an additional sales tax pursuant
12 to the provisions of this section, and selecting the method of
13 distribution provided in this subsection, the proceeds from the
14 sales tax imposed pursuant to this section, less one percent
15 collection cost, shall be distributed first to those
16 municipalities that did not receive during the preceding calendar
17 year ninety-five percent of the amount the municipality would
18 have received by multiplying the population of the municipality
19 by the average per capita sales tax receipt for such county in an
20 amount which will bring each municipality receipt of sales tax
21 moneys up to ninety-five percent of the average per capita
22 receipts from the proceeds of the sales tax imposed pursuant to
23 sections 66.600 to 66.630. Any remainder of the money received
24 from the sales tax imposed pursuant to this section shall be
25 distributed to all municipalities on the ratio that the
26 population of each municipality bears to the total population of
27 the county. The average per capita sales tax distribution shall
28 be calculated by dividing the sum of the total sales tax revenue

1 derived from the tax imposed pursuant to sections 66.600 to
2 66.630 by the total population of the county. Population of each
3 municipality, of the unincorporated area of the county, and the
4 total population of the county shall be determined on the basis
5 of the most recent federal decennial census. For the purposes of
6 this subsection, any city, town, village or the unincorporated
7 area of the county shall be considered a municipality.

8 5. In any county adopting an additional sales tax pursuant
9 to the provisions of this section and selecting the method of
10 distribution provided in this subsection, the proceeds from the
11 sales tax imposed pursuant to this section, less one percent
12 collection cost, shall be distributed to all cities, towns and
13 villages, and the unincorporated areas of the county in group B
14 and to such cities, towns and villages in group A as necessary so
15 that no city, town, or village in group A receives from the
16 combined proceeds of both the sales tax imposed pursuant to this
17 section and the sales tax imposed pursuant to sections 66.600 to
18 66.630, less than the per capita amount received by the cities,
19 towns and villages and the unincorporated area of the county in
20 group B receives from the total proceeds from both sales taxes.

21 6. The governing body of any county which is imposing a
22 sales tax under the provisions of sections 66.600 to 66.630 may
23 on its own motion and shall, upon petitions filed with the
24 governing body of the county signed by a number of qualified
25 voters residing in the county equal to at least eight percent of
26 the votes cast in the county at the next preceding gubernatorial
27 election, submit to the qualified voters of the county a proposal
28 to change the method of distribution of sales tax proceeds from

1 the manner provided in subsection 2 of section 66.620 to the
2 method provided in this subsection. The ballot of submission
3 shall be in substantially the following form:

4 Shall the proceeds from the county sales tax be distributed
5 among the county of and the various cities,
6 towns and villages therein in the manner provided in subdivisions
7 (1) and (2) of subsection 6 of section 67.581, RSMo, in lieu of
8 the present manner of distribution?

9 YES NO

10 If a majority of the votes cast on the proposal by the qualified
11 voters of the county voting thereon are in favor of the proposal,
12 the sales tax imposed by the county under the provisions of
13 sections 66.600 to 66.630 shall be distributed in the manner
14 provided in this subsection and not in the manner provided in
15 subsection 2 of section 66.620. If a majority of the votes cast
16 by the qualified voters of the county voting thereon are opposed
17 to the proposal, then the governing body of the county shall have
18 no power to order the proceeds from the sales tax imposed
19 pursuant to the provisions of sections 66.600 to 66.630 in the
20 manner provided in this subsection in lieu of the method provided
21 in subsection 2 of section 66.620, unless and until a proposal
22 authorizing such method of distribution is submitted to and
23 approved by the voters of the county. If the voters approve the
24 change in the method of distribution of the sales tax proceeds in
25 the manner provided in this subsection, the county clerk of the
26 county shall notify the director of revenue of the change in the
27 method of distribution within ten days after adoption of the
28 proposal and shall inform the director of the effective date of

1 the change in the method of distribution, which shall be on the
2 first day of the third calendar quarter after the director of
3 revenue receives notice. After the effective date of the change
4 in the manner of distribution, the director of revenue shall
5 distribute the proceeds of the sales tax imposed by such county
6 under the provisions of sections 66.600 to 66.630 in the manner
7 provided in this subsection in lieu of the manner of distribution
8 provided in subsection 2 of section 66.620. The proceeds of the
9 sales tax imposed under the provisions of sections 66.600 to
10 66.630 in any county which elects to have the proceeds
11 distributed in the manner provided in this subsection shall be
12 distributed in the following manner:

13 (1) The proceeds from the sales taxes shall be distributed
14 to the cities, towns and villages in group A and to the cities,
15 towns and villages, and the county in group B as defined in
16 section 66.620 in the manner provided in subsection 2 of section
17 66.620, until an amount equal to the total amount distributed
18 under section 66.620 for the twelve-month period immediately
19 preceding the effective date of the tax levied pursuant to the
20 provisions of this section has been distributed;

21 (2) All moneys received in excess of the total amount
22 distributed under section 66.620 for the twelve-month period
23 immediately preceding the effective date of the tax levied
24 pursuant to the provisions of this section shall be distributed
25 to all cities, towns and villages and to the county on the basis
26 that the population of each city, town or village, and in the
27 case of the county the basis that the population of the
28 unincorporated area of the county, bears to the total population

1 of the county. The average per capita sales tax distribution
2 shall be calculated by dividing the sum of the remaining amount
3 of the total sales tax revenues by the total population of the
4 county. Population of each city, town or village, of the
5 unincorporated area of the county, and the total population of
6 the county shall be determined on the basis of the most recent
7 federal decennial census.

8 7. No municipality incorporated after the adoption of the
9 tax authorized by this section shall be included as other than
10 part of the unincorporated area of the county nor receive any
11 share of either the proceeds from the tax levied pursuant to the
12 provisions of this section or the tax levied pursuant to the
13 provisions of sections 66.600 to 66.630 unless, at the time of
14 incorporation, such municipality had a population of ten thousand
15 or more.

16 8. The county sales tax imposed pursuant to this section on
17 the purchase and sale of motor vehicles shall not be collected
18 and remitted by the seller, but shall be collected by the
19 director of revenue at the time application is made for a
20 certificate of title, if the address of the applicant is within
21 the county imposing the additional sales tax. [The amounts so
22 collected, less one percent collection cost, shall be deposited
23 in the county sales tax trust fund to be distributed in
24 accordance with section 66.620. The purchase or sale of motor
25 vehicles shall be deemed to be consummated at the address of the
26 applicant for a certificate of title.]

27 9. No tax shall be imposed pursuant to this section for the
28 purpose of funding in whole or in part the construction,

1 operation or maintenance of a sports stadium, field house, indoor
2 or outdoor recreational facility, center, playing field, parking
3 facility or anything incidental or necessary to a complex
4 suitable for any type of professional sport, either upon, above
5 or below the ground.

6 10. The director of revenue may authorize the state
7 treasurer to make refunds from the amounts in the trust fund and
8 credited to any county for erroneous payments and overpayments
9 made, and may redeem dishonored checks and drafts deposited to
10 the credit of such counties. If any county abolishes the tax,
11 the county shall notify the director of revenue of the action at
12 least ninety days prior to the effective date of the repeal and
13 the director of revenue may order retention in the trust fund,
14 for a period of one year, of two percent of the amount collected
15 after receipt of such notice to cover possible refunds or
16 overpayment of the tax and to redeem dishonored checks and drafts
17 deposited to the credit of such accounts. After one year has
18 elapsed after the effective date of abolition of the tax in such
19 county, the director of revenue shall remit the balance in the
20 account to the county and close the account of that county. The
21 director of revenue shall notify each county of each instance of
22 any amount refunded or any check redeemed from receipts due the
23 county.

24 67.582. 1. The governing body of any county, except a
25 county of the first class with a charter form of government with
26 a population of greater than four hundred thousand inhabitants,
27 is hereby authorized to impose, by ordinance or order, a sales
28 tax in the amount of up to one-half of one percent on all retail

1 sales made in such county which are subject to taxation under the
2 provisions of sections 144.010 to 144.525 for the purpose of
3 providing law enforcement services for such county. The tax
4 authorized by this section shall be in addition to any and all
5 other sales taxes allowed by law, except that no ordinance or
6 order imposing a sales tax under the provisions of this section
7 shall be effective unless the governing body of the county
8 submits to the voters of the county, at a county or state
9 general, primary or special election, a proposal to authorize the
10 governing body of the county to impose a tax.

11 2. The ballot of submission shall contain, but need not be
12 limited to, the following language:

13 (1) If the proposal submitted involves only authorization
14 to impose the tax authorized by this section the ballot shall
15 contain substantially the following:

16 Shall the county of (county's name) impose a
17 countywide sales tax of (insert amount) for the
18 purpose of providing law enforcement services for the county?

19 YES NO

20 If you are in favor of the question, place an "X" in the box
21 opposite "Yes". If you are opposed to the question, place an "X"
22 in the box opposite "No"; or

23 (2) If the proposal submitted involves authorization to
24 enter into agreements to form a regional jail district and
25 obligates the county to make payments from the tax authorized by
26 this section the ballot shall contain substantially the
27 following:

28 Shall the county of (county's name) be

1 authorized to enter into agreements for the purpose of forming a
2 regional jail district and obligating the county to impose a
3 countywide sales tax of (insert amount) to fund
4 dollars of the costs to construct a regional jail
5 and to fund the costs to operate a regional jail, with any funds
6 in excess of that necessary to construct and operate such jail to
7 be used for law enforcement purposes?

8 YES NO

9 If you are in favor of the question, place an "X" in the box
10 opposite "Yes". If you are opposed to the question, place an "X"
11 in the box opposite "No".
12

13 If a majority of the votes cast on the proposal by the qualified
14 voters voting thereon are in favor of the proposal submitted
15 pursuant to subdivision (1) of this subsection, then the
16 ordinance or order and any amendments thereto shall be in effect
17 [on the first day of the second quarter immediately following the
18 election approving the proposal] as provided by section 32.087.

19 If the constitutionally required percentage of the voters voting
20 thereon are in favor of the proposal submitted pursuant to
21 subdivision (2) of this subsection, then the ordinance or order
22 and any amendments thereto shall be in effect [on the first day
23 of the second quarter immediately following the election
24 approving the proposal] as provided by section 32.087. If a
25 proposal receives less than the required majority, then the
26 governing body of the county shall have no power to impose the
27 sales tax herein authorized unless and until the governing body
28 of the county shall again have submitted another proposal to

1 authorize the governing body of the county to impose the sales
2 tax authorized by this section and such proposal is approved by
3 the required majority of the qualified voters voting thereon.

4 However, in no event shall a proposal pursuant to this section be
5 submitted to the voters sooner than twelve months from the date
6 of the last proposal pursuant to this section.

7 3. All revenue received by a county from the tax authorized
8 under the provisions of this section shall be deposited in a
9 special trust fund and shall be used solely for providing law
10 enforcement services for such county for so long as the tax shall
11 remain in effect. Revenue placed in the special trust fund may
12 also be utilized for capital improvement projects for law
13 enforcement facilities and for the payment of any interest and
14 principal on bonds issued for said capital improvement projects.

15 4. Once the tax authorized by this section is abolished or
16 is terminated by any means, all funds remaining in the special
17 trust fund shall be used solely for providing law enforcement
18 services for the county. Any funds in such special trust fund
19 which are not needed for current expenditures may be invested by
20 the governing body in accordance with applicable laws relating to
21 the investment of other county funds.

22 5. All sales taxes collected by the director of revenue
23 under this section on behalf of any county[, less one percent for
24 cost of collection which shall be deposited in the state's
25 general revenue fund after payment of premiums for surety bonds
26 as provided in section 32.087,] shall be deposited in a special
27 trust fund, which is hereby created, to be known as the "County
28 Law Enforcement Sales Tax Trust Fund". [The moneys in the county

1 law enforcement sales tax trust fund shall not be deemed to be
2 state funds and shall not be commingled with any funds of the
3 state.] The director of revenue shall keep accurate records of
4 the amount of money in the trust and which was collected in each
5 county imposing a sales tax under this section, and the records
6 shall be open to the inspection of officers of the county and the
7 public. Not later than the tenth day of each month the director
8 of revenue shall distribute all moneys deposited in the trust
9 fund during the preceding month to the county which levied the
10 tax; such funds shall be deposited with the county treasurer of
11 each such county, and all expenditures of funds arising from the
12 county law enforcement sales tax trust fund shall be by an
13 appropriation act to be enacted by the governing body of each
14 such county. Expenditures may be made from the fund for any law
15 enforcement functions authorized in the ordinance or order
16 adopted by the governing body submitting the law enforcement tax
17 to the voters.

18 6. The director of revenue may authorize the state
19 treasurer to make refunds from the amounts in the trust fund and
20 credited to any county for erroneous payments and overpayments
21 made, and may redeem dishonored checks and drafts deposited to
22 the credit of such counties. If any county abolishes the tax,
23 the repeal of such tax shall become effective as provided in
24 section 32.087. The county shall notify the director of revenue
25 of the action at least ninety days prior to the effective date of
26 the repeal and the director of revenue may order retention in the
27 trust fund, for a period of one year, of two percent of the
28 amount collected after receipt of such notice to cover possible

1 refunds or overpayment of the tax and to redeem dishonored checks
2 and drafts deposited to the credit of such accounts. After one
3 year has elapsed after the effective date of abolition of the tax
4 in such county, the director of revenue shall remit the balance
5 in the account to the county and close the account of that
6 county. The director of revenue shall notify each county of each
7 instance of any amount refunded or any check redeemed from
8 receipts due the county.

9 7. Except as modified in this section, all provisions of
10 sections 32.085 [and] to 32.087 shall apply to the tax imposed
11 under this section.

12 67.583. 1. The governing body of any county of the second
13 class with a population of more than forty thousand but less than
14 sixty thousand and which contains institutions operated by the
15 department of corrections and by the department of mental health
16 is hereby authorized to impose, by ordinance or order, a sales
17 tax in the amount of one-eighth of one percent on all retail
18 sales made in such county which are subject to taxation under the
19 provisions of sections 144.010 to 144.525. The tax authorized by
20 this section shall be in addition to any and all other sales
21 taxes allowed by law; provided, however, that no ordinance or
22 order imposing a sales tax under the provisions of this section
23 shall be effective unless the governing body of the county
24 submits to the voters of the county, at a county or state
25 general, primary or special election, a proposal to authorize the
26 governing body of the county to impose a tax.

27 2. The ballot of submission shall contain, but need not be
28 limited to, the following language:

1 Shall the county of (county's name) impose a
2 countywide sales tax of (insert amount) for the
3 purpose of providing retirement and health care benefits for
4 county employees and their dependents?

5 YES NO

6 If you are in favor of the question, place an "X" in the box
7 opposite "Yes". If you are opposed to the question, place an "X"
8 in the box opposite "No".

9
10 If a majority of the votes cast on the proposal by the qualified
11 voters voting thereon are in favor of the proposal, then the
12 ordinance or order and any amendments thereto shall be in effect.
13 If a majority of the votes cast by the qualified voters voting
14 are opposed to the proposal, then the governing body of the
15 county shall have no power to impose the sales tax herein
16 authorized unless and until the governing body of the county
17 shall again have submitted another proposal to authorize the
18 governing body of the county to impose the sales tax authorized
19 by this section and such proposal is approved by a majority of
20 the qualified voters voting thereon. However, in no event shall
21 a proposal pursuant to this section be submitted to the voters
22 sooner than twelve months from the date of the last proposal
23 pursuant to this section.

24 3. All revenue received by a county from the tax authorized
25 under the provisions of this section shall be deposited in a
26 special trust fund and shall be used solely for providing
27 retirement and health care benefits for county employees and
28 their dependents.

1 4. All sales taxes collected by the director of revenue
2 under this section on behalf of any county[, less one percent for
3 cost of collection which shall be deposited in the state's
4 general revenue fund after payment of premiums for surety bonds
5 as provided in section 32.087,] shall be deposited in a special
6 trust fund, which is hereby created, to be known as the "County
7 Employee Benefit Sales Tax Trust Fund". [The moneys in the
8 county employee benefit sales tax trust fund shall not be deemed
9 to be state funds and shall not be commingled with any funds of
10 the state.] The director of revenue shall keep accurate records
11 of the amount of money in the trust and which was collected in
12 each county imposing a sales tax under this section, and the
13 records shall be open to the inspection of officers of the county
14 and the public. Not later than the tenth day of each month, the
15 director of revenue shall distribute all moneys deposited in the
16 trust fund during the preceding month to the county which levied
17 the tax. Such funds shall be deposited with the county treasurer
18 of each such county, and all expenditures of funds arising from
19 the county employee benefit sales tax trust fund shall be for the
20 provision of retirement benefits or health care benefits for
21 employees of the county and their dependents and for no other
22 purpose.

23 5. The director of revenue may authorize the state
24 treasurer to make refunds from the amounts in the trust fund and
25 credited to any county for erroneous payments and overpayments
26 made and may redeem dishonored checks and drafts deposited to the
27 credit of such counties. If any county abolishes the tax, the
28 county shall notify the director of revenue of the action at

1 least ninety days prior to the effective date of the repeal and
2 the director of revenue may order retention in the trust fund,
3 for a period of one year, of two percent of the amount collected
4 after receipt of such notice to cover possible refunds or
5 overpayment of the tax and to redeem dishonored checks and drafts
6 deposited to the credit of such accounts. After one year has
7 elapsed after the effective date of abolition of the tax in such
8 county, the director of revenue shall remit the balance in the
9 account to the county and close the account of that county. The
10 director of revenue shall notify each county of each instance of
11 any amount refunded or any check redeemed from receipts due the
12 county.

13 6. Except as modified in this section, all provisions of
14 sections 32.085 [and] to 32.087 shall apply to the tax imposed
15 under this section.

16 67.584. 1. The governing body of any county of the first
17 classification with more than one hundred ninety-eight thousand
18 but less than one hundred ninety-eight thousand two hundred
19 inhabitants is hereby authorized to impose, by ordinance or
20 order, a sales tax in the amount of up to one-half percent on all
21 retail sales made in such county which are subject to taxation
22 pursuant to sections 144.010 to 144.525 for the purpose of
23 providing law enforcement services for such county. The tax
24 authorized by this section shall be in addition to any and all
25 other sales taxes allowed by law, except that no ordinance or
26 order imposing a sales tax pursuant to this section shall be
27 effective unless the governing body of the county submits to the
28 voters of the county, at a county or state general, primary, or

1 special election, a proposal to authorize the governing body of
2 the county to impose a tax.

3 2. If the proposal submitted involves only authorization to
4 impose the tax authorized by this section, the ballot of
5 submission shall contain, but need not be limited to, the
6 following language:

7 Shall the county of (county's name) impose a
8 countywide sales tax of (insert amount) for the
9 purpose of providing law enforcement services for the county?

10 YES NO

11 If you are in favor of the question, place an "X" in the box
12 opposite "YES". If you are opposed to the question, place an "X"
13 in the box opposite "NO".

14
15 If a majority of the votes cast on the proposal by the qualified
16 voters voting thereon are in favor of the proposal submitted
17 pursuant to this subsection, then the ordinance or order and any
18 amendments thereto shall be in effect [on the first day of the
19 second quarter immediately following the election approving the
20 proposal] as provided by section 32.087. If a proposal receives
21 less than the required majority, then the governing body of the
22 county shall have no power to impose the sales tax herein
23 authorized unless and until the governing body of the county
24 shall again have submitted another proposal to authorize the
25 governing body of the county to impose the sales tax authorized
26 by this section and such proposal is approved by the required
27 majority of the qualified voters voting thereon. However, in no
28 event shall a proposal pursuant to this section be submitted to

1 the voters sooner than twelve months from the date of the last
2 proposal pursuant to this section.

3 3. Twenty-five percent of the revenue received by a county
4 treasurer from the tax authorized pursuant to this section shall
5 be deposited in a special trust fund and shall be used solely by
6 a prosecuting attorney's office for such county for so long as
7 the tax shall remain in effect. The remainder of revenue shall
8 be deposited in the county law enforcement sales tax trust fund
9 established pursuant to section 67.582 of the county levying the
10 tax pursuant to this section. The revenue derived from the tax
11 imposed pursuant to this section shall be used for public law
12 enforcement services only. No revenue derived from the tax
13 imposed pursuant to this section shall be used for any private
14 contractor providing law enforcement services or for any private
15 jail.

16 4. Once the tax authorized by this section is abolished or
17 is terminated by any means, all funds remaining in the
18 prosecuting attorney's trust fund shall be used solely by a
19 prosecuting attorney's office for the county. Any funds in such
20 special trust fund which are not needed for current expenditures
21 may be invested by the governing body in accordance with
22 applicable laws relating to the investment of other county funds.

23 5. All sales taxes collected by the director of revenue
24 pursuant to this section on behalf of any county[, less one
25 percent for cost of collection which shall be deposited in the
26 state's general revenue fund after payment of premiums for surety
27 bonds as provided in section 32.087,] shall be deposited in a
28 special trust fund, which is hereby created, to be known as the

1 "County Prosecuting Attorney's Office Sales Tax Trust Fund" or in
2 the county law enforcement sales tax trust fund, pursuant to the
3 deposit ratio in subsection 3 of this section. [The moneys in
4 the trust funds shall not be deemed to be state funds and shall
5 not be commingled with any funds of the state.] The director of
6 revenue shall keep accurate records of the amount of money in the
7 trusts and which was collected in each county imposing a sales
8 tax pursuant to this section, and the records shall be open to
9 the inspection of officers of the county and the public. Not
10 later than the tenth day of each month the director of revenue
11 shall distribute all moneys deposited in the trust funds during
12 the preceding month to the county which levied the tax; such
13 funds shall be deposited with the county treasurer of each such
14 county, and all expenditures of funds arising from either trust
15 fund shall be by an appropriation act to be enacted by the
16 governing body of each such county. Expenditures may be made
17 from the funds for any functions authorized in the ordinance or
18 order adopted by the governing body submitting the tax to the
19 voters.

20 6. The director of revenue may authorize the state
21 treasurer to make refunds from the amounts in the trust funds and
22 credited to any county for erroneous payments and overpayments
23 made, and may redeem dishonored checks and drafts deposited to
24 the credit of such counties. If any county abolishes the tax,
25 the repeal of such tax shall become effective as provided in
26 section 32.087. The county shall notify the director of revenue
27 of the action at least ninety days before the effective date of
28 the repeal and the director of revenue may order retention in the

1 appropriate trust fund, for a period of one year, of two percent
2 of the amount collected after receipt of such notice to cover
3 possible refunds or overpayments of the tax and to redeem
4 dishonored checks and drafts deposited to the credit of such
5 accounts. After one year has elapsed after the effective date of
6 abolition of the tax in such county, the director of revenue
7 shall remit the balance in the account to the county and close
8 the account of that county established pursuant to this section.
9 The director of revenue shall notify each county of each instance
10 of any amount refunded or any check redeemed from receipts due
11 the county.

12 7. Except as modified in this section, all provisions of
13 sections 32.085 [and] to 32.087 shall apply to the tax imposed
14 pursuant to this section.

15 67.712. 1. All sales taxes collected by the director of
16 revenue under sections 67.700 to 67.727 on behalf of any county[,
17 less one percent for the cost of collection, which shall be
18 deposited in the state's general revenue fund after payment of
19 premiums for surety bonds as provided in section 32.087,] shall
20 be deposited with the state treasurer in a special trust fund,
21 which is hereby created, to be known as the "County Alternate
22 Sales Tax Trust Fund". [The moneys in the county alternate sales
23 tax trust fund shall not be deemed to be state funds and shall
24 not be commingled with any funds of the state.] The director of
25 revenue shall keep accurate records of the amount of money in the
26 trust fund which was collected in each county imposing a sales
27 tax under sections 67.700 to 67.727, and the records shall be
28 open to the inspection of officers of each county and the general

1 public. Not later than the tenth day of each month the director
2 of revenue shall distribute all moneys deposited in the trust
3 fund during the preceding month by distributing to the county
4 treasurer, or such other officer as may be designated by the
5 county ordinance or order, of each county imposing the tax
6 authorized by sections 67.700 to 67.727, the sum, as certified by
7 the director of revenue, due the county.

8 2. The director of revenue may authorize the state
9 treasurer to make refunds from the amounts in the trust fund and
10 credited to any county for erroneous payments and overpayments
11 made, and may redeem dishonored checks and drafts deposited to
12 the credit of such counties. If any county repeals the tax
13 authorized by sections 67.700 to 67.727, the county shall notify
14 the director of revenue of the action at least ninety days prior
15 to the effective date of the repeal and the repeal shall be
16 effective as provided in section 32.087. The director of revenue
17 may order retention in the trust fund, for a period of one year,
18 of two percent of the amount collected after receipt of such
19 notice to cover possible refunds or overpayment of such tax and
20 to redeem dishonored checks and drafts deposited to the credit of
21 such accounts. After one year has elapsed after the effective
22 date of repeal of the tax authorized by sections 67.700 to 67.727
23 in such county, the director of revenue shall authorize the state
24 treasurer to remit the balance in the account to the county and
25 close the account of that county. The director of revenue shall
26 notify each county of each instance of any amount refunded or any
27 check redeemed from receipts due the county.

28 3. Except as modified in sections 67.700 to 67.727, all

1 provisions of sections 32.085 [and] to 32.087 shall apply to the
2 tax imposed under sections 67.700 to 67.727.

3 67.713. 1. Notwithstanding the provisions of section
4 67.712, as to the disposition of any other sales tax imposed
5 under the provisions of sections 67.700 to 67.727, one-fifth of
6 the sales taxes collected by the director of revenue from the tax
7 authorized by section 67.701 on behalf of any county of the first
8 class having a charter form of government and having a population
9 of nine hundred thousand or more[, less one percent for cost of
10 collection, which shall be deposited in the state's general
11 revenue fund after payment of premiums for surety bonds as
12 provided in sections 67.700 to 67.727,] shall be deposited in a
13 special trust fund, which is hereby created, to be known as the
14 "County-Municipal Storm Water and Public Works Sales Tax Trust
15 Fund". [The moneys in the county-municipal storm water and
16 public works sales tax trust fund shall not be deemed to be state
17 funds and shall not be commingled with any funds of the state.]
18 The director of revenue shall keep accurate records of the amount
19 of money in the trust fund which was collected in each county and
20 the records shall be open to the inspection of officers of the
21 county and of the municipalities within the county and the
22 public. Not later than the tenth day of each month, the director
23 of the department of revenue shall distribute all moneys
24 deposited in the county-municipal storm water and public works
25 sales tax trust fund during the preceding month to the county
26 which levied the tax, and the municipalities which are located
27 wholly or partially within such county as follows:

28 (1) The county which levied the sales tax shall receive a

1 percentage of the distributable revenue equal to the percentage
2 ratio that the population of the unincorporated areas of the
3 county bears to the total population of the county;

4 (2) Each municipality located wholly within the county
5 which levied the tax shall receive a percentage of the
6 distributable revenue equal to the percentage ratio that the
7 population of such municipality bears to the total population of
8 the county; and

9 (3) Each municipality located partially within the county
10 which levied the tax shall receive a percentage of the
11 distributable revenue equal to the percentage ratio that the
12 population of that part of the municipality located within the
13 county bears to the total population of the county.

14 2. The director of revenue may make refunds from the
15 amounts in the county-municipal storm water and public works
16 sales tax trust fund and credited to any county or municipality
17 for erroneous payments and overpayments made, and may redeem
18 dishonored checks and drafts deposited to the credit of such
19 county or municipality. If any county abolishes the tax, the
20 county shall notify the director of revenue of the action at
21 least ninety days prior to the effective date of the repeal and
22 the repeal shall be effective as provided by section 32.087. The
23 director of revenue may order retention in the county-municipal
24 storm water and public works sales tax trust fund, for a period
25 of one year, of two percent of the amount collected after receipt
26 of such notice to cover possible refunds or overpayment of the
27 tax and to redeem dishonored checks and drafts deposited to the
28 credit of such accounts. After one year has elapsed after the

1 effective date of abolition of the tax in such county, the
2 director of revenue shall remit the balance in the account to the
3 county or municipality and close the account of that county or
4 municipality. The director of revenue shall notify each county
5 or municipality of each instance of any amount refunded or any
6 check redeemed from receipts due the county or municipality.

7 3. If the governing body of any municipality located wholly
8 or partially within the county so requests by resolution, no
9 funds shall be expended from the proceeds of any tax imposed
10 under section 67.701 within the corporate boundaries of the
11 requesting municipality for the construction, reconstruction or
12 widening of any road established or to be established pursuant to
13 section 137.558, the total cost of which exceeds one hundred
14 thousand dollars unless: (a) a public hearing is first held at a
15 place near such proposed action; and (b) plans and specifications
16 of such proposed action are prepared and a cost-benefit analysis
17 prepared in accordance with accepted accounting principles of
18 such proposed action is presented to such public hearing. Such
19 cost-benefit analysis and its work papers shall be a public
20 document and subject to inspection as provided in chapter 610.
21 The provisions of this subsection shall not apply to proposed
22 projects in unincorporated areas of the county.

23 67.729. 1. Any county except any first class county having
24 a charter form of government and having a population of nine
25 hundred thousand or more may, in the same manner and by the same
26 procedure and subject to the same penalties as set out in
27 sections 67.700 to 67.727, impose a sales tax of not more than
28 one-tenth of one percent for the purpose of funding storm water

1 control and public works projects other than stadiums or other
2 sports facilities. This sales tax shall be in addition to any
3 other sales tax authorized by law.

4 2. Notwithstanding the provisions of section 67.712 as to
5 the disposition of any other sales tax imposed under the
6 provisions of sections 67.700 to 67.727, all sales taxes
7 collected by the director of revenue from the tax authorized by
8 this section on behalf of any county[, less one percent for cost
9 of collection, which shall be deposited in the state's general
10 revenue fund after payment of premiums for surety bonds as
11 provided in section 32.087,] shall be deposited with the state
12 treasurer in a special trust fund, which is hereby created, to be
13 known as the "County Storm Water and Public Works Sales Tax Trust
14 Fund". [The moneys in the county storm water and public works
15 sales tax trust fund shall not be deemed to be state funds and
16 shall not be commingled with any funds of the state.] The
17 director of revenue shall keep accurate records of the amount of
18 money in the trust fund which was collected in each county
19 imposing a sales tax under this section and the records shall be
20 open to the inspection of officers of the county and the public.
21 Not later than the tenth day of each month the director of
22 revenue shall distribute all moneys deposited in the county storm
23 water and public works sales tax trust fund during the preceding
24 month to the county which levied the tax, and the municipalities
25 which are located wholly or partially within such county as
26 follows:

27 (1) The county which levied the sales tax shall receive a
28 percentage of the distributable revenue equal to the percentage

1 ratio that the population of the unincorporated areas of the
2 county bears to the total population of the county;

3 (2) Each municipality located wholly within the county
4 which levied the tax shall receive a percentage of the
5 distributable revenue equal to the percentage ratio that the
6 population of such municipality bears to the total population of
7 the county; and

8 (3) Each municipality located partially within the county
9 which levied the tax shall receive a percentage of the
10 distributable revenue equal to the percentage ratio that the
11 population of that part of the municipality located within the
12 county bears to the total population of the county.

13 3. The director of revenue may authorize the state
14 treasurer to make refunds from the amounts in the county storm
15 water and public works sales tax trust fund and credited to any
16 county for erroneous payments and overpayments made, and may
17 redeem dishonored checks and drafts deposited to the credit of
18 such counties. If any county abolishes the tax, the county shall
19 notify the director of revenue of the action at least ninety days
20 prior to the effective date of the repeal and the repeal shall be
21 effective as provided by section 32.087. The director of revenue
22 may order retention in the county storm water and public works
23 sales tax trust fund, for a period of one year, of two percent of
24 the amount collected after receipt of such notice to cover
25 possible refunds or overpayment of the tax and to redeem
26 dishonored checks and drafts deposited to the credit of such
27 accounts. After one year has elapsed after the effective date of
28 abolition of the tax in such county, the director of revenue

1 shall authorize the state treasurer to remit the balance in the
2 account to the county and close the account of that county. The
3 director of revenue shall notify each county of each instance of
4 any amount refunded or any check redeemed from receipts due the
5 county.

6 67.737. Except as modified in sections 67.730 to 67.739,
7 all provisions of sections 32.085 [and] to 32.087 shall apply to
8 the tax imposed under sections 67.730 to 67.739.

9 67.738. 1. All sales taxes collected by the director of
10 revenue under sections 67.730 to 67.739 on behalf of any county
11 [, less one percent for the cost of collection, which shall be
12 deposited in the state's general revenue fund after payment of
13 premiums for surety bonds as provided in section 32.087,] shall
14 be deposited with the state treasurer in a special trust fund,
15 which is hereby created, to be known as the "County Capital
16 Improvement Bond Sales Tax Trust Fund". [The moneys in the
17 county capital improvement bond sales tax trust fund shall not be
18 deemed to be state funds and shall not be commingled with any
19 funds of the state.] The director of revenue shall keep accurate
20 records of the amount of money in the trust fund which was
21 collected in each county imposing a sales tax under sections
22 67.730 to 67.739, and the records shall be open to the inspection
23 of officers of each county and the general public. Not later
24 than the tenth day of each month the director of revenue shall
25 distribute all moneys deposited in the trust fund during the
26 preceding month by distributing to the county treasurer, or such
27 other officer as may be designated by the county ordinance or
28 order, of each county imposing the tax authorized by sections

1 67.730 to 67.739, the sum, as certified by the director of
2 revenue, due the county.

3 2. The director of revenue may authorize the state
4 treasurer to make refund from the amounts in the trust fund and
5 credited to any county for erroneous payments and overpayments
6 made, and may redeem dishonored checks and drafts deposited to
7 the credit of such counties. If any county repeals the tax
8 authorized by sections 67.730 to 67.739, the county shall notify
9 the director of revenue of the action at least ninety days prior
10 to the effective date of the repeal or expiration and the repeal
11 shall be effective as provided by section 32.087. The director
12 of revenue may order retention in the trust fund, for a period of
13 one year, of two percent of the amount collected after receipt of
14 such notice to cover possible refunds or overpayment of such tax
15 and to redeem dishonored checks and drafts deposited to the
16 credit of such accounts. After one year has elapsed after the
17 effective date of repeal or expiration of the tax authorized by
18 sections 67.730 to 67.739 in such county, the director of revenue
19 shall remit the balance in the account to the county and close
20 the account of that county. The director of revenue shall notify
21 each county of each instance of any amount refunded or any check
22 redeemed from receipts due the county.

23 67.745. 1. Any county of the third classification without
24 a township form of government and with more than eleven thousand
25 seven hundred fifty but fewer than eleven thousand eight hundred
26 fifty inhabitants may impose a sales tax throughout the county
27 for public recreational projects and programs, but the sales tax
28 authorized by this section shall not become effective unless the

1 governing body of such county submits to the qualified voters of
2 the county a proposal to authorize the county to impose the sales
3 tax.

4 2. The ballot submission shall be in substantially the
5 following form:

6 Shall the County of impose a sales tax of up to
7 one percent for the purpose of funding the financing,
8 acquisition, construction, operation, and maintenance of
9 recreational projects and programs, including the acquisition of
10 land for such purposes?

11 YES NO

12 3. If approved by a majority of qualified voters voting on
13 the issue in the county, the governing body of the county shall
14 appoint a board of directors consisting of nine members. Of the
15 initial members appointed to the board, three members shall be
16 appointed for a term of three years, three members shall be
17 appointed for a term of two years, and three members shall be
18 appointed for a term of one year. After the initial
19 appointments, board members shall be appointed to three-year
20 terms.

21 4. The sales tax may be imposed at a rate of up to one
22 percent on the receipts from the retail sale of all tangible
23 personal property or taxable service within the county, if such
24 property and services are subject to taxation by the state of
25 Missouri under sections 144.010 to 144.525.

26 5. All revenue collected from the sales tax under this
27 section by the director of revenue on behalf of a county[, less
28 one percent for the cost of collection which shall be deposited

1 in the state's general revenue fund after payment of premiums for
2 surety bonds as provided in section 32.087,] shall be deposited
3 with the state treasurer in a special trust fund, which is hereby
4 created, to be known as the "County Recreation Sales Trust Fund".
5 [Moneys in the fund shall not be deemed to be state funds and
6 shall not be commingled with any funds of the state.] The
7 director of revenue shall keep accurate records of the amount of
8 money in the trust fund collected in each county imposing a sales
9 tax under this section, and the records shall be open to the
10 inspection of officers of such county and the general public.
11 Not later than the tenth day of each calendar month, the director
12 of revenue shall distribute all moneys deposited in the trust
13 fund during the preceding calendar month by distributing to the
14 county treasurer, or such officer as may be designated by county
15 ordinance or order, of each county imposing the tax under this
16 section the sum due the county as certified by the director of
17 revenue.

18 6. The director of revenue may authorize the state
19 treasurer to make refunds from the amounts in the trust fund and
20 credited to any county for erroneous payments and overpayments
21 made, and may redeem dishonored checks and drafts deposited to
22 the credit of such counties. Each county shall notify the
23 director of revenue at least ninety days prior to the effective
24 date of the expiration of the sales tax authorized by this
25 section and the repeal shall be effective as provided by section
26 32.087. The director of revenue may order retention in the trust
27 fund for a period of one year of two percent of the amount
28 collected after receipt of such notice to cover possible refunds

1 or overpayments of such tax and to redeem dishonored checks and
2 drafts deposited to the credit of such accounts. After one year
3 has elapsed after the date of expiration of the tax authorized by
4 this section in a county, the director of revenue shall remit the
5 balance in the account to the county and close the account of
6 such county. The director of revenue shall notify each county of
7 each instance of any amount refunded or any check redeemed from
8 receipts due such county.

9 7. The tax authorized under this section may be imposed in
10 accordance with this section by a county in addition to or in
11 lieu of the tax authorized in sections 67.750 to 67.780.

12 8. The sales tax imposed under this section shall expire
13 twenty years from the effective date thereof unless an extension
14 of the tax is submitted to and approved by the qualified voters
15 in the county in the manner provided in this section. Each
16 extension of the sales tax shall be for a period of ten years.

17 9. The provisions of this section shall not in any way
18 affect or limit the powers granted to any county to establish,
19 maintain, and conduct parks and other recreational grounds for
20 public recreation.

21 10. Except as modified in this section, the provisions of
22 sections 32.085 [and] to 32.087 shall apply to the tax imposed
23 under this section.

24 67.782. 1. Any county of the third class having a
25 population of more than ten thousand and less than fifteen
26 thousand and any county of the second class having a population
27 of more than fifty-eight thousand and less than seventy thousand
28 adjacent to such third class county, both counties making up the

1 same judicial circuit, may jointly impose a sales tax throughout
2 each of their respective counties for public recreational
3 purposes including the financing, acquisition, construction,
4 operation and maintenance of recreational projects and programs,
5 but the sales taxes authorized by this section shall not become
6 effective unless the governing body of each such county submits
7 to the voters of their respective counties a proposal to
8 authorize the counties to impose the sales tax.

9 2. The ballot of submission shall be in substantially the
10 following form:

11 Shall the County of impose a sales tax of
12 percent in conjunction with the county of
13 for the purpose of funding the financing,
14 acquisition, construction, operation and maintenance of
15 recreational projects and programs, including the acquisition of
16 land for such purposes?

17 YES NO

18 If a separate majority of the votes cast on the proposal by the
19 qualified voters voting thereon in each county are in favor of
20 the proposal, then the tax shall be in effect in both counties.
21 If a majority of the votes cast by the qualified voters voting
22 thereon in either county are opposed to the proposal, then the
23 governing body of neither county shall have power to impose the
24 sales tax authorized by this section unless or until the
25 governing body of the county that has not approved the tax shall
26 again have submitted another proposal to authorize the governing
27 body to impose the tax, and the proposal is approved by a
28 majority of the qualified voters voting thereon in that county.

1 3. The sales tax may be imposed at a rate of one percent on
2 the receipts from the sale at retail of all tangible personal
3 property or taxable service at retail within the county adopting
4 such tax, if such property and services are subject to taxation
5 by the state of Missouri under the provisions of sections 144.010
6 to 144.525.

7 4. All sales taxes collected by the director of revenue
8 under this section on behalf of any county[, less one percent for
9 the cost of collection, which shall be deposited in the state's
10 general revenue fund after payment of premiums for surety bonds
11 as provided in section 32.087,] shall be deposited with the state
12 treasurer in a special trust fund, which is hereby created, to be
13 known as the "County Recreation Sales Tax Trust Fund". [The
14 moneys in the county recreation sales tax trust fund shall not be
15 deemed to be state funds and shall not be commingled with any
16 funds of the state.] The director of revenue shall keep accurate
17 records of the amount of money in the trust fund which was
18 collected in each county imposing a sales tax under this section,
19 and the records shall be open to the inspection of officers of
20 each county and the general public. Not later than the tenth day
21 of each month, the director of revenue shall distribute all
22 moneys deposited in the trust fund during the preceding month by
23 distributing to the county treasurer, or such other officer as
24 may be designated by the county ordinance or order, of each
25 county imposing the tax authorized by this section, the sum, as
26 certified by the director of revenue, due the county.

27 5. The director of revenue may authorize the state
28 treasurer to make refunds from the amounts in the trust fund and

1 credited to any county for erroneous payments and overpayments
2 made, and may redeem dishonored checks and drafts deposited to
3 the credit of such counties. Each county shall notify the
4 director of revenue at least ninety days prior to the effective
5 date of the expiration of the sales tax authorized by this
6 section and the repeal shall be effective as provided by section
7 32.087. The director of revenue may order retention in the trust
8 fund, for a period of one year, of two percent of the amount
9 collected after receipt of such notice to cover possible refunds
10 or overpayment of such tax and to redeem dishonored checks and
11 drafts deposited to the credit of such accounts. After one year
12 has elapsed after the date of expiration of the tax authorized by
13 this section in such county, the director of revenue shall remit
14 the balance in the account to the county and close the account of
15 that county. The director of revenue shall notify each county of
16 each instance of any amount refunded or any check redeemed from
17 receipts due the county.

18 6. The tax authorized by this section may be imposed, in
19 accordance with this section, by a county in addition to or in
20 lieu of the tax authorized by sections 67.750 to 67.780.

21 7. Any county imposing a sales tax pursuant to the
22 provisions of this section may contract with the authority of any
23 other county or with any city or political subdivision for the
24 financing, acquisition, operation, construction, maintenance, or
25 utilization of any recreation facility or project or program
26 funded in whole or in part from revenues derived from the tax
27 levied pursuant to the provisions of this section.

28 8. The sales tax imposed pursuant to the provisions of this

1 section shall expire twenty-five years from the effective date
2 thereof unless an extension of the tax is submitted to and
3 approved by the voters in each county in the manner provided in
4 this section. Each extension of the sales tax shall be for a
5 period of ten years.

6 9. The governing body of each of the counties imposing a
7 sales tax under the provisions of this section may cooperate with
8 the governing body of any county or other political subdivision
9 of this state in carrying out the provisions of this section, and
10 may establish and conduct jointly a system of public recreation.
11 The respective governing bodies administering programs jointly
12 may provide by agreement among themselves for all matters
13 connected with the programs and determine what items of cost and
14 expense shall be paid by each.

15 10. The provisions of this section shall not in any way
16 repeal, affect or limit the powers granted to any county to
17 establish, maintain and conduct parks and other recreational
18 grounds for public recreation.

19 11. Except as modified in this section, all provisions of
20 sections 32.085 [and] to 32.087 shall apply to the tax imposed
21 under this section.

22 67.799. 1. A regional recreational district may, by a
23 majority vote of its board of directors, impose an annual
24 property tax for the establishment and maintenance of public
25 parks and recreational facilities and grounds within the
26 boundaries of the regional recreational district not to exceed
27 sixty cents per year on each one hundred dollars of assessed
28 valuation on all property within the district, except that no

1 such tax shall become effective unless the board of directors of
2 the district submits to the voters of the district, at a county
3 or state general, primary or special election, a proposal to
4 authorize the tax.

5 2. The question shall be submitted in substantially the
6 following form:

7 Shall a cent tax per one hundred dollars assessed
8 valuation be levied for public parks and recreational facilities?

9 YES NO

10 If a majority of the votes cast on the proposal by the qualified
11 voters voting thereon are in favor of the proposal, then the tax
12 shall become effective. If a majority of the votes cast by the
13 qualified voters voting are opposed to the proposal, then the
14 board of directors shall have no power to impose the tax unless
15 and until the board of directors of the district submits another
16 proposal to authorize the tax and such proposal is approved by a
17 majority of the qualified voters voting thereon.

18 3. The property tax authorized in subsections 1 and 2 of
19 this section shall be levied and collected in the same manner as
20 other ad valorem property taxes are levied and collected.

21 4. (1) A regional recreational district may, by a majority
22 vote of its board of directors, impose a tax not to exceed
23 one-half of one cent on all retail sales subject to taxation
24 pursuant to sections 144.010 to 144.525 for the purpose of
25 funding the creation, operation and maintenance of public parks,
26 recreational facilities and grounds within the boundaries of a
27 regional recreational district. The tax authorized by this
28 subsection shall be in addition to all other sales taxes allowed

1 by law. No tax pursuant to this subsection shall become
2 effective unless the board of directors submits to the voters of
3 the district, at a county or state general, primary or special
4 election, a proposal to authorize the tax, and such tax shall
5 become effective only after the majority of the voters voting on
6 such tax approve such tax.

7 (2) In the event the district seeks to impose a sales tax
8 pursuant to this subsection, the question shall be submitted in
9 substantially the following form:

10 Shall a cent sales tax be levied on all retail
11 sales within the district for public parks and recreational
12 facilities?

13 YES NO

14 If a majority of the votes cast on the proposal by the qualified
15 voters voting thereon are in favor of the proposal, then the tax
16 shall become effective. If a majority of the votes cast by the
17 qualified voters voting are opposed to the proposal, then the
18 board of directors shall have no power to impose the tax unless
19 and until another proposal to authorize the tax is submitted to
20 the voters of the district and such proposal is approved by a
21 majority of the qualified voters voting thereon. The provisions
22 of sections 32.085 [and] to 32.087 shall apply to any tax
23 approved pursuant to this subsection.

24 5. As used in this section, "qualified voters" or "voters"
25 means any individuals residing within the proposed district who
26 are eligible to be registered voters and who have registered to
27 vote under chapter 115 or, if no individuals eligible and
28 registered to vote reside within the proposed district, all of

1 the owners of real property located within the proposed district
2 who have unanimously petitioned for or consented to the adoption
3 of an ordinance by the governing body imposing a tax authorized
4 in this section. If the owner of the property within the
5 proposed district is a political subdivision or corporation of
6 the state, the governing body of such political subdivision or
7 corporation shall be considered the owner for purposes of this
8 section.

9 67.997. 1. The governing body of any county of the third
10 classification without a township form of government and with
11 more than eighteen thousand one hundred but fewer than eighteen
12 thousand two hundred inhabitants may impose, by order or
13 ordinance, a sales tax on all retail sales made within the county
14 which are subject to sales tax under chapter 144. The tax
15 authorized in this section shall not exceed one-fourth of one
16 percent, and shall be imposed solely for the purpose of funding
17 senior services and youth programs provided by the county.

18 One-half of all revenue collected under this section[, less
19 one-half the cost of collection,] shall be used solely to fund
20 any service or activity deemed necessary by the senior service
21 tax commission established in this section, and one-half of all
22 revenue collected under this section[, less one-half the cost of
23 collection,] shall be used solely to fund all youth programs
24 administered by an existing county community task force. The tax
25 authorized in this section shall be in addition to all other
26 sales taxes imposed by law, and shall be stated separately from
27 all other charges and taxes. The order or ordinance shall not
28 become effective unless the governing body of the county submits

1 to the voters residing within the county at a state general,
2 primary, or special election a proposal to authorize the
3 governing body of the county to impose a tax under this section.

4 2. The ballot of submission for the tax authorized in this
5 section shall be in substantially the following form:

6 Shall (insert
7 the name of the county) impose a sales tax at a rate of
8 (insert rate of percent) percent, with half of the
9 revenue from the tax, less one-half the cost of collection, to be
10 used solely to fund senior services provided by the county and
11 half of the revenue from the tax, less one-half the cost of
12 collection, to be used solely to fund youth programs provided by
13 the county?

14 YES NO

15 If you are in favor of the question, place an "X" in the box
16 opposite "YES". If you are opposed to the question, place an "X"
17 in the box opposite "NO".

18
19 If a majority of the votes cast on the question by the qualified
20 voters voting thereon are in favor of the question, then the tax
21 shall become effective on the first day of the second calendar
22 quarter immediately following the approval of the tax or
23 notification to the department of revenue if such tax will be
24 administered by the department of revenue. If a majority of the
25 votes cast on the question by the qualified voters voting thereon
26 are opposed to the question, then the tax shall not become
27 effective unless and until the question is resubmitted under this
28 section to the qualified voters and such question is approved by

1 a majority of the qualified voters voting on the question.

2 3. [On or after the effective date of any tax authorized
3 under this section, the county which imposed the tax shall enter
4 into an agreement with the director of the department of revenue
5 for the purpose of collecting the tax authorized in this section.
6 On or after the effective date of the tax the director of revenue
7 shall be responsible for the administration, collection,
8 enforcement, and operation of the tax, and] The provisions of
9 sections 32.085 [and] to 32.087 shall apply to any tax approved
10 pursuant to this section. All revenue collected under this
11 section by the director of the department of revenue on behalf of
12 any county[, except for one percent for the cost of collection
13 which shall be deposited in the state's general revenue fund,]
14 shall be deposited in a special trust fund, which is hereby
15 created and shall be known as the "Senior Services and Youth
16 Programs Sales Tax Trust Fund", and shall be used solely for the
17 designated purposes. [Moneys in the fund shall not be deemed to
18 be state funds, and shall not be commingled with any funds of the
19 state.] The director may make refunds from the amounts in the
20 trust fund and credited to the county for erroneous payments and
21 overpayments made, and may redeem dishonored checks and drafts
22 deposited to the credit of such county. Any funds in the special
23 trust fund which are not needed for current expenditures shall be
24 invested in the same manner as other funds are invested. Any
25 interest and moneys earned on such investments shall be credited
26 to the fund.

27 4. [In order to permit sellers required to collect and
28 report the sales tax to collect the amount required to be

1 reported and remitted, but not to change the requirements of
2 reporting or remitting the tax, or to serve as a levy of the tax,
3 and in order to avoid fractions of pennies, the governing body of
4 the county may authorize the use of a bracket system similar to
5 that authorized in section 144.285 and notwithstanding the
6 provisions of that section, this new bracket system shall be used
7 where this tax is imposed and shall apply to all taxable
8 transactions.] Beginning with the effective date of the tax,
9 every retailer in the county shall add the sales tax to the sale
10 price, and this tax shall be a debt of the purchaser to the
11 retailer until paid, and shall be recoverable at law in the same
12 manner as the purchase price. For purposes of this section, all
13 retail sales shall be deemed to be consummated at the place of
14 business of the retailer.

15 5. All applicable provisions in sections 144.010 to 144.525
16 governing the state sales tax, and section 32.057, the uniform
17 confidentiality provision, shall apply to the collection of the
18 tax[, and all exemptions granted to agencies of government,
19 organizations, and persons under sections 144.010 to 144.525 are
20 hereby made applicable to the imposition and collection of the
21 tax. The same sales tax permit, exemption certificate, and
22 retail certificate required by sections 144.010 to 144.525 for
23 the administration and collection of the state sales tax shall
24 satisfy the requirements of this section, and no additional
25 permit or exemption certificate or retail certificate shall be
26 required; except that, the director of revenue may prescribe a
27 form of exemption certificate for an exemption from the tax. All
28 discounts allowed the retailer under the state sales tax for the

1 collection of and for payment of taxes are hereby allowed and
2 made applicable to the tax. The penalties for violations
3 provided in section 32.057 and sections 144.010 to 144.525 are
4 hereby made applicable to violations of this section. If any
5 person is delinquent in the payment of the amount required to be
6 paid under this section, or in the event a determination has been
7 made against the person for taxes and penalty under this section,
8 the limitation for bringing suit for the collection of the
9 delinquent tax and penalty shall be the same as that provided in
10 sections 144.010 to 144.525].

11 6. The governing body of any county that has adopted the
12 sales tax authorized in this section may submit the question of
13 repeal of the tax to the voters on any date available for
14 elections for the county. The ballot of submission shall be in
15 substantially the following form:

16 Shall (insert the name of
17 the county) repeal the sales tax imposed at a rate of
18 (insert rate of percent) percent for the purpose
19 of funding senior services and youth programs provided by the
20 county?

21 YES NO

22 If you are in favor of the question, place an "X" in the box
23 opposite "YES". If you are opposed to the question, place an "X"
24 in the box opposite "NO".

25
26 If a majority of the votes cast on the question by the qualified
27 voters voting thereon are in favor of repeal, that repeal shall
28 become effective [on December thirty-first of the calendar year

1 in which such repeal was approved] as provided by section 32.087.
2 If a majority of the votes cast on the question by the qualified
3 voters voting thereon are opposed to the repeal, then the sales
4 tax authorized in this section shall remain effective until the
5 question is resubmitted under this section to the qualified
6 voters and the repeal is approved by a majority of the qualified
7 voters voting on the question.

8 7. Whenever the governing body of any county that has
9 adopted the sales tax authorized in this section receives a
10 petition, signed by ten percent of the registered voters of the
11 county voting in the last gubernatorial election, calling for an
12 election to repeal the sales tax imposed under this section, the
13 governing body shall submit to the voters of the county a
14 proposal to repeal the tax. If a majority of the votes cast on
15 the question by the qualified voters voting thereon are in favor
16 of the repeal, the repeal shall become effective [on December
17 thirty-first of the calendar year in which such repeal was
18 approved] as provided by section 32.087. If a majority of the
19 votes cast on the question by the qualified voters voting thereon
20 are opposed to the repeal, then the sales tax authorized in this
21 section shall remain effective until the question is resubmitted
22 under this section to the qualified voters and the repeal is
23 approved by a majority of the qualified voters voting on the
24 question.

25 8. If the tax is repealed or terminated by any means, all
26 funds remaining in the special trust fund shall continue to be
27 used solely for the designated purposes, and the county shall
28 notify the director of the department of revenue of the action at

1 least thirty days before the effective date of the repeal and the
2 director may order retention in the trust fund, for a period of
3 one year, of two percent of the amount collected after receipt of
4 such notice to cover possible refunds or overpayment of the tax
5 and to redeem dishonored checks and drafts deposited to the
6 credit of such accounts. After one year has elapsed after the
7 effective date of abolition of the tax in such county, the
8 director shall remit the balance in the account to the county and
9 close the account of that county. The director shall notify each
10 county of each instance of any amount refunded or any check
11 redeemed from receipts due the county.

12 9. Each county imposing the tax authorized in this section
13 shall establish a senior services tax commission to administer
14 the portion of the sales tax revenue dedicated to providing
15 senior services. Such commission shall consist of seven members
16 appointed by the county commission. The county commission shall
17 determine the qualifications, terms of office, compensation,
18 powers, duties, restrictions, procedures, and all other necessary
19 functions of the commission.

20 67.1300. 1. The governing body of any of the contiguous
21 counties of the third classification without a township form of
22 government enumerated in subdivisions (1) to (5) of this
23 subsection or in any county of the fourth classification acting
24 as a county of the second classification, having a population of
25 at least forty thousand but less than forty-five thousand with a
26 state university, and adjoining a county of the first
27 classification with part of a city with a population of three
28 hundred fifty thousand or more inhabitants or a county of the

1 third classification with a township form of government and with
2 a population of at least eight thousand but less than eight
3 thousand four hundred inhabitants or a county of the third
4 classification with more than fifteen townships having a
5 population of at least twenty-one thousand inhabitants or a
6 county of the third classification without a township form of
7 government and with a population of at least seven thousand four
8 hundred but less than eight thousand inhabitants or any county of
9 the third classification with a population greater than three
10 thousand but less than four thousand or any county of the third
11 classification with a population greater than six thousand one
12 hundred but less than six thousand four hundred or any county of
13 the third classification with a population greater than six
14 thousand eight hundred but less than seven thousand or any county
15 of the third classification with a population greater than seven
16 thousand eight hundred but less than seven thousand nine hundred
17 or any county of the third classification with a population
18 greater than eight thousand four hundred sixty but less than
19 eight thousand five hundred or any county of the third
20 classification with a population greater than nine thousand but
21 less than nine thousand two hundred or any county of the third
22 classification with a population greater than ten thousand five
23 hundred but less than ten thousand six hundred or any county of
24 the third classification with a population greater than
25 twenty-three thousand five hundred but less than twenty-three
26 thousand seven hundred or a county of the third classification
27 with a population greater than thirty-three thousand but less
28 than thirty-four thousand or a county of the third classification

1 with a population greater than twenty thousand eight hundred but
2 less than twenty-one thousand or a county of the third
3 classification with a population greater than fourteen thousand
4 one hundred but less than fourteen thousand five hundred or a
5 county of the third classification with a population greater than
6 twenty thousand eight hundred fifty but less than twenty-two
7 thousand or a county of the third classification with a
8 population greater than thirty-nine thousand but less than forty
9 thousand or a county of the third classification with a township
10 form of organization and a population greater than twenty-eight
11 thousand but less than twenty-nine thousand or a county of the
12 third classification with a population greater than fifteen
13 thousand but less than fifteen thousand five hundred or a county
14 of the third classification with a population greater than
15 eighteen thousand but less than nineteen thousand seventy or a
16 county of the third classification with a population greater than
17 thirteen thousand nine hundred but less than fourteen thousand
18 four hundred or a county of the third classification with a
19 population greater than twenty-seven thousand but less than
20 twenty-seven thousand five hundred or a county of the first
21 classification without a charter form of government and a
22 population of at least eighty thousand but not greater than
23 eighty-three thousand or a county of the third classification
24 with a population greater than fifteen thousand but less than
25 fifteen thousand nine hundred without a township form of
26 government which does not adjoin any county of the first, second
27 or fourth classification or a county of the third classification
28 with a population greater than twenty-three thousand but less

1 than twenty-five thousand without a township form of government
2 which does not adjoin any county of the second or fourth
3 classification and does adjoin a county of the first
4 classification with a population greater than one hundred twenty
5 thousand but less than one hundred fifty thousand or in any
6 county of the fourth classification acting as a county of the
7 second classification, having a population of at least
8 forty-eight thousand or any governing body of a municipality
9 located in any of such counties may impose, by ordinance or
10 order, a sales tax on all retail sales made in such county or
11 municipality which are subject to taxation pursuant to the
12 provisions of sections 144.010 to 144.525:

13 (1) A county with a population of at least four thousand
14 two hundred inhabitants but not more than four thousand five
15 hundred inhabitants;

16 (2) A county with a population of at least four thousand
17 seven hundred inhabitants but not more than four thousand nine
18 hundred inhabitants;

19 (3) A county with a population of at least seven thousand
20 three hundred inhabitants but not more than seven thousand six
21 hundred inhabitants;

22 (4) A county with a population of at least ten thousand one
23 hundred inhabitants but not more than ten thousand three hundred
24 inhabitants; and

25 (5) A county with a population of at least four thousand
26 three hundred inhabitants but not more than four thousand five
27 hundred inhabitants.

28 2. The maximum rate for a sales tax pursuant to this

1 section shall be one percent for municipalities and one-half of
2 one percent for counties.

3 3. The tax authorized by this section shall be in addition
4 to any and all other sales taxes allowed by law, except that no
5 ordinance or order imposing a sales tax pursuant to the
6 provisions of this section shall be effective unless the
7 governing body of the county or municipality submits to the
8 voters of the county or municipality, at a regularly scheduled
9 county, municipal or state general or primary election, a
10 proposal to authorize the governing body of the county or
11 municipality to impose a tax. Any sales tax imposed pursuant to
12 this section shall not be authorized for a period of more than
13 five years.

14 4. Such proposal shall be submitted in substantially the
15 following form:

16 Shall the (city, town, village or county) of
17 impose a sales tax of (insert amount) for the
18 purpose of economic development in the (city, town, village or
19 county)?

20 YES NO

21 If a majority of the votes cast on the proposal by the qualified
22 voters voting thereon are in favor of the proposal, then the
23 ordinance or order and any amendments thereto shall be in effect
24 on the first day of the second quarter after the director of
25 revenue receives notice of adoption of the tax. If a majority of
26 the votes cast by the qualified voters voting are opposed to the
27 proposal, then the governing body of the county or municipality
28 shall not impose the sales tax authorized in this section until

1 the governing body of the county or municipality resubmits
2 another proposal to authorize the governing body of the county or
3 municipality to impose the sales tax authorized by this section
4 and such proposal is approved by a majority of the qualified
5 voters voting thereon; however no such proposal shall be
6 resubmitted to the voters sooner than twelve months from the date
7 of the submission of the last such proposal.

8 5. All revenue received by a county or municipality from
9 the tax authorized pursuant to the provisions of this section
10 shall be deposited in a special trust fund and shall be used
11 solely for economic development purposes within such county or
12 municipality for so long as the tax shall remain in effect.

13 6. Once the tax authorized by this section is abolished or
14 is terminated by any means, all funds remaining in the special
15 trust fund shall be used solely for economic development purposes
16 within the county or municipality. Any funds in such special
17 trust fund which are not needed for current expenditures may be
18 invested by the governing body in accordance with applicable laws
19 relating to the investment of other county or municipal funds.

20 7. All sales taxes collected by the director of revenue
21 pursuant to this section on behalf of any county or
22 municipality[, less one percent for cost of collection which
23 shall be deposited in the state's general revenue fund after
24 payment of premiums for surety bonds as provided in section
25 32.087,] shall be deposited in a special trust fund, which is
26 hereby created, to be known as the "Local Economic Development
27 Sales Tax Trust Fund".

28 8. [The moneys in the local economic development sales tax

1 trust fund shall not be deemed to be state funds and shall not be
2 commingled with any funds of the state.] The director of revenue
3 shall keep accurate records of the amount of money in the trust
4 fund and which was collected in each county or municipality
5 imposing a sales tax pursuant to this section, and the records
6 shall be open to the inspection of officers of the county or
7 municipality and the public.

8 9. Not later than the tenth day of each month the director
9 of revenue shall distribute all moneys deposited in the trust
10 fund during the preceding month to the county or municipality
11 which levied the tax. Such funds shall be deposited with the
12 county treasurer of each such county or the appropriate municipal
13 officer in the case of a municipal tax, and all expenditures of
14 funds arising from the local economic development sales tax trust
15 fund shall be by an appropriation act to be enacted by the
16 governing body of each such county or municipality. Expenditures
17 may be made from the fund for any economic development purposes
18 authorized in the ordinance or order adopted by the governing
19 body submitting the tax to the voters.

20 10. The director of revenue may authorize the state
21 treasurer to make refunds from the amounts in the trust fund and
22 credited to any county or municipality for erroneous payments and
23 overpayments made, and may redeem dishonored checks and drafts
24 deposited to the credit of such counties and municipalities.

25 11. If any county or municipality abolishes the tax, the
26 county or municipality shall notify the director of revenue of
27 the action at least ninety days prior to the effective date of
28 the repeal and the repeal shall be effective as provided by

1 section 32.087. The director of revenue may order retention in
2 the trust fund, for a period of one year, of two percent of the
3 amount collected after receipt of such notice to cover possible
4 refunds or overpayment of the tax and to redeem dishonored checks
5 and drafts deposited to the credit of such accounts. After one
6 year has elapsed after the effective date of abolition of the tax
7 in such county or municipality, the director of revenue shall
8 remit the balance in the account to the county or municipality
9 and close the account of that county or municipality. The
10 director of revenue shall notify each county or municipality of
11 each instance of any amount refunded or any check redeemed from
12 receipts due the county or municipality.

13 12. Except as modified in this section, all provisions of
14 sections 32.085 [and] to 32.087 shall apply to the tax imposed
15 pursuant to this section.

16 13. For purposes of this section, the term "economic
17 development" is limited to the following:

- 18 (1) Operations of economic development or community
19 development offices, including the salaries of employees;
20 (2) Provision of training for job creation or retention;
21 (3) Provision of infrastructure and sites for industrial
22 development or for public infrastructure projects; and
23 (4) Refurbishing of existing structures and property
24 relating to community development.

25 67.1303. 1. The governing body of any home rule city with
26 more than one hundred fifty-one thousand five hundred but less
27 than one hundred fifty-one thousand six hundred inhabitants, any
28 home rule city with more than forty-five thousand five hundred

1 but less than forty-five thousand nine hundred inhabitants and
2 the governing body of any city within any county of the first
3 classification with more than one hundred four thousand six
4 hundred but less than one hundred four thousand seven hundred
5 inhabitants and the governing body of any county of the third
6 classification without a township form of government and with
7 more than forty thousand eight hundred but less than forty
8 thousand nine hundred inhabitants or any city within such county
9 may impose, by order or ordinance, a sales tax on all retail
10 sales made in the city or county which are subject to sales tax
11 under chapter 144. In addition, the governing body of any county
12 of the first classification with more than eighty-five thousand
13 nine hundred but less than eighty-six thousand inhabitants or the
14 governing body of any home rule city with more than seventy-three
15 thousand but less than seventy-five thousand inhabitants may
16 impose, by order or ordinance, a sales tax on all retail sales
17 made in the city or county which are subject to sales tax under
18 chapter 144. The tax authorized in this section shall not be
19 more than one-half of one percent. The order or ordinance
20 imposing the tax shall not become effective unless the governing
21 body of the city or county submits to the voters of the city or
22 county at a state general or primary election a proposal to
23 authorize the governing body to impose a tax under this section.
24 The tax authorized in this section shall be in addition to all
25 other sales taxes imposed by law, and shall be stated separately
26 from all other charges and taxes.

27 2. The ballot of submission for the tax authorized in this
28 section shall be in substantially the following form:

1 Shall (insert the name of the
2 city or county) impose a sales tax at a rate of
3 (insert rate of percent) percent for economic development
4 purposes?

5 YES NO

6 If a majority of the votes cast on the question by the qualified
7 voters voting thereon are in favor of the question, then the tax
8 shall become effective [on the first day of the second calendar
9 quarter following the calendar quarter in which the election was
10 held] as provided by section 32.087. If a majority of the votes
11 cast on the question by the qualified voters voting thereon are
12 opposed to the question, then the tax shall not become effective
13 unless and until the question is resubmitted under this section
14 to the qualified voters and such question is approved by a
15 majority of the qualified voters voting on the question, provided
16 that no proposal shall be resubmitted to the voters sooner than
17 twelve months from the date of the submission of the last
18 proposal.

19 3. No revenue generated by the tax authorized in this
20 section shall be used for any retail development project. At
21 least twenty percent of the revenue generated by the tax
22 authorized in this section shall be used solely for projects
23 directly related to long-term economic development preparation,
24 including, but not limited to, the following:

- 25 (1) Acquisition of land;
- 26 (2) Installation of infrastructure for industrial or
27 business parks;
- 28 (3) Improvement of water and wastewater treatment capacity;

- 1 (4) Extension of streets;
- 2 (5) Providing matching dollars for state or federal grants;
- 3 (6) Marketing;
- 4 (7) Construction and operation of job training and
- 5 educational facilities; and
- 6 (8) Providing grants and low-interest loans to companies
- 7 for job training, equipment acquisition, site development, and
- 8 infrastructure. Not more than twenty-five percent of the revenue
- 9 generated may be used annually for administrative purposes,
- 10 including staff and facility costs.

11 4. All revenue generated by the tax shall be deposited in a

12 special trust fund and shall be used solely for the designated

13 purposes. If the tax is repealed, all funds remaining in the

14 special trust fund shall continue to be used solely for the

15 designated purposes. Any funds in the special trust fund which

16 are not needed for current expenditures may be invested by the

17 governing body in accordance with applicable laws relating to the

18 investment of other city or county funds.

19 5. The director of revenue may authorize the state

20 treasurer to make refunds from the amounts in the trust fund and

21 credited to any city or county for erroneous payments in the

22 trust fund and credited to any city or county for erroneous

23 payments and overpayments made, and may redeem dishonored checks

24 and drafts deposited to the credit of such counties. If any city

25 or county abolishes the tax authorized under this section, the

26 repeal of such tax shall become effective December thirty-first

27 of the calendar year in which such abolishment was approved.

28 Each city or county shall notify the director of revenue at least

1 ninety days prior to the effective date of the expiration of the
2 sales tax authorized by this section and the repeal shall be
3 effective as provided by section 32.087. The director of revenue
4 may order retention in the trust fund, for a period of one year,
5 of two percent of the amount collected after receipt of such
6 notice to cover possible refunds or overpayment of such tax and
7 to redeem dishonored checks and drafts deposited to the credit of
8 such accounts. After one year has elapsed after the date of
9 expiration of the tax authorized by this section in such city or
10 county, the director of revenue shall remit the balance in the
11 account to the city or county and close the account of that city
12 or county. The director of revenue shall notify each city or
13 county of each instance of any amount refunded or any check
14 redeemed from receipts due the city or county.

15 6. Any city or county imposing the tax authorized in this
16 section shall establish an economic development tax board. The
17 board shall consist of eleven members, to be appointed as
18 follows:

19 (1) Two members shall be appointed by the school boards
20 whose districts are included within any economic development plan
21 or area funded by the sales tax authorized in this section. Such
22 members shall be appointed in any manner agreed upon by the
23 affected districts;

24 (2) One member shall be appointed, in any manner agreed
25 upon by the affected districts, to represent all other districts
26 levying ad valorem taxes within the area selected for an economic
27 development project or area funded by the sales tax authorized in
28 this section, excluding representatives of the governing body of

1 the city or county;

2 (3) One member shall be appointed by the largest public
3 school district in the city or county;

4 (4) In each city or county, five members shall be appointed
5 by the chief elected officer of the city or county with the
6 consent of the majority of the governing body of the city or
7 county;

8 (5) In each city, two members shall be appointed by the
9 governing body of the county in which the city is located. In
10 each county, two members shall be appointed by the governing body
11 of the county. At the option of the members appointed by a city
12 or county the members who are appointed by the school boards and
13 other taxing districts may serve on the board for a term to
14 coincide with the length of time an economic development project,
15 plan, or designation of an economic development area is
16 considered for approval by the board, or for the definite terms
17 as provided in this subsection. If the members representing
18 school districts and other taxing districts are appointed for a
19 term coinciding with the length of time an economic development
20 project, plan, or area is approved, such term shall terminate
21 upon final approval of the project, plan, or designation of the
22 area by the governing body of the city or county. If any school
23 district or other taxing jurisdiction fails to appoint members of
24 the board within thirty days of receipt of written notice of a
25 proposed economic development plan, economic development project,
26 or designation of an economic development area, the remaining
27 members may proceed to exercise the power of the board. Of the
28 members first appointed by the city or county, three shall be

1 designated to serve for terms of two years, three shall be
2 designated to serve for a term of three years, and the remaining
3 members shall be designated to serve for a term of four years
4 from the date of such initial appointments. Thereafter, the
5 members appointed by the city or county shall serve for a term of
6 four years, except that all vacancies shall be filled for
7 unexpired terms in the same manner as were the original
8 appointments.

9 [6.] 7. The board, subject to approval of the governing
10 body of the city or county, shall develop economic development
11 plans, economic development projects, or designations of an
12 economic development area, and shall hold public hearings and
13 provide notice of any such hearings. The board shall vote on all
14 proposed economic development plans, economic development
15 projects, or designations of an economic development area, and
16 amendments thereto, within thirty days following completion of
17 the hearing on any such plan, project, or designation, and shall
18 make recommendations to the governing body within ninety days of
19 the hearing concerning the adoption of or amendment to economic
20 development plans, economic development projects, or designations
21 of an economic development area.

22 [7.] 8. The board shall report at least annually to the
23 governing body of the city or county on the use of the funds
24 provided under this section and on the progress of any plan,
25 project, or designation adopted under this section.

26 [8.] 9. The governing body of any city or county that has
27 adopted the sales tax authorized in this section may submit the
28 question of repeal of the tax to the voters on any date available

1 for elections for the city or county. The ballot of submission
2 shall be in substantially the following form:

3 Shall (insert the name
4 of the city or county) repeal the sales tax imposed at a rate of
5 (insert rate of percent) percent for economic development
6 purposes?

7 YES NO

8 If a majority of the votes cast on the proposal are in favor of
9 repeal, that repeal shall become effective on December
10 thirty-first of the calendar year in which such repeal was
11 approved. If a majority of the votes cast on the question by the
12 qualified voters voting thereon are opposed to the repeal, then
13 the sales tax authorized in this section shall remain effective
14 until the question is resubmitted under this section to the
15 qualified voters of the city or county, and the repeal is
16 approved by a majority of the qualified voters voting on the
17 question.

18 [9.] 10. Whenever the governing body of any city or county
19 that has adopted the sales tax authorized in this section
20 receives a petition, signed by ten percent of the registered
21 voters of the city or county voting in the last gubernatorial
22 election, calling for an election to repeal the sales tax imposed
23 under this section, the governing body shall submit to the voters
24 a proposal to repeal the tax. If a majority of the votes cast on
25 the question by the qualified voters voting thereon are in favor
26 of the repeal, that repeal shall become effective [on December
27 thirty-first of the calendar year in which such repeal was
28 approved] as provided by section 32.087. If a majority of the

1 votes cast on the question by the qualified voters voting thereon
2 are opposed to the repeal, then the tax shall remain effective
3 until the question is resubmitted under this section to the
4 qualified voters and the repeal is approved by a majority of the
5 qualified voters voting on the question. If the city or county
6 abolishes the tax, the city or county shall notify the director
7 of revenue of the action at least one hundred twenty days prior
8 to the effective date of the repeal.

9 11. After the effective date of any tax imposed under the
10 provisions of this section, the director of revenue shall perform
11 all functions incident to the administration, collection,
12 enforcement, and operation of the tax and collect, in addition to
13 the sales tax for the state of Missouri, the additional tax
14 authorized under this section. The tax imposed under this
15 section and the tax imposed under the sales tax law of the state
16 of Missouri shall be collected together and reported upon such
17 forms and under such administrative rules and regulations as may
18 be prescribed by the director of revenue.

19 12. Except as provided in this section, all provisions of
20 sections 32.085 to 32.087 shall apply to the tax imposed under
21 this section.

22 67.1305. 1. As used in this section, the term "city" shall
23 mean any incorporated city, town, or village.

24 2. In lieu of the sales taxes authorized under sections
25 67.1300 and 67.1303, the governing body of any city or county may
26 impose, by order or ordinance, a sales tax on all retail sales
27 made in the city or county which are subject to sales tax under
28 chapter 144. The tax authorized in this section shall not be

1 more than one-half of one percent. The order or ordinance
2 imposing the tax shall not become effective unless the governing
3 body of the city or county submits to the voters of the city or
4 county at any citywide, county or state general, primary or
5 special election a proposal to authorize the governing body to
6 impose a tax under this section. The tax authorized in this
7 section shall be in addition to all other sales taxes imposed by
8 law, and shall be stated separately from all other charges and
9 taxes. The tax authorized in this section shall not be imposed
10 by any city or county that has imposed a tax under section
11 67.1300 or 67.1303 unless the tax imposed under those sections
12 has expired or been repealed.

13 3. The ballot of submission for the tax authorized in this
14 section shall be in substantially the following form:

15 Shall (insert the name of the city or county)
16 impose a sales tax at a rate of (insert rate of
17 percent) percent for economic development purposes?

18 YES NO

19 If a majority of the votes cast on the question by the qualified
20 voters voting thereon are in favor of the question, then the tax
21 shall become effective on the first day of the second calendar
22 quarter following the calendar quarter in which the election was
23 held. If a majority of the votes cast on the question by the
24 qualified voters voting thereon are opposed to the question, then
25 the tax shall not become effective unless and until the question
26 is resubmitted under this section to the qualified voters and
27 such question is approved by a majority of the qualified voters
28 voting on the question, provided that no proposal shall be

1 resubmitted to the voters sooner than twelve months from the date
2 of the submission of the last proposal.

3 4. All sales taxes collected by the director of revenue
4 under this section on behalf of any county or municipality[, less
5 one percent for cost of collection which shall be deposited in
6 the state's general revenue fund after payment of premiums for
7 surety bonds as provided in section 32.087,] shall be deposited
8 in a special trust fund, which is hereby created, to be known as
9 the "Local Option Economic Development Sales Tax Trust Fund".

10 5. [The moneys in the local option economic development
11 sales tax trust fund shall not be deemed to be state funds and
12 shall not be commingled with any funds of the state.] The
13 director of revenue shall keep accurate records of the amount of
14 money in the trust fund and which was collected in each city or
15 county imposing a sales tax pursuant to this section, and the
16 records shall be open to the inspection of officers of the city
17 or county and the public.

18 6. Not later than the tenth day of each month the director
19 of revenue shall distribute all moneys deposited in the trust
20 fund during the preceding month to the city or county which
21 levied the tax. Such funds shall be deposited with the county
22 treasurer of each such county or the appropriate municipal
23 officer in the case of a municipal tax, and all expenditures of
24 funds arising from the local economic development sales tax trust
25 fund shall be in accordance with this section.

26 7. The director of revenue may authorize the state
27 treasurer to make refunds from the amounts in the trust fund and
28 credited to any city or county for erroneous payments and

1 overpayments made, and may redeem dishonored checks and drafts
2 deposited to the credit of such cities and counties.

3 8. If any county or municipality abolishes the tax, the
4 city or county shall notify the director of revenue of the action
5 at least ninety days prior to the effective date of the repeal
6 and the repeal shall be effective as provided by section 32.087.

7 The director of revenue may order retention in the trust fund,
8 for a period of one year, of two percent of the amount collected
9 after receipt of such notice to cover possible refunds or
10 overpayment of the tax and to redeem dishonored checks and drafts
11 deposited to the credit of such accounts. After one year has
12 elapsed after the effective date of abolition of the tax in such
13 city or county, the director of revenue shall remit the balance
14 in the account to the city or county and close the account of
15 that city or county. The director of revenue shall notify each
16 city or county of each instance of any amount refunded or any
17 check redeemed from receipts due the city or county.

18 9. Except as modified in this section, all provisions of
19 sections 32.085 [and] to 32.087 shall apply to the tax imposed
20 pursuant to this section.

21 10. (1) No revenue generated by the tax authorized in this
22 section shall be used for any retail development project, except
23 for the redevelopment of downtown areas and historic districts.
24 Not more than twenty-five percent of the revenue generated shall
25 be used annually for administrative purposes, including staff and
26 facility costs.

27 (2) At least twenty percent of the revenue generated by
28 the tax authorized in this section shall be used solely for

1 projects directly related to long-term economic development
2 preparation, including, but not limited to, the following:

3 (a) Acquisition of land;

4 (b) Installation of infrastructure for industrial or
5 business parks;

6 (c) Improvement of water and wastewater treatment capacity;

7 (d) Extension of streets;

8 (e) Public facilities directly related to economic
9 development and job creation; and

10 (f) Providing matching dollars for state or federal grants
11 relating to such long-term projects.

12 (3) The remaining revenue generated by the tax authorized
13 in this section may be used for, but shall not be limited to, the
14 following:

15 (a) Marketing;

16 (b) Providing grants and loans to companies for job
17 training, equipment acquisition, site development, and
18 infrastructures;

19 (c) Training programs to prepare workers for advanced
20 technologies and high skill jobs;

21 (d) Legal and accounting expenses directly associated with
22 the economic development planning and preparation process;

23 (e) Developing value-added and export opportunities for
24 Missouri agricultural products.

25 11. All revenue generated by the tax shall be deposited in
26 a special trust fund and shall be used solely for the designated
27 purposes. If the tax is repealed, all funds remaining in the
28 special trust fund shall continue to be used solely for the

1 designated purposes. Any funds in the special trust fund which
2 are not needed for current expenditures may be invested by the
3 governing body in accordance with applicable laws relating to the
4 investment of other city or county funds.

5 12. (1) Any city or county imposing the tax authorized in
6 this section shall establish an economic development tax board.
7 The volunteer board shall receive no compensation or operating
8 budget.

9 (2) The economic development tax board established by a
10 city shall consist of at least five members, but may be increased
11 to nine members. Either a five-member or nine-member board shall
12 be designated in the order or ordinance imposing the sales tax
13 authorized by this section, and the members are to be appointed
14 as follows:

15 (a) One member of a five-member board, or two members of a
16 nine-member board, shall be appointed by the school districts
17 included within any economic development plan or area funded by
18 the sales tax authorized in this section. Such member or members
19 shall be appointed in any manner agreed upon by the affected
20 districts;

21 (b) Three members of a five-member board, or five members
22 of a nine-member board, shall be appointed by the chief elected
23 officer of the city with the consent of the majority of the
24 governing body of the city;

25 (c) One member of a five-member board, or two members of a
26 nine-member board, shall be appointed by the governing body of
27 the county in which the city is located.

28 (3) The economic development tax board established by a

1 county shall consist of seven members, to be appointed as
2 follows:

3 (a) One member shall be appointed by the school districts
4 included within any economic development plan or area funded by
5 the sales tax authorized in this section. Such member shall be
6 appointed in any manner agreed upon by the affected districts;

7 (b) Four members shall be appointed by the governing body
8 of the county; and

9 (c) Two members from the cities, towns, or villages within
10 the county appointed in any manner agreed upon by the chief
11 elected officers of the cities or villages. Of the members
12 initially appointed, three shall be designated to serve for terms
13 of two years, except that when a nine-member board is designated,
14 seven of the members initially appointed shall be designated to
15 serve for terms of two years, and the remaining members shall be
16 designated to serve for a term of four years from the date of
17 such initial appointments. Thereafter, the members appointed
18 shall serve for a term of four years, except that all vacancies
19 shall be filled for unexpired terms in the same manner as were
20 the original appointments.

21 (4) If an economic development tax board established by a
22 city is already in existence on August 28, 2012, any increase in
23 the number of members of the board shall be designated in an
24 order or ordinance. The four board members added to the board
25 shall be appointed to a term with an expiration coinciding with
26 the expiration of the terms of the three board member positions
27 that were originally appointed to terms of two years.

28 Thereafter, the additional members appointed shall serve for a

1 term of four years, except that all vacancies shall be filled for
2 unexpired terms in the same manner as were the additional
3 appointments.

4 13. The board, subject to approval of the governing body of
5 the city or county, shall consider economic development plans,
6 economic development projects, or designations of an economic
7 development area, and shall hold public hearings and provide
8 notice of any such hearings. The board shall vote on all
9 proposed economic development plans, economic development
10 projects, or designations of an economic development area, and
11 amendments thereto, within thirty days following completion of
12 the hearing on any such plan, project, or designation, and shall
13 make recommendations to the governing body within ninety days of
14 the hearing concerning the adoption of or amendment to economic
15 development plans, economic development projects, or designations
16 of an economic development area. The governing body of the city
17 or county shall have the final determination on use and
18 expenditure of any funds received from the tax imposed under this
19 section.

20 14. The board may consider and recommend using funds
21 received from the tax imposed under this section for plans,
22 projects or area designations outside the boundaries of the city
23 or county imposing the tax if, and only if:

24 (1) The city or county imposing the tax or the state
25 receives significant economic benefit from the plan, project or
26 area designation; and

27 (2) The board establishes an agreement with the governing
28 bodies of all cities and counties in which the plan, project or

1 area designation is located detailing the authority and
2 responsibilities of each governing body with regard to the plan,
3 project or area designation.

4 15. Notwithstanding any other provision of law to the
5 contrary, the economic development sales tax imposed under this
6 section when imposed within a special taxing district, including
7 but not limited to a tax increment financing district,
8 neighborhood improvement district, or community improvement
9 district, shall be excluded from the calculation of revenues
10 available to such districts, and no revenues from any sales tax
11 imposed under this section shall be used for the purposes of any
12 such district unless recommended by the economic development tax
13 board established under this section and approved by the
14 governing body imposing the tax.

15 16. The board and the governing body of the city or county
16 imposing the tax shall report at least annually to the governing
17 body of the city or county on the use of the funds provided under
18 this section and on the progress of any plan, project, or
19 designation adopted under this section and shall make such report
20 available to the public.

21 17. Not later than the first day of March each year the
22 board shall submit to the joint committee on economic development
23 a report, not exceeding one page in length, which must include
24 the following information for each project using the tax
25 authorized under this section:

- 26 (1) A statement of its primary economic development goals;
- 27 (2) A statement of the total economic development sales tax
28 revenues received during the immediately preceding calendar year;

1 (3) A statement of total expenditures during the preceding
2 calendar year in each of the following categories:

- 3 (a) Infrastructure improvements;
- 4 (b) Land and/or buildings;
- 5 (c) Machinery and equipment;
- 6 (d) Job training investments;
- 7 (e) Direct business incentives;
- 8 (f) Marketing;
- 9 (g) Administration and legal expenses; and
- 10 (h) Other expenditures.

11 18. The governing body of any city or county that has
12 adopted the sales tax authorized in this section may submit the
13 question of repeal of the tax to the voters on any date available
14 for elections for the city or county. The ballot of submission
15 shall be in substantially the following form:

16 Shall (insert the name of the city or county)
17 repeal the sales tax imposed at a rate of (insert rate
18 of percent) percent for economic development purposes?

19 YES NO

20 If a majority of the votes cast on the proposal are in favor of
21 the repeal, that repeal shall become effective [on December
22 thirty-first of the calendar year in which such repeal was
23 approved] as provided by section 32.087. If a majority of the
24 votes cast on the question by the qualified voters voting thereon
25 are opposed to the repeal, then the sales tax authorized in this
26 section shall remain effective until the question is resubmitted
27 under this section to the qualified voters of the city or county,
28 and the repeal is approved by a majority of the qualified voters

1 voting on the question.

2 19. Whenever the governing body of any city or county that
3 has adopted the sales tax authorized in this section receives a
4 petition, signed by ten percent of the registered voters of the
5 city or county voting in the last gubernatorial election, calling
6 for an election to repeal the sales tax imposed under this
7 section, the governing body shall submit to the voters a proposal
8 to repeal the tax. If a majority of the votes cast on the
9 question by the qualified voters voting thereon are in favor of
10 the repeal, that repeal shall become effective on December
11 thirty-first of the calendar year in which such repeal was
12 approved. If a majority of the votes cast on the question by the
13 qualified voters voting thereon are opposed to the repeal, then
14 the tax shall remain effective until the question is resubmitted
15 under this section to the qualified voters and the repeal is
16 approved by a majority of the qualified voters voting on the
17 question.

18 20. If any provision of this section or section 67.1303 or
19 the application thereof to any person or circumstance is held
20 invalid, the invalidity shall not affect other provisions or
21 application of this section or section 67.1303 which can be given
22 effect without the invalid provision or application, and to this
23 end the provisions of this section and section 67.1303 are
24 declared severable.

25 67.1545. 1. Any district formed as a political subdivision
26 may impose by resolution a district sales and use tax on all
27 retail sales made in such district which are subject to taxation
28 pursuant to sections 144.010 to 144.525, except sales of [motor

1 vehicles, trailers, boats or outboard motors and sales to or by
2 public utilities and providers of communications, cable, or video
3 services] fuel used to power motor vehicles, aircraft,
4 locomotives, or watercraft, or sales of electricity, piped
5 natural or artificial gas, or other fuels delivered by the
6 seller, and the retail sale or transfer of motor vehicles,
7 aircraft, watercraft, modular homes, manufactured homes, or
8 mobile homes. Any sales and use tax imposed pursuant to this
9 section may be imposed in increments of one-eighth of one
10 percent, up to a maximum of one percent. Such district sales and
11 use tax may be imposed for any district purpose designated by the
12 district in its ballot of submission to its qualified voters;
13 except that, no resolution adopted pursuant to this section shall
14 become effective unless the board of directors of the district
15 submits to the qualified voters of the district, by mail-in
16 ballot, a proposal to authorize a sales and use tax pursuant to
17 this section. If a majority of the votes cast by the qualified
18 voters on the proposed sales tax are in favor of the sales tax,
19 then the resolution is adopted. If a majority of the votes cast
20 by the qualified voters are opposed to the sales tax, then the
21 resolution is void.

22 2. The ballot shall be substantially in the following form:

23 Shall the (insert name of district)
24 Community Improvement District impose a community improvement
25 districtwide sales and use tax at the maximum rate of
26 (insert amount) for a period of
27 (insert number) years from the date on which such tax is first
28 imposed for the purpose of providing revenue for

1 (insert general
2 description of the purpose)?

3 YES NO

4 If you are in favor of the question, place an "X" in the box
5 opposite "YES". If you are opposed to the question, place an "X"
6 in the box opposite "NO".

7 3. Within ten days after the qualified voters have approved
8 the imposition of the sales and use tax, the district shall, in
9 accordance with section 32.087, notify the director of the
10 department of revenue. The sales and use tax authorized by this
11 section shall become effective on the first day of the second
12 calendar quarter after the director of the department of revenue
13 receives notice of the adoption of such tax.

14 4. [The director of the department of revenue shall collect
15 any tax adopted pursuant to this section pursuant to section
16 32.087] After the effective date of any tax imposed under the
17 provisions of this section, the director of revenue shall perform
18 all functions incident to the administration, collection,
19 enforcement, and operation of the tax and collect, in addition to
20 the sales tax for the state of Missouri, the additional tax
21 authorized under the authority of this section. The tax imposed
22 under this section and the tax imposed under the sales tax law of
23 the state of Missouri shall be collected together and reported
24 upon such forms and under such administrative rules and
25 regulations as may be prescribed by the director of revenue.

26 5. In each district in which a sales and use tax is imposed
27 pursuant to this section, every retailer shall add such
28 additional tax imposed by the district to such retailer's sale

1 price, and when so added such tax shall constitute a part of the
2 purchase price, shall be a debt of the purchaser to the retailer
3 until paid and shall be recoverable at law in the same manner as
4 the purchase price.

5 6. [In order to allow retailers to collect and report the
6 sales and use tax authorized by this section as well as all other
7 sales and use taxes required by law in the simplest and most
8 efficient manner possible, a district may establish appropriate
9 brackets to be used in the district imposing a tax pursuant to
10 this section in lieu of the brackets provided in section 144.285.

11 7.] The penalties provided in sections 144.010 to 144.525
12 shall apply to violations of this section.

13 [8.] 7. All revenue received by the district from a sales
14 and use tax imposed pursuant to this section which is designated
15 for a specific purpose shall be deposited into a special trust
16 fund and expended solely for such purpose. Upon the expiration
17 of any sales and use tax adopted pursuant to this section, all
18 funds remaining in the special trust fund shall continue to be
19 used solely for the specific purpose designated in the resolution
20 adopted by the qualified voters. Any funds in such special trust
21 fund which are not needed for current expenditures may be
22 invested by the board of directors pursuant to applicable laws
23 relating to the investment of other district funds.

24 [9.] 8. A district may repeal by resolution any sales and
25 use tax imposed pursuant to this section before the expiration
26 date of such sales and use tax unless the repeal of such sales
27 and use tax will impair the district's ability to repay any
28 liabilities the district has incurred, moneys the district has

1 borrowed or obligation the district has issued to finance any
2 improvements or services rendered for the district.

3 [10.] 9. Notwithstanding the provisions of chapter 115, an
4 election for a district sales and use tax under this section
5 shall be conducted in accordance with the provisions of this
6 section.

7 10. Except as provided in this section, all provisions of
8 sections 32.085 to 32.087 shall apply to the tax imposed under
9 this section.

10 67.1712. 1. The governing body of any county located
11 within the proposed metropolitan district is hereby authorized to
12 impose by ordinance a one-tenth of one cent sales tax on all
13 retail sales subject to taxation pursuant to sections 144.010 to
14 144.525 for the purpose of funding the creation, operation and
15 maintenance of a metropolitan park and recreation district.

16 2. In addition to the tax authorized in subsection 1 of
17 this section, the governing body of any county located within the
18 metropolitan district as of January 1, 2012, is authorized to
19 impose by ordinance an incremental sales tax of up to
20 three-sixteenths of one cent on all retail sales subject to
21 taxation under sections 144.010 to 144.525 for the purpose of
22 funding the operation and maintenance of the metropolitan park
23 and recreation district. Such incremental sales tax shall not be
24 implemented unless approved by the voters of the county with the
25 largest population within the district and at least one other
26 such county under subsection 2 of section 67.1715.

27 3. The taxes authorized by sections 67.1700 to 67.1769
28 shall be in addition to all other sales taxes allowed by law.

1 The governing body of any county within the metropolitan district
2 enacting such an ordinance shall submit to the voters of such
3 county a proposal to approve its ordinance imposing or increasing
4 the tax. Such ordinance shall become effective only after the
5 majority of the voters voting on such ordinance approve such
6 ordinance. The provisions of sections 32.085 [and] to 32.087
7 shall apply to any tax and increase in tax approved pursuant to
8 this section and sections 67.1715 to 67.1721.

9 67.1775. 1. The governing body of a city not within a
10 county, or any county of this state may, after voter approval
11 under this section, levy a sales tax not to exceed one-quarter of
12 a cent in the county or city, or city not within a county, for
13 the purpose of providing services described in section 210.861,
14 including counseling, family support, and temporary residential
15 services to persons nineteen years of age or less. The question
16 shall be submitted to the qualified voters of the county or city,
17 or city not within a county, at a county or city or state
18 general, primary or special election upon the motion of the
19 governing body of the county or city, or city not within a county
20 or upon the petition of eight percent of the qualified voters of
21 the county or city, or city not within a county, determined on
22 the basis of the number of votes cast for governor in such county
23 at the last gubernatorial election held prior to the filing of
24 the petition. The election officials of the county or city, or
25 city not within a county, shall give legal notice as provided in
26 chapter 115. The question shall be submitted in substantially
27 the following form:

28 Shall County or City, solely for the purpose of

1 establishing a community children's services fund for the purpose
2 of providing services to protect the well-being and safety of
3 children and youth nineteen years of age or less and to
4 strengthen families, be authorized to levy a sales tax of
5 (not to exceed one-quarter of a cent) in the city or
6 county?

7 YES NO

8 If a majority of the votes cast on the question by the qualified
9 voters voting thereon are in favor of the question, then the
10 ordinance or order and any amendments thereto shall be in effect
11 on the first day of the second calendar quarter after the
12 director receives notification of the local sales tax. If a
13 question receives less than the required majority, then the
14 governing authority of the city or county, or city not within a
15 county, shall have no power to impose the sales tax unless and
16 until the governing authority of the city or county, or city not
17 within a county, has submitted another question to authorize the
18 imposition of the sales tax authorized by this section and such
19 question is approved by the required majority of the qualified
20 voters voting thereon. However, in no event shall a question
21 under this section be submitted to the voters sooner than twelve
22 months from the date of the last question under this section.

23 2. After the effective date of any tax imposed under the
24 provisions of this section, the director of revenue shall perform
25 all functions incident to the administration, collection,
26 enforcement, and operation of the tax and the director of revenue
27 shall collect in addition to the sales tax for the state of
28 Missouri the additional tax authorized under the authority of

1 this section. The tax imposed under this section and the tax
2 imposed under the sales tax law of the state of Missouri shall be
3 collected together and reported upon such forms and under such
4 administrative rules and regulations as may be prescribed by the
5 director of revenue.

6 3. All sales taxes collected by the director of revenue
7 under this section on behalf of any city or county, or city not
8 within a county[, less one percent for the cost of collection,
9 which shall be deposited in the state's general revenue fund
10 after payment of premiums for surety bonds as provided in section
11 32.087,] shall be deposited with the state treasurer in a special
12 fund, which is hereby created, to be known as the "Community
13 Children's Services Fund". [The moneys in the city or county, or
14 city not within a county, community children's services fund
15 shall not be deemed to be state funds and shall not be commingled
16 with any funds of the state.] The director of revenue shall keep
17 accurate records of the amount of money in the fund which was
18 collected in each city or county, or city not within a county,
19 imposing a sales tax under this section, and the records shall be
20 open to the inspection of officers of each city or county, or
21 city not within a county, and the general public. Not later than
22 the tenth day of each month, the director of revenue shall
23 distribute all moneys deposited in the fund during the preceding
24 month by distributing to the city or county treasurer, or the
25 treasurer of a city not within a county, or such other officer as
26 may be designated by a city or county ordinance or order, or
27 ordinance or order of a city not within a county, of each city or
28 county, or city not within a county, imposing the tax authorized

1 by this section, the sum, as certified by the director of
2 revenue, due the city or county.

3 4. The director of revenue may authorize the state
4 treasurer to make refunds from the amounts in the fund and
5 credited to any city or county, or city not within a county, for
6 erroneous payments and overpayments made, and may redeem
7 dishonored checks and drafts deposited to the credit of such
8 counties. Each city or county, or city not within a county,
9 shall notify the director of revenue at least ninety days prior
10 to the effective date of the expiration of the sales tax
11 authorized by this section and the repeal shall be effective as
12 provided by section 32.087. The director of revenue may order
13 retention in the fund, for a period of one year, of two percent
14 of the amount collected after receipt of such notice to cover
15 possible refunds or overpayment of such tax and to redeem
16 dishonored checks and drafts deposited to the credit of such
17 accounts. After one year has elapsed after the date of
18 expiration of the tax authorized by this section in such city not
19 within a county or such city or county, the director of revenue
20 shall remit the balance in the account to the city or county, or
21 city not within a county, and close the account of that city or
22 county, or city not within a county. The director of revenue
23 shall notify each city or county, or city not within a county, of
24 each instance of any amount refunded or any check redeemed from
25 receipts due the city or county.

26 5. Except as modified in this section, all provisions of
27 sections 32.085 [and] to 32.087 shall apply to the tax imposed
28 under this section.

1 6. All revenues generated by the tax prescribed in this
2 section shall be deposited in the county treasury or, in a city
3 not within a county, to the board established by law to
4 administer such fund to the credit of a special community
5 children's services fund to accomplish the purposes set out
6 herein and in section 210.861, and shall be used for no other
7 purpose. Such fund shall be administered by a board of
8 directors, established under section 210.861.

9 67.1959. 1. The board, by a majority vote, may submit to
10 the residents of such district a tax of not more than one percent
11 on all retail sales, except sales of [food as defined in section
12 144.014, sales of] new or used motor vehicles, trailers, boats,
13 or other outboard motors, [all utilities, telephone and wireless
14 services,] and sales of funeral services, made on or after
15 January 1, 2014, within the district which are subject to
16 taxation pursuant to the provisions of sections 144.010 to
17 144.525. Upon the written request of the board to the election
18 authority of the county in which a majority of the area of the
19 district is situated, such election authority shall submit a
20 proposition to the residents of such district at a municipal or
21 statewide primary or general election, or at a special election
22 called for that purpose. Such election authority shall give
23 legal notice as provided in chapter 115.

24 2. Such proposition shall be submitted to the voters of the
25 district in substantially the following form at such election:

26 Shall the Tourism Community Enhancement District impose a
27 sales tax of (insert amount) for the purpose of
28 promoting tourism in the district?

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YES NO

If you are in favor of the question, place an "X" in the box opposite "YES". If you are opposed to the question, place an "X" in the box opposite "NO".

If a majority of the votes cast on the proposal by the qualified voters of the proposed district voting thereon are in favor of the proposal, then the order shall become effective on the first day of the second calendar quarter after the director of revenue receives notice of adoption of the tax. If the proposal receives less than the required majority, then the board shall have no power to impose the sales tax authorized pursuant to this section unless and until the board shall again have submitted another proposal to authorize the board to impose the sales tax authorized by this section and such proposal is approved by the required majority of the qualified voters of the district.

67.2000. 1. This section shall be known as the "Exhibition Center and Recreational Facility District Act".

2. An exhibition center and recreational facility district may be created under this section in the following counties:

(1) Any county of the first classification with more than seventy-one thousand three hundred but less than seventy-one thousand four hundred inhabitants;

(2) Any county of the first classification with more than one hundred ninety-eight thousand but less than one hundred ninety-nine thousand two hundred inhabitants;

(3) Any county of the first classification with more than eighty-five thousand nine hundred but less than eighty-six

1 thousand inhabitants;

2 (4) Any county of the second classification with more than
3 fifty-two thousand six hundred but less than fifty-two thousand
4 seven hundred inhabitants;

5 (5) Any county of the first classification with more than
6 one hundred four thousand six hundred but less than one hundred
7 four thousand seven hundred inhabitants;

8 (6) Any county of the third classification without a
9 township form of government and with more than seventeen thousand
10 nine hundred but less than eighteen thousand inhabitants;

11 (7) Any county of the first classification with more than
12 thirty-seven thousand but less than thirty-seven thousand one
13 hundred inhabitants;

14 (8) Any county of the third classification without a
15 township form of government and with more than twenty-three
16 thousand five hundred but less than twenty-three thousand six
17 hundred inhabitants;

18 (9) Any county of the third classification without a
19 township form of government and with more than nineteen thousand
20 three hundred but less than nineteen thousand four hundred
21 inhabitants;

22 (10) Any county of the first classification with more than
23 two hundred forty thousand three hundred but less than two
24 hundred forty thousand four hundred inhabitants;

25 (11) Any county of the third classification with a township
26 form of government and with more than eight thousand nine hundred
27 but fewer than nine thousand inhabitants;

28 (12) Any county of the third classification without a

1 township form of government and with more than eighteen thousand
2 nine hundred but fewer than nineteen thousand inhabitants;

3 (13) Any county of the third classification with a township
4 form of government and with more than eight thousand but fewer
5 than eight thousand one hundred inhabitants;

6 (14) Any county of the third classification with a township
7 form of government and with more than eleven thousand five
8 hundred but fewer than eleven thousand six hundred inhabitants.

9 3. Whenever not less than fifty owners of real property
10 located within any county listed in subsection 2 of this section
11 desire to create an exhibition center and recreational facility
12 district, the property owners shall file a petition with the
13 governing body of each county located within the boundaries of
14 the proposed district requesting the creation of the district.
15 The district boundaries may include all or part of the counties
16 described in this section. The petition shall contain the
17 following information:

18 (1) The name and residence of each petitioner and the
19 location of the real property owned by the petitioner;

20 (2) A specific description of the proposed district
21 boundaries, including a map illustrating the boundaries; and

22 (3) The name of the proposed district.

23 4. Upon the filing of a petition pursuant to this section,
24 the governing body of any county described in this section may,
25 by resolution, approve the creation of a district. Any
26 resolution to establish such a district shall be adopted by the
27 governing body of each county located within the proposed
28 district, and shall contain the following information:

1 (1) A description of the boundaries of the proposed
2 district;

3 (2) The time and place of a hearing to be held to consider
4 establishment of the proposed district;

5 (3) The proposed sales tax rate to be voted on within the
6 proposed district; and

7 (4) The proposed uses for the revenue generated by the new
8 sales tax.

9 5. Whenever a hearing is held as provided by this section,
10 the governing body of each county located within the proposed
11 district shall:

12 (1) Publish notice of the hearing on two separate occasions
13 in at least one newspaper of general circulation in each county
14 located within the proposed district, with the first publication
15 to occur not more than thirty days before the hearing, and the
16 second publication to occur not more than fifteen days or less
17 than ten days before the hearing;

18 (2) Hear all protests and receive evidence for or against
19 the establishment of the proposed district; and

20 (3) Rule upon all protests, which determinations shall be
21 final.

22 6. Following the hearing, if the governing body of each
23 county located within the proposed district decides to establish
24 the proposed district, it shall adopt an order to that effect; if
25 the governing body of any county located within the proposed
26 district decides to not establish the proposed district, the
27 boundaries of the proposed district shall not include that
28 county. The order shall contain the following:

- 1 (1) The description of the boundaries of the district;
- 2 (2) A statement that an exhibition center and recreational
3 facility district has been established;
- 4 (3) The name of the district;
- 5 (4) The uses for any revenue generated by a sales tax
6 imposed pursuant to this section; and
- 7 (5) A declaration that the district is a political
8 subdivision of the state.

9 7. A district established pursuant to this section may, at
10 a general, primary, or special election, submit to the qualified
11 voters within the district boundaries a sales tax of one-fourth
12 of one percent, for a period not to exceed twenty-five years, on
13 all retail sales within the district, which are subject to
14 taxation pursuant to sections 144.010 to 144.525, to fund the
15 acquisition, construction, maintenance, operation, improvement,
16 and promotion of an exhibition center and recreational
17 facilities. The ballot of submission shall be in substantially
18 the following form:

19 Shall the (name
20 of district) impose a sales tax of one-fourth of one percent to
21 fund the acquisition, construction, maintenance, operation,
22 improvement, and promotion of an exhibition center and
23 recreational facilities, for a period of (insert
24 number of years)?

25 YES NO

26 If you are in favor of the question, place an "X" in the box
27 opposite "YES". If you are opposed to the question, place an "X"
28 in the box opposite "NO".

1 If a majority of the votes cast in the portion of any county that
2 is part of the proposed district favor the proposal, then the
3 sales tax shall become effective in that portion of the county
4 [that is part of the proposed district on the first day of the
5 first calendar quarter immediately following the election] as
6 provided by section 32.087. If a majority of the votes cast in
7 the portion of a county that is a part of the proposed district
8 oppose the proposal, then that portion of such county shall not
9 impose the sales tax authorized in this section until after the
10 county governing body has submitted another such sales tax
11 proposal and the proposal is approved by a majority of the
12 qualified voters voting thereon. However, if a sales tax
13 proposal is not approved, the governing body of the county shall
14 not resubmit a proposal to the voters pursuant to this section
15 sooner than twelve months from the date of the last proposal
16 submitted pursuant to this section. If the qualified voters in
17 two or more counties that have contiguous districts approve the
18 sales tax proposal, the districts shall combine to become one
19 district.

20 8. There is hereby created a board of trustees to
21 administer any district created and the expenditure of revenue
22 generated pursuant to this section consisting of four individuals
23 to represent each county approving the district, as provided in
24 this subsection. The governing body of each county located
25 within the district, upon approval of that county's sales tax
26 proposal, shall appoint four members to the board of trustees; at
27 least one shall be an owner of a nonlodging business located
28 within the taxing district, or their designee, at least one shall

1 be an owner of a lodging facility located within the district, or
2 their designee, and all members shall reside in the district
3 except that one nonlodging business owner, or their designee, and
4 one lodging facility owner, or their designee, may reside outside
5 the district. Each trustee shall be at least twenty-five years
6 of age and a resident of this state. Of the initial trustees
7 appointed from each county, two shall hold office for two years,
8 and two shall hold office for four years. Trustees appointed
9 after expiration of the initial terms shall be appointed to a
10 four-year term by the governing body of the county the trustee
11 represents, with the initially appointed trustee to remain in
12 office until a successor is appointed, and shall take office upon
13 being appointed. Each trustee may be reappointed. Vacancies
14 shall be filled in the same manner in which the trustee vacating
15 the office was originally appointed. The trustees shall not
16 receive compensation for their services, but may be reimbursed
17 for their actual and necessary expenses. The board shall elect a
18 chair and other officers necessary for its membership. Trustees
19 may be removed if:

20 (1) By a two-thirds vote, the board moves for the member's
21 removal and submits such motion to the governing body of the
22 county from which the trustee was appointed; and

23 (2) The governing body of the county from which the trustee
24 was appointed, by a majority vote, adopts the motion for removal.

25 9. The board of trustees shall have the following powers,
26 authority, and privileges:

27 (1) To have and use a corporate seal;

28 (2) To sue and be sued, and be a party to suits, actions,

1 and proceedings;

2 (3) To enter into contracts, franchises, and agreements
3 with any person or entity, public or private, affecting the
4 affairs of the district, including contracts with any
5 municipality, district, or state, or the United States, and any
6 of their agencies, political subdivisions, or instrumentalities,
7 for the funding, including without limitation interest rate
8 exchange or swap agreements, planning, development, construction,
9 acquisition, maintenance, or operation of a single exhibition
10 center and recreational facilities or to assist in such activity.
11 "Recreational facilities" means locations explicitly designated
12 for public use where the primary use of the facility involves
13 participation in hobbies or athletic activities;

14 (4) To borrow money and incur indebtedness and evidence the
15 same by certificates, notes, or debentures, to issue bonds and
16 use any one or more lawful funding methods the district may
17 obtain for its purposes at such rates of interest as the district
18 may determine. Any bonds, notes, and other obligations issued or
19 delivered by the district may be secured by mortgage, pledge, or
20 deed of trust of any or all of the property and income of the
21 district. Every issue of such bonds, notes, or other obligations
22 shall be payable out of property and revenues of the district and
23 may be further secured by other property of the district, which
24 may be pledged, assigned, mortgaged, or a security interest
25 granted for such payment, without preference or priority of the
26 first bonds issued, subject to any agreement with the holders of
27 any other bonds pledging any specified property or revenues.
28 Such bonds, notes, or other obligations shall be authorized by

1 resolution of the district board, and shall bear such date or
2 dates, and shall mature at such time or times, but not in excess
3 of thirty years, as the resolution shall specify. Such bonds,
4 notes, or other obligations shall be in such denomination, bear
5 interest at such rate or rates, be in such form, either coupon or
6 registered, be issued as current interest bonds, compound
7 interest bonds, variable rate bonds, convertible bonds, or zero
8 coupon bonds, be issued in such manner, be payable in such place
9 or places, and be subject to redemption as such resolution may
10 provide, notwithstanding section 108.170. The bonds, notes, or
11 other obligations may be sold at either public or private sale,
12 at such interest rates, and at such price or prices as the
13 district shall determine;

14 (5) To acquire, transfer, donate, lease, exchange,
15 mortgage, and encumber real and personal property in furtherance
16 of district purposes;

17 (6) To refund any bonds, notes, or other obligations of the
18 district without an election. The terms and conditions of
19 refunding obligations shall be substantially the same as those of
20 the original issue, and the board shall provide for the payment
21 of interest at not to exceed the legal rate, and the principal of
22 such refunding obligations in the same manner as is provided for
23 the payment of interest and principal of obligations refunded;

24 (7) To have the management, control, and supervision of all
25 the business and affairs of the district, and the construction,
26 installation, operation, and maintenance of district improvements
27 therein; to collect rentals, fees, and other charges in
28 connection with its services or for the use of any of its

1 facilities;

2 (8) To hire and retain agents, employees, engineers, and
3 attorneys;

4 (9) To receive and accept by bequest, gift, or donation any
5 kind of property;

6 (10) To adopt and amend bylaws and any other rules and
7 regulations not in conflict with the constitution and laws of
8 this state, necessary for the carrying on of the business,
9 objects, and affairs of the board and of the district; and

10 (11) To have and exercise all rights and powers necessary
11 or incidental to or implied from the specific powers granted by
12 this section.

13 10. There is hereby created the "Exhibition Center and
14 Recreational Facility District Sales Tax Trust Fund", which shall
15 consist of all sales tax revenue collected pursuant to this
16 section. The director of revenue shall be custodian of the trust
17 fund, and moneys in the trust fund shall be used solely for the
18 purposes authorized in this section. [Moneys in the trust fund
19 shall be considered nonstate funds pursuant to section 15,
20 article IV, Constitution of Missouri.] The director of revenue
21 shall invest moneys in the trust fund in the same manner as other
22 funds are invested. Any interest and moneys earned on such
23 investments shall be credited to the trust fund. All sales taxes
24 collected by the director of revenue pursuant to this section on
25 behalf of the district, less one percent for the cost of
26 collection which shall be deposited in the state's general
27 revenue fund after payment of premiums for surety bonds as
28 provided in section 32.087, shall be deposited in the trust fund.

1 The director of revenue shall keep accurate records of the amount
2 of moneys in the trust fund which was collected in the district
3 imposing a sales tax pursuant to this section, and the records
4 shall be open to the inspection of the officers of each district
5 and the general public. Not later than the tenth day of each
6 month, the director of revenue shall distribute all moneys
7 deposited in the trust fund during the preceding month to the
8 district. The director of revenue may authorize refunds from the
9 amounts in the trust fund and credited to the district for
10 erroneous payments and overpayments made, and may redeem
11 dishonored checks and drafts deposited to the credit of the
12 district.

13 11. The sales tax authorized by this section is in addition
14 to all other sales taxes allowed by law. After the effective
15 date of any tax imposed under the provisions of this section, the
16 director of revenue shall perform all functions incident to the
17 administration, collection, enforcement, and operation of the tax
18 and collect, in addition to the sales tax for the state of
19 Missouri, the additional tax authorized under the authority of
20 this section. The tax imposed under this section and the tax
21 imposed under the sales tax law of the state of Missouri shall be
22 collected together and reported upon such forms and under such
23 administrative rules and regulations as may be prescribed by the
24 director of revenue.

25 12. Except as modified in this section, all provisions of
26 sections 32.085 [and] to 32.087 apply to the sales tax imposed
27 pursuant to this section.

28 [12.] 13. Any sales tax imposed pursuant to this section

1 shall not extend past the initial term approved by the voters
2 unless an extension of the sales tax is submitted to and approved
3 by the qualified voters in each county in the manner provided in
4 this section. Each extension of the sales tax shall be for a
5 period not to exceed twenty years. The ballot of submission for
6 the extension shall be in substantially the following form:

7 Shall the (name of district) extend the sales
8 tax of one-fourth of one percent for a period of
9 (insert number of years) years to fund the acquisition,
10 construction, maintenance, operation, improvement, and promotion
11 of an exhibition center and recreational facilities?

12 YES NO

13 If you are in favor of the question, place an "X" in the box
14 opposite "YES". If you are opposed to the question, place an "X"
15 in the box opposite "NO".

16
17 If a majority of the votes cast favor the extension, then the
18 sales tax shall remain in effect at the rate and for the time
19 period approved by the voters. If a sales tax extension is not
20 approved, the district may submit another sales tax proposal as
21 authorized in this section, but the district shall not submit
22 such a proposal to the voters sooner than twelve months from the
23 date of the last extension submitted.

24 [13.] 14. Once the sales tax authorized by this section is
25 abolished or terminated by any means, all funds remaining in the
26 trust fund shall be used solely for the purposes approved in the
27 ballot question authorizing the sales tax. The sales tax shall
28 not be abolished or terminated while the district has any

1 financing or other obligations outstanding; provided that any new
2 financing, debt, or other obligation or any restructuring or
3 refinancing of an existing debt or obligation incurred more than
4 ten years after voter approval of the sales tax provided in this
5 section or more than ten years after any voter-approved extension
6 thereof shall not cause the extension of the sales tax provided
7 in this section or cause the final maturity of any financing or
8 other obligations outstanding to be extended. Any funds in the
9 trust fund which are not needed for current expenditures may be
10 invested by the district in the securities described in
11 subdivisions (1) to (12) of subsection 1 of section 30.270 or
12 repurchase agreements secured by such securities. If the
13 district abolishes the sales tax, the district shall notify the
14 director of revenue of the action at least ninety days before the
15 effective date of the repeal, and the director of revenue may
16 order retention in the trust fund, for a period of one year, of
17 two percent of the amount collected after receipt of such notice
18 to cover possible refunds or overpayment of the sales tax and to
19 redeem dishonored checks and drafts deposited to the credit of
20 such accounts. After one year has elapsed after the effective
21 date of abolition of the sales tax in the district, the director
22 of revenue shall remit the balance in the account to the district
23 and close the account of the district. The director of revenue
24 shall notify the district of each instance of any amount refunded
25 or any check redeemed from receipts due the district.

26 [14.] 15. In the event that the district is dissolved or
27 terminated by any means, the governing bodies of the counties in
28 the district shall appoint a person to act as trustee for the

1 district so dissolved or terminated. Before beginning the
2 discharge of duties, the trustee shall take and subscribe an oath
3 to faithfully discharge the duties of the office, and shall give
4 bond with sufficient security, approved by the governing bodies
5 of the counties, to the use of the dissolved or terminated
6 district, for the faithful discharge of duties. The trustee
7 shall have and exercise all powers necessary to liquidate the
8 district, and upon satisfaction of all remaining obligations of
9 the district, shall pay over to the county treasurer of each
10 county in the district and take receipt for all remaining moneys
11 in amounts based on the ratio the levy of each county bears to
12 the total levy for the district in the previous three years or
13 since the establishment of the district, whichever time period is
14 shorter. Upon payment to the county treasurers, the trustee
15 shall deliver to the clerk of the governing body of any county in
16 the district all books, papers, records, and deeds belonging to
17 the dissolved district.

18 67.2030. 1. The governing authority of any city of the
19 fourth classification with more than one thousand six hundred but
20 less than one thousand seven hundred inhabitants and located in
21 any county of the first classification with more than
22 seventy-three thousand seven hundred but less than seventy-three
23 thousand eight hundred inhabitants is hereby authorized to
24 impose, by ordinance or order, a sales tax in the amount not to
25 exceed one-half of one percent on all retail sales made in such
26 city which are subject to taxation pursuant to sections 144.010
27 to 144.525 for the promotion of tourism in such city. The tax
28 authorized by this section shall be in addition to any and all

1 other sales taxes allowed by law, except that no ordinance or
2 order imposing a sales tax pursuant to this section shall be
3 effective unless the governing authority of the city submits to
4 the qualified voters of the city, at any municipal or state
5 general, primary, or special election, a proposal to authorize
6 the governing authority of the city to impose a tax.

7 2. The ballot of submission shall be in substantially the
8 following form:

9 Shall the city of (city's name) impose a citywide
10 sales tax of (insert amount) for the purpose of
11 promoting tourism in the city?

12 YES NO

13 If you are in favor of the question, place an "X" in the box
14 opposite "YES". If you are opposed to the question, place an "X"
15 in the box opposite "NO".

16
17 If a majority of the votes cast on the proposal by the qualified
18 voters voting thereon are in favor of the proposal, then the
19 ordinance or order and any amendments thereto shall be in effect
20 [on the first day of the first calendar quarter immediately
21 following notification to the director of the department of
22 revenue of the election approving the proposal] as provided by
23 section 32.087. If a proposal receives less than the required
24 majority, then the governing authority of the city shall have no
25 power to impose the sales tax unless and until the governing
26 authority of the city has submitted another proposal to authorize
27 the imposition of the sales tax authorized by this section and
28 such proposal is approved by the required majority of the

1 qualified voters voting thereon. However, in no event shall a
2 proposal pursuant to this section be submitted to the voters
3 sooner than twelve months from the date of the last proposal
4 pursuant to this section.

5 3. [On and after the effective date of any tax authorized
6 in this section, the city may adopt one of the two following
7 provisions for the collection and administration of the tax:

8 (1) The city may adopt rules and regulations for the
9 internal collection of such tax by the city officers usually
10 responsible for collection and administration of city taxes; or

11 (2) The city may enter into an agreement with the director
12 of revenue of the state of Missouri for the purpose of collecting
13 the tax authorized in this section. In the event any city enters
14 into an agreement with the director of revenue of the state of
15 Missouri for the collection of the tax authorized in this
16 section, the director of revenue shall perform all functions
17 incident to the administration, collection, enforcement, and
18 operation of such tax, and the director of revenue shall collect
19 the additional tax authorized in this section. The tax
20 authorized in this section shall be collected and reported upon
21 such forms and under such administrative rules and regulations as
22 may be prescribed by the director of revenue, and the director of
23 revenue shall retain an amount not to exceed one percent for cost
24 of collection.

25 4. If a tax is imposed by a city pursuant to this section,
26 the city may collect a penalty of one percent and interest not to
27 exceed two percent per month on unpaid taxes which shall be
28 considered delinquent thirty days after the last day of each

1 quarter] After the effective date of any tax imposed under the
2 provisions of this section, the director of revenue shall perform
3 all functions incident to the administration, collection,
4 enforcement, and operation of the tax and collect, in addition to
5 the sales tax for the state of Missouri, the additional tax
6 authorized under the authority of this section. The tax imposed
7 under this section and the tax imposed under the sales tax law of
8 the state of Missouri shall be collected together and reported
9 upon such forms and under such administrative rules and
10 regulations as may be prescribed by the director of revenue.

11 [5.] 4. (1) The governing authority of any city that has
12 adopted any sales tax pursuant to this section shall, upon filing
13 of a petition calling for the repeal of such sales tax signed by
14 at least ten percent of the qualified voters in the city, submit
15 the question of repeal of the sales tax to the qualified voters
16 at any primary or general election. The ballot of submission
17 shall be in substantially the following form:

18 Shall (insert name of city) repeal the sales
19 tax of (insert rate of percent) percent for
20 tourism purposes now in effect in (insert name of city)?

21 YES NO

22 If you are in favor of the question, place an "X" in the box
23 opposite "YES". If you are opposed to the question, place an "X"
24 in the box opposite "NO".

25
26 If a majority of the votes cast on the proposal are in favor of
27 repeal, that repeal shall become effective on December
28 thirty-first of the calendar year in which such repeal was

1 approved. If the city or county abolishes the tax, the city or
2 county shall notify the director of revenue of the action at
3 least one hundred twenty days prior to the effective date of the
4 repeal.

5 (2) Once the tax is repealed as provided in this section,
6 all funds remaining in any trust fund or account established to
7 receive revenues generated by the tax shall be used solely for
8 the original stated purpose of the tax. Any funds which are not
9 needed for current expenditures may be invested by the governing
10 authority in accordance with applicable laws relating to the
11 investment of other city funds.

12 (3) The governing authority of a city repealing a tax
13 pursuant to this section shall notify the director of revenue of
14 the action at least forty-five days before the effective date of
15 the repeal and the director of revenue may order retention in any
16 trust fund created in the state treasury associated with the tax,
17 for a period of one year, of two percent of the amount collected
18 after receipt of such notice to cover refunds or overpayment of
19 the tax and to redeem dishonored checks and drafts deposited to
20 the credit of such accounts. After one year has elapsed after
21 the effective date of repeal of the tax in the city, the director
22 of revenue shall remit the balance in the trust fund to the city
23 and close the account of that city. The director of revenue
24 shall notify each city of each instance of any amount refunded or
25 any check redeemed from receipts due the city.

26 (4) In the event that the repeal of a sales tax pursuant to
27 this section dissolves or terminates a taxing district, the
28 governing authority of the city shall appoint a person to act as

1 trustee for the district so dissolved or terminated. Before
2 beginning the discharge of duties, the trustee shall take and
3 subscribe an oath to faithfully discharge the duties of the
4 office, and shall give bond with sufficient security, approved by
5 the governing authority of the city, to the use of the dissolved
6 or terminated district, for the faithful discharge of duties.
7 The trustee shall have and exercise all powers necessary to
8 liquidate the district, and upon satisfaction of all remaining
9 obligations of the district, shall pay over to the city treasurer
10 or the equivalent official and take receipt for all remaining
11 moneys. Upon payment to the city treasurer, the trustee shall
12 deliver to the clerk of the governing authority of the city all
13 books, papers, records, and deeds belonging to the dissolved
14 district.

15 [6.] 5. Except as modified in this section, all provisions
16 of sections 32.085 [and] to 32.087 shall apply to the tax imposed
17 pursuant to this section.

18 67.2525. 1. Each member of the board of directors shall
19 have the following qualifications:

20 (1) As to those subdistricts in which there are registered
21 voters, a resident registered voter in the subdistrict that he or
22 she represents, or be a property owner or, as to those
23 subdistricts in which there are not registered voters who are
24 residents, a property owner or representative of a property owner
25 in the subdistrict he or she represents;

26 (2) Be at least twenty-one years of age and a registered
27 voter in the district.

28 2. The district shall be subdivided into at least five but

1 not more than fifteen subdistricts, which shall be represented by
2 one representative on the district board of directors. All board
3 members shall have terms of four years, including the initial
4 board of directors. All members shall take office upon being
5 appointed and shall remain in office until a successor is
6 appointed by the mayor or chairman of the municipality in which
7 the district is located, or elected by the property owners in
8 those subdistricts without registered voters.

9 3. For those subdistricts which contain one or more
10 registered voters, the mayor or chairman of the city, town, or
11 village shall, with the consent of the governing body, appoint a
12 registered voter residing in the subdistrict to the board of
13 directors.

14 4. For those subdistricts which contain no registered
15 voters, the property owners who collectively own one or more
16 parcels of real estate comprising more than half of the land
17 situated in each subdistrict shall meet and shall elect a
18 representative to serve upon the board of directors. The clerk
19 of the city, town, or village in which the petition was filed
20 shall, unless waived in writing by all property owners in the
21 subdistrict, give notice by causing publication to be made once a
22 week for two consecutive weeks in a newspaper of general
23 circulation in the county, the last publication of which shall be
24 at least ten days before the day of the meeting required by this
25 section, to call a meeting of the owners of real property within
26 the subdistrict at a day and hour specified in a public place in
27 the city, town, or village in which the petition was filed for
28 the purpose of electing members of the board of directors.

1 5. The property owners, when assembled, shall organize by
2 the election of a temporary chairman and secretary of the meeting
3 who shall conduct the election. An election shall be conducted
4 for each subdistrict, with the eligible property owners voting in
5 that subdistrict. At the election, each acre of real property
6 within the subdistrict shall represent one share, and each owner,
7 including corporations and other entities, may have one vote in
8 person or for every acre of real property owned by such person
9 within the subdistrict. Each voter which is not an individual
10 shall determine how to cast its vote as provided for in its
11 articles of incorporation, articles of organization, articles of
12 partnership, bylaws, or other document which sets forth an
13 appropriate mechanism for the determination of the entity's vote.
14 If a voter has no such mechanism, then its vote shall be cast as
15 determined by a majority of the persons who run the day-to-day
16 affairs of the voter. The results of the meeting shall be
17 certified by the temporary chairman and secretary to the
18 municipal clerk if the district is established by a municipality
19 described in this section, or to the circuit clerk if the
20 district is established by a circuit court.

21 6. Successor boards shall be appointed or elected,
22 depending upon the presence or absence of resident registered
23 voters, by the mayor or chairman of a city, town, or village
24 described in this section, or the property owners as set forth
25 above; provided, however, that elections held by the property
26 owners after the initial board is elected shall be certified to
27 the municipal clerk of the city, town, or village where the
28 district is located and the board of directors of the district.

1 7. Should a vacancy occur on the board of directors, the
2 mayor or chairman of the city, town, or village if there are
3 registered voters within the subdistrict, or a majority of the
4 owners of real property in a subdistrict if there are not
5 registered voters in the subdistrict, shall have the authority to
6 appoint or elect, as set forth in this section, an interim
7 director to complete any unexpired term of a director caused by
8 resignation or disqualification.

9 8. The board shall possess and exercise all of the
10 district's legislative and executive powers, including:

11 (1) The power to fund, promote and provide educational,
12 civic, musical, theatrical, cultural, concerts, lecture series,
13 and related or similar entertainment events or activities, and
14 fund, promote, plan, design, construct, improve, maintain, and
15 operate public improvements, transportation projects, and related
16 facilities within the district;

17 (2) The power to accept and disburse tax or other revenue
18 collected in the district; and

19 (3) The power to receive property by gift or otherwise.

20 9. Within thirty days after the selection of the initial
21 directors, the board shall meet. At its first meeting and
22 annually thereafter the board shall elect a chairman from its
23 members.

24 10. The board shall appoint an executive director, district
25 secretary, treasurer, and such other officers or employees as it
26 deems necessary.

27 11. At the first meeting, the board, by resolution, shall
28 define the first and subsequent fiscal years of the district, and

1 shall adopt a corporate seal.

2 12. A simple majority of the board shall constitute a
3 quorum. If a quorum exists, a majority of those voting shall
4 have the authority to act in the name of the board, and approve
5 any board resolution.

6 13. At the first meeting, the board, by resolution, shall
7 receive the certification of the election regarding the sales
8 tax, and may impose the sales tax in all subdistricts approving
9 the imposing sales tax. In those subdistricts that approve the
10 sales tax, the sales tax shall become effective [on the first day
11 of the first calendar quarter immediately following the action by
12 the district board of directors imposing the tax] as provided by
13 section 32.087.

14 14. Each director shall devote such time to the duties of
15 the office as the faithful discharge thereof may require and be
16 reimbursed for his or her actual expenditures in the performance
17 of his or her duties on behalf of the district. Directors may be
18 compensated, but such compensation shall not exceed one hundred
19 dollars per month.

20 15. In addition to all other powers granted by sections
21 67.2500 to 67.2530, the district shall have the following general
22 powers:

23 (1) To sue and be sued in its own name, and to receive
24 service of process, which shall be served upon the district
25 secretary;

26 (2) To fix compensation of its employees and contractors;

27 (3) To enter into contracts, franchises, and agreements
28 with any person or entity, public or private, affecting the

1 affairs of the district, including contracts with any
2 municipality, district, or state, or the United States, and any
3 of their agencies, political subdivisions, or instrumentalities,
4 for the funding, including without limitation, interest rate
5 exchange or swap agreements, planning, development, construction,
6 acquisition, maintenance, or operation of a district facility or
7 to assist in such activity;

8 (4) To acquire, develop, construct, equip, transfer,
9 donate, lease, exchange, mortgage, and encumber real and personal
10 property in furtherance of district purposes;

11 (5) To collect and disburse funds for its activities;

12 (6) To collect taxes and other revenues;

13 (7) To borrow money and incur indebtedness and evidence the
14 same by certificates, notes, bonds, debentures, or refunding of
15 any such obligations for the purpose of paying all or any part of
16 the cost of land, construction, development, or equipping of any
17 facilities or operations of the district;

18 (8) To own or lease real or personal property for use in
19 connection with the exercise of powers pursuant to this
20 subsection;

21 (9) To provide for the election or appointment of officers,
22 including a chairman, treasurer, and secretary. Officers shall
23 not be required to be residents of the district, and one officer
24 may hold more than one office;

25 (10) To hire and retain agents, employees, engineers, and
26 attorneys;

27 (11) To enter into entertainment contracts binding the
28 district and artists, agencies, or performers, management

1 contracts, contracts relating to the booking of entertainment and
2 the sale of tickets, and all other contracts which relate to the
3 purposes of the district;

4 (12) To contract with a local government, a corporation,
5 partnership, or individual regarding funding, promotion,
6 planning, designing, constructing, improving, maintaining, or
7 operating a project or to assist in such activity;

8 (13) To contract for transfer to a city, town, or village
9 such district facilities and improvements free of cost or
10 encumbrance on such terms set forth by contract;

11 (14) To exercise such other powers necessary or convenient
12 for the district to accomplish its purposes which are not
13 inconsistent with its express powers.

14 16. A district may at any time authorize or issue notes,
15 bonds, or other obligations for any of its powers or purposes.
16 Such notes, bonds, or other obligations:

17 (1) Shall be in such amounts as deemed necessary by the
18 district, including costs of issuance thereof;

19 (2) Shall be payable out of all or any portion of the
20 revenues or other assets of the district;

21 (3) May be secured by any property of the district which
22 may be pledged, assigned, mortgaged, or otherwise encumbered for
23 payment;

24 (4) Shall be authorized by resolution of the district, and
25 if issued by the district, shall bear such date or dates, and
26 shall mature at such time or times, but not in excess of forty
27 years, as the resolution shall specify;

28 (5) Shall be in such denomination, bear interest at such

1 rates, be in such form, be issued as current interest bonds,
2 compound interest bonds, variable rate bonds, convertible bonds,
3 or zero coupon bonds, be issued in such manner, be payable in
4 such place or places and subject to redemption as such resolution
5 may provide; and

6 (6) May be sold at either public or private sale, at such
7 interest rates, and at such price or prices as the district shall
8 determine.

9
10 The provisions of this subsection are applicable to the district
11 notwithstanding the provisions of section 108.170.

12 67.2530. 1. Any note, bond, or other indebtedness of the
13 district may be refunded at any time by the district by issuing
14 refunding bonds in such amount as the district may deem
15 necessary. Such bonds shall be subject to and shall have the
16 benefit of the foregoing provisions regarding notes, bonds, and
17 other obligations. Without limiting the generality of the
18 foregoing, refunding bonds may include amounts necessary to
19 finance any premium, unpaid interest, and costs of issuance in
20 connection with the refunding bonds. Any such refunding may be
21 effected whether the bonds to be refunded then shall have matured
22 or thereafter shall mature, either by sale of the refunding bonds
23 and the application of the proceeds thereof to the payment of the
24 obligations being refunded or the exchange of the refunding bonds
25 for the obligations being refunded with the consent of the
26 holders of the obligations being refunded.

27 2. Notes, bonds, or other indebtedness of the district
28 shall be exclusively the responsibility of the district payable

1 solely out of the district funds and property and shall not
2 constitute a debt or liability of the state of Missouri or any
3 agency or political subdivision of the state. Any notes, bonds,
4 or other indebtedness of the district shall state on their face
5 that they are not obligations of the state of Missouri or any
6 agency or political subdivision thereof other than the district.

7 3. Any district may by resolution impose a district sales
8 tax of up to one-half of one percent on all retail sales made in
9 such district that are subject to taxation pursuant to the
10 provisions of sections 144.010 to 144.525. Upon voter approval,
11 and receiving the necessary certifications from the governing
12 body of the municipality in which the district is located, or
13 from the circuit court if the district was formed by the circuit
14 court, the board of directors shall have the power to impose a
15 sales tax at its first meeting, or any meeting thereafter. Voter
16 approval of the question of the imposing sales tax shall be in
17 accordance with section 67.2520. [The sales tax shall become
18 effective in those subdistricts that approve the sales tax on the
19 first day of the first calendar quarter immediately following the
20 passage of a resolution by the board of directors imposing the
21 sales tax.

22 4. In each district in which a sales tax has been imposed
23 in the manner provided by this section, every retailer shall add
24 the tax imposed by the district pursuant to this section to the
25 retailer's sale price, and when so added, such tax shall
26 constitute a part of the price, shall be a debt of the purchaser
27 to the retailer until paid, and shall be recoverable at law in
28 the same manner as the purchase price.

1 5. In order to permit sellers required to collect and
2 report the sales tax authorized by this section to collect the
3 amount required to be reported and remitted, but not to change
4 the requirements of reporting or remitting tax or to serve as a
5 levy of the tax, and in order to avoid fractions of pennies, the
6 district may establish appropriate brackets which shall be used
7 in the district imposing a tax pursuant to this section in lieu
8 of those brackets provided in section 144.285.

9 6.] 4. All revenue received by a district from the sales
10 tax authorized by this section shall be deposited in a special
11 trust fund and shall be used solely for the purposes of the
12 district. Any funds in such special trust fund which are not
13 needed for the district's current expenditures may be invested by
14 the district board of directors in accordance with applicable
15 laws relating to the investment of other district funds.

16 [7.] 5. The sales tax may be imposed at a rate of up to
17 one-half of one percent on the receipts from the sale at retail
18 of all tangible personal property or taxable services at retail
19 within the district adopting such tax, if such property and
20 services are subject to taxation by the state of Missouri
21 pursuant to the provisions of sections 144.010 to 144.525. Any
22 district sales tax imposed pursuant to this section shall be
23 imposed at a rate that shall be uniform throughout the
24 subdistricts approving the sales tax.

25 [8. The resolution imposing the sales tax pursuant to this
26 section shall impose upon all sellers a tax for the privilege of
27 engaging in the business of selling tangible personal property or
28 rendering taxable services at retail to the extent and in the

1 manner provided in sections 144.010 to 144.525 and the rules and
2 regulations of the director of revenue issued pursuant thereto;
3 except that the rate of the tax shall be the rate imposed by the
4 resolution as the sales tax and the tax shall be reported and
5 returned to and collected by the district.

6 9. (1) On and after the effective date of any sales tax
7 imposed pursuant to this section, the district shall perform all
8 functions incident to the administration, collection,
9 enforcement, and operation of the tax. The sales tax imposed
10 pursuant to this section shall be collected and reported upon
11 such forms and under such administrative rules and regulations as
12 may be prescribed by the district.

13 (2) 6. After the effective date of any tax imposed under
14 the provisions of this section, the director of revenue shall
15 perform all functions incident to the administration, collection,
16 enforcement, and operation of the tax and collect, in addition to
17 the sales tax for the state of Missouri, the additional tax
18 authorized under the authority of this section. The tax imposed
19 under this section and the tax imposed under the sales tax law of
20 the state of Missouri shall be collected together and reported
21 upon such forms and under such administrative rules and
22 regulations as may be prescribed by the director of revenue.

23 7. All [such] sales taxes [collected by the district] shall
24 be deposited by the district in a special fund to be expended for
25 the purposes authorized in this section. The district shall keep
26 accurate records of the amount of money which was collected
27 pursuant to this section, and the records shall be open to the
28 inspection of officers of each district and the general public.

1 [(3) The district may contract with the municipality that
2 the district is within for the municipality to collect any
3 revenue received by the district and, after deducting the cost of
4 such collection, but not to exceed one percent of the total
5 amount collected, deposit such revenue in a special trust
6 account. Such revenue and interest may be applied by the
7 municipality to expenses, costs, or debt service of the district
8 at the direction of the district as set forth in a contract
9 between the municipality and the district.

10 10. (1) All applicable provisions contained in sections
11 144.010 to 144.525 governing the state sales tax, sections 32.085
12 and 32.087, and section 32.057, the uniform confidentiality
13 provision, shall apply to the collection of the tax imposed by
14 this section, except as modified in this section.

15 (2) All exemptions granted to agencies of government,
16 organizations, persons, and to the sale of certain articles and
17 items of tangible personal property and taxable services pursuant
18 to the provisions of sections 144.010 to 144.525 are hereby made
19 applicable to the imposition and collection of the tax imposed by
20 this section.

21 (3) The same sales tax permit, exemption certificate, and
22 retail certificate required by sections 144.010 to 144.525 for
23 the administration and collection of the state sales tax shall
24 satisfy the requirements of this section, and no additional
25 permit or exemption certificate or retail certificate shall be
26 required; except that the district may prescribe a form of
27 exemption certificate for an exemption from the tax imposed by
28 this section.

1 (4) All discounts allowed the retailer pursuant to the
2 provisions of the state sales tax laws for the collection of and
3 for payment of taxes pursuant to such laws are hereby allowed and
4 made applicable to any taxes collected pursuant to the provisions
5 of this section.

6 (5) The penalties provided in section 32.057 and sections
7 144.010 to 144.525 for violation of those sections are hereby
8 made applicable to violations of this section.

9 (6) For the purpose of a sales tax imposed by a resolution
10 pursuant to this section, all retail sales shall be deemed to be
11 consummated at the place of business of the retailer unless the
12 tangible personal property sold is delivered by the retailer or
13 the retailer's agent to an out-of-state destination or to a
14 common carrier for delivery to an out-of-state destination. In
15 the event a retailer has more than one place of business in this
16 state which participates in the sale, the sale shall be deemed to
17 be consummated at the place of business of the retailer where the
18 initial order for the tangible personal property is taken, even
19 though the order must be forwarded elsewhere for acceptance,
20 approval of credit, shipment, or billing.

21 A sale by a retailer's employee shall be deemed to be consummated
22 at the place of business from which the employee works.

23 (7)] 8. Subsequent to the initial approval by the voters
24 and implementation of a sales tax in the district, the rate of
25 the sales tax may be increased, but not to exceed a rate of
26 one-half of one percent on retail sales as provided in this
27 subsection. The election shall be conducted in accordance with
28 section 67.2520; provided, however, that the district board of

1 directors may place the question of the increase of the sales tax
2 before the voters of the district by resolution, and the
3 municipal clerk of the city, town, or village which originally
4 conducted the incorporation of the district, or the circuit clerk
5 of the court which originally conducted the incorporation of the
6 district, shall conduct the subsequent election. In subsequent
7 elections, the election judges shall certify the election results
8 to the district board of directors. The ballot of submission
9 shall be in substantially the following form:

10 Shall (name of district) increase the
11 (insert amount) percent district sales tax now in
12 effect to..... (insert amount) in the
13 (name of district)?

14 YES NO

15 If you are in favor of the question, place an "X" in the box
16 opposite "YES". If you are opposed to the question, place an "X"
17 in the box opposite "NO".

18
19 If a majority of the votes cast on the proposal by the qualified
20 voters of the district voting thereon are in favor of the
21 increase, the increase shall become effective [December
22 thirty-first of the calendar year in which such increase was
23 approved] as provided by section 32.087.

24 [11.] 9. (1) There shall not be any election as provided
25 for in this section while the district has any financing or other
26 obligations outstanding.

27 (2) The board, when presented with a petition signed by at
28 least one-third of the registered voters in a district that voted

1 in the last gubernatorial election, or signed by at least
2 two-thirds of property owners of the district, calling for an
3 election to dissolve and repeal the tax shall submit the question
4 to the voters using the same procedure by which the imposing tax
5 was voted. The ballot of submission shall be in substantially
6 the following form:

7 Shall (name of district) dissolve and repeal
8 the (insert amount) percent district sales tax now
9 in effect in the (name of district)?

10 YES NO

11 If you are in favor of the question, place an "X" in the box
12 opposite "YES". If you are opposed to the question, place an "X"
13 in the box opposite "NO". Such subsequent elections for the
14 repeal of the sales tax shall be conducted in accordance with
15 section 67.2520; provided, however, that the district board of
16 directors may place the question of the repeal of the sales tax
17 before the voters of the district, and the municipal clerk of the
18 city, town, or village which originally conducted the
19 incorporation of the district, or the circuit clerk of the court
20 which originally conducted the incorporation of the district,
21 shall conduct the subsequent election. In subsequent elections
22 the election judges shall certify the election results to the
23 district board of directors.

24 (3) If a majority of the votes cast on the proposal by the
25 qualified voters of the district voting thereon are in favor of
26 repeal, that repeal shall become effective December thirty-first
27 of the calendar year in which such repeal was approved or after
28 the repayment of the district's indebtedness, whichever occurs

1 later. If the district abolishes the tax, the district shall
2 notify the director of revenue of the action at least one hundred
3 twenty days prior to the effective date of the repeal.

4 [12.] 10. (1) At such time as the board of directors of
5 the district determines that further operation of the district is
6 not in the best interests of the inhabitants of the district, and
7 that the district should dissolve, the board shall submit for a
8 vote in an election held throughout the district the question of
9 whether the district should be abolished. The question shall be
10 submitted in substantially the following form:

11 Shall the theater, cultural arts, and
12 entertainment district be abolished?

13 YES NO

14 If you are in favor of the question, place an "X" in the box
15 opposite "YES". If you are opposed to the question, place an "X"
16 in the box opposite "NO".

17 (2) The district board shall not propose the question to
18 abolish the district while there are outstanding claims or causes
19 of action pending against the district, while the district
20 liabilities exceed its assets, while indebtedness of the district
21 is outstanding, or while the district is insolvent, in
22 receivership or under the jurisdiction of the bankruptcy court.
23 Prior to submitting the question to abolish the district to a
24 vote of the entire district, the state auditor shall audit the
25 district to determine the financial status of the district, and
26 whether the district may be abolished pursuant to law. The vote
27 on the abolition of the district shall be conducted by the
28 municipal clerk of the city, town, or village in which the

1 district is located. The procedure shall be the same as in
2 section 67.2520, except that the question shall be determined by
3 the qualified voters of the entire district. No individual
4 subdistrict may be abolished, except at such time as the district
5 is abolished.

6 (3) While the district still exists, it shall continue to
7 accrue all revenues to which it is entitled at law.

8 (4) Upon receipt by the board of directors of the district
9 of the certification by the city, town, or village in which the
10 district is located that the majority of those voting within the
11 entire district have voted to abolish the district, and if the
12 state auditor has determined that the district's financial
13 condition is such that it may be abolished pursuant to law, then
14 the board of directors of the district shall:

15 (a) Sell any remaining district real or personal property
16 it wishes, and then transfer the proceeds and any other real or
17 personal property owned by the district to the city, town, or
18 village in which the district is located, including revenues due
19 and owing the district, for its further use and disposition;

20 (b) Terminate the employment of any remaining district
21 employees, and otherwise conclude its affairs;

22 (c) At a public meeting of the district, declare by a
23 resolution of the board of directors passed by a majority vote
24 that the district has been abolished effective that date;

25 (d) Cause copies of that resolution under seal to be filed
26 with the secretary of state and the city, town, or village in
27 which the district is located. Upon the completion of the final
28 act specified in this subsection, the legal existence of the

1 district shall cease.

2 (5) The legal existence of the district shall not cease for
3 a period of two years after voter approval of the abolition.

4 11. Except as provided in this section, all provisions of
5 sections 32.085 to 32.087 shall apply to the tax imposed under
6 this section.

7 94.578. 1. In addition to the sales tax authorized in
8 section 94.577, the governing body of any home rule city with
9 more than one hundred fifty-one thousand five hundred but less
10 than one hundred fifty-one thousand six hundred inhabitants is
11 hereby authorized to impose, by order or ordinance, a sales tax
12 on all retail sales made within the city which are subject to
13 sales tax under chapter 144. The tax authorized in this section
14 may be imposed at a rate of one-eighth, one-fourth,
15 three-eighths, or one-half of one percent, but shall not exceed
16 one-half of one percent, shall not be imposed for longer than
17 three years, and shall be imposed solely for the purpose of
18 funding the construction, operation, and maintenance of capital
19 improvements in the city's center city. The governing body may
20 issue bonds for the funding of such capital improvements, which
21 will be retired by the revenues received from the sales tax
22 authorized by this section. The order or ordinance shall not
23 become effective unless the governing body of the city submits to
24 the voters residing within the city at a state or municipal
25 general, primary, or special election a proposal to authorize the
26 governing body of the city to impose a tax under this section.
27 The tax authorized in this section shall be in addition to all
28 other sales taxes imposed by law, and shall be stated separately

1 from all other charges and taxes.

2 2. The ballot submission for the tax authorized in this
3 section shall be in substantially the following form:

4 Shall (insert the name of the city)
5 impose a sales tax at a rate of(insert rate of
6 percent) percent for [a] capital improvements purposes in the
7 city's center city for a period of (insert number
8 of years, not to exceed three) years?

9 YES NO

10 If a majority of the votes cast on the question by the qualified
11 voters voting thereon are in favor of the question, then the tax
12 shall become effective on the first day of the second calendar
13 quarter after the director of revenue receives notice of the
14 adoption of the sales tax. If a majority of the votes cast on
15 the question by the qualified voters voting thereon are opposed
16 to the question, then the tax shall not become effective unless
17 and until the question is resubmitted under this section to the
18 qualified voters and such question is approved by a majority of
19 the qualified voters voting on the question. In no case shall a
20 tax be resubmitted to the qualified voters of the city sooner
21 than twelve months from the date of the proposal under this
22 section.

23 3. Any sales tax imposed under this section shall be
24 administered, collected, enforced, and operated as required in
25 [section] sections 32.085 to 32.087. All revenue generated by
26 the tax shall be deposited in a special trust fund and shall be
27 used solely for the designated purposes. If the tax is repealed,
28 all funds remaining in the special trust fund shall continue to

1 be used solely for the designated purposes. Any funds in the
2 special trust fund which are not needed for current expenditures
3 shall be invested in the same manner as other funds are invested.
4 Any interest and moneys earned on such investments shall be
5 credited to the fund.

6 4. The director of revenue may authorize the state
7 treasurer to make refunds from the amounts in the trust fund and
8 credited to any city for erroneous payments and overpayments
9 made, and may redeem dishonored checks and drafts deposited to
10 the credit of such cities. If any city abolishes the tax, the
11 city shall notify the director of revenue of the action at least
12 ninety days before the effective date of the repeal, and the
13 director of revenue may order retention in the trust fund, for a
14 period of one year, of two percent of the amount collected after
15 receipt of such notice to cover possible refunds or overpayment
16 of the tax and to redeem dishonored checks and drafts deposited
17 to the credit of such accounts. After one year has elapsed after
18 the effective date of abolition of the tax in such city, the
19 director of revenue shall remit the balance in the account to the
20 city and close the account of that city. The director of revenue
21 shall notify each city of each instance of any amount refunded.

22 5. The governing body of any city that has adopted the
23 sales tax authorized in this section may submit the question of
24 repeal of the tax to the voters on any date available for
25 elections for the city. The ballot of submission shall be in
26 substantially the following form:

27 Shall (insert the name of the city)
28 repeal the sales tax imposed at a rate of (insert rate

1 of percent) percent for capital improvements purposes in the
2 city's center city?

3 YES NO

4 If a majority of the votes cast on the proposal are in favor of
5 repeal, that repeal shall become effective on December
6 thirty-first of the calendar year in which such repeal was
7 approved. If a majority of the votes cast on the question by the
8 qualified voters voting thereon are opposed to the repeal, then
9 the sales tax authorized in this section shall remain effective
10 until the question is resubmitted under this section to the
11 qualified voters, and the repeal is approved by a majority of the
12 qualified voters voting on the question. If the city or county
13 abolishes the tax, the city or county shall notify the director
14 of revenue of the action at least one hundred twenty days prior
15 to the effective date of the repeal.

16 6. Whenever the governing body of any city that has adopted
17 the sales tax authorized in this section receives a petition,
18 signed by ten percent of the registered voters of the city voting
19 in the last gubernatorial election, calling for an election to
20 repeal the sales tax imposed under this section, the governing
21 body shall submit to the voters of the city a proposal to repeal
22 the tax. If a majority of the votes cast on the question by the
23 qualified voters voting thereon are in favor of the repeal, that
24 repeal shall become effective on December thirty-first of the
25 calendar year in which such repeal was approved. If a majority
26 of the votes cast on the question by the qualified voters voting
27 thereon are opposed to the repeal, then the tax shall remain
28 effective until the question is resubmitted under this section to

1 the qualified voters and the repeal is approved by a majority of
2 the qualified voters voting on the question.

3 7. Except as provided in this section, all provisions of
4 sections 32.085 to 32.087 apply to the sales tax imposed under
5 this section.

6 94.605. 1. Any city as defined in section 94.600 may by a
7 majority vote of its governing body impose a sales tax for
8 transportation purposes enumerated in sections 94.600 to 94.655.

9 2. The sales tax may be imposed at a rate not to exceed
10 one-half of one percent on the receipts from the sale at retail
11 of all tangible personal property or taxable services at retail
12 within any city adopting such tax, if such property and services
13 are subject to taxation by the state of Missouri under the
14 provisions of sections 144.010 to 144.525.

15 3. With respect to any tax increment financing plan
16 originally approved by ordinance of the city council after March
17 31, 2009, in any home rule city with more than four hundred
18 thousand inhabitants and located in more than one county, any
19 three-eighths of one cent sales tax imposed under sections 94.600
20 to 94.655 shall not be considered economic activity taxes as such
21 term is defined under sections 99.805 and 99.918, and tax
22 revenues derived from such taxes shall not be subject to
23 allocation under the provisions of subsection 3 of section 99.845
24 or subsection 4 of section 99.957. Any one-eighth of one cent
25 sales tax imposed in such city under sections 94.600 to 94.655
26 for constructing and operating a light-rail transit system shall
27 not be considered economic activity taxes as such term is defined
28 under sections 99.805 and 99.918, and tax revenues derived from

1 such tax shall not be subject to allocation under the provisions
2 of subsection 3 of section 99.845 or subsection 4 of section
3 99.957.

4 [4. If the boundaries of a city in which such sales tax has
5 been imposed shall thereafter be changed or altered, the city or
6 county clerk shall forward to the director of revenue by United
7 States registered mail or certified mail a certified copy of the
8 ordinance adding or detaching territory from the city. The
9 ordinance shall reflect the effective date thereof, and shall be
10 accompanied by a map of the city clearly showing the territory
11 added thereto or detached therefrom. Upon receipt of the
12 ordinance and map, the tax imposed by sections 94.600 to 94.655
13 shall be effective in the added territory or abolished in the
14 detached territory on the effective date of the change of the
15 city boundary.]

16 94.660. 1. The governing body of any city not within a
17 county and any county of the first classification having a
18 charter form of government with a population of over nine hundred
19 thousand inhabitants may propose, by ordinance or order, a
20 transportation sales tax of up to one percent for submission to
21 the voters of that city or county at an authorized election date
22 selected by the governing body.

23 2. Any sales tax approved under this section shall be
24 imposed on the receipts from the sale at retail of all tangible
25 personal property or taxable services within the city or county
26 adopting the tax, if such property and services are subject to
27 taxation by the state of Missouri under sections 144.010 to
28 144.525.

1 3. The ballot of submission shall contain, but need not be
2 limited to, the following language:

3 Shall the county/city of (county's or
4 city's name) impose a county/city-wide sales tax of
5 percent for the purpose of providing a source of funds for public
6 transportation purposes?

7 YES NO

8 Except as provided in subsection 4 of this section, if a majority
9 of the votes cast in that county or city not within a county on
10 the proposal by the qualified voters voting thereon are in favor
11 of the proposal, then the tax shall go into effect [on the first
12 day of the next calendar quarter beginning after its adoption and
13 notice to the director of revenue, but no sooner than thirty days
14 after such adoption and notice] as provided by section 32.087.

15 If a majority of the votes cast in that county or city not within
16 a county by the qualified voters voting are opposed to the
17 proposal, then the additional sales tax shall not be imposed in
18 that county or city not within a county unless and until the
19 governing body of that county or city not within a county shall
20 have submitted another proposal to authorize the local option
21 transportation sales tax authorized in this section, and such
22 proposal is approved by a majority of the qualified voters voting
23 on it. In no event shall a proposal pursuant to this section be
24 submitted to the voters sooner than twelve months from the date
25 of the last proposal.

26 4. No tax shall go into effect under this section in any
27 city not within a county or any county of the first
28 classification having a charter form of government with a

1 population over nine hundred thousand inhabitants unless and
2 until both such city and such county approve the tax.

3 5. The provisions of subsection 4 of this section requiring
4 both the city and county to approve a transportation sales tax
5 before a transportation sales tax may go into effect in either
6 jurisdiction shall not apply to any transportation sales tax
7 submitted to and approved by the voters in such city or such
8 county on or after August 28, 2007.

9 6. All sales taxes collected by the director of revenue
10 under this section on behalf of any city or county, less one
11 percent for cost of collection which shall be deposited in the
12 state's general revenue fund after payment of premiums for surety
13 bonds, shall be deposited with the state treasurer in a special
14 trust fund, which is hereby created, to be known as the "County
15 Public Transit Sales Tax Trust Fund". The sales taxes shall be
16 collected as provided in section 32.087. The moneys in the trust
17 fund shall not be deemed to be state funds and shall not be
18 commingled with any funds of the state. The director of revenue
19 shall keep accurate records of the amount of money in the trust
20 fund which was collected in each city or county approving a sales
21 tax under this section, and the records shall be open to
22 inspection by officers of the city or county and the public. Not
23 later than the tenth day of each month the director of revenue
24 shall distribute all moneys deposited in the trust fund during
25 the preceding month to the city or county which levied the tax,
26 and such funds shall be deposited with the treasurer of each such
27 city or county and all expenditures of funds arising from the
28 county public transit sales tax trust fund shall be by an

1 appropriation act to be enacted by the governing body of each
2 such county or city not within a county.

3 7. The revenues derived from any transportation sales tax
4 under this section shall be used only for the planning,
5 development, acquisition, construction, maintenance and operation
6 of public transit facilities and systems other than highways.

7 8. The director of revenue may authorize the state
8 treasurer to make refunds from the amount in the trust fund and
9 credited to any city or county for erroneous payments and
10 overpayments made, and may redeem dishonored checks and drafts
11 deposited to the credit of such cities or counties. If any city
12 or county abolishes the tax, the city or county shall notify the
13 director of revenue of the action at least ninety days prior to
14 the effective date of the repeal and the director of revenue may
15 order retention in the trust fund, for a period of one year, of
16 two percent of the amount collected after receipt of such notice
17 to cover possible refunds or overpayment of the tax and to redeem
18 dishonored checks and drafts deposited to the credit of such
19 accounts. After one year has elapsed after the effective date of
20 abolition of the tax in such city or county, the director of
21 revenue shall authorize the state treasurer to remit the balance
22 in the account to the city or county and close the account of
23 that city or county. The director of revenue shall notify each
24 city or county of each instance of any amount refunded or any
25 check redeemed from receipts due the city or county.

26 94.705. 1. Any city may by a majority vote of its
27 governing body impose a sales tax for transportation purposes
28 enumerated in sections 94.700 to 94.755, and issue bonds for

1 transportation purposes which shall be retired by the revenues
2 received from the sales tax authorized by this section. The tax
3 authorized by this section shall be in addition to any and all
4 other sales taxes allowed by law. No ordinance imposing a sales
5 tax pursuant to the provisions of this section shall become
6 effective unless the council or other governing body submits to
7 the voters of the city, at a city or state general, primary, or
8 special election, a proposal to authorize the council or other
9 governing body of the city to impose such a sales tax and, if
10 such tax is to be used to retire bonds authorized pursuant to
11 this section, to authorize such bonds and their retirement by
12 such tax; except that no vote shall be required in any city that
13 imposed and collected such tax under sections 94.600 to 94.655,
14 before January 5, 1984. The ballot of the submission shall
15 contain, but is not limited to, the following language:

16 (1) If the proposal submitted involves only authorization
17 to impose the tax authorized by this section, the following
18 language:

19 Shall the city of (city's
20 name) impose a sales tax of
21 (insert amount) for transportation purposes?

22 YES NO

23 If you are in favor of the question, place an "X" in the box
24 opposite "Yes". If you are opposed to the question, place an "X"
25 in the box opposite "No";

26 (2) If the proposal submitted involves authorization to
27 issue bonds and repay such bonds with revenues from the tax
28 authorized by this section, the following language:

1 Shall the city of (city's
2 name) issue bonds in the amount of (insert
3 amount) for transportation purposes and impose a sales tax of . .
4 (insert amount) to repay such bonds?

5 YES NO

6 If you are in favor of the question, place an "X" in the box
7 opposite "Yes". If you are opposed to the question, place an "X"
8 in the box opposite "No".

9
10 If a majority of the votes cast on the proposal, provided in
11 subdivision (1) of this subsection, by the qualified voters
12 voting thereon are in favor of the proposal, then the ordinance
13 and any amendments thereto shall be in effect. If the
14 four-sevenths majority of the votes, as required by the Missouri
15 Constitution, article VI, section 26, cast on the proposal,
16 provided in subdivision (2) of this subsection to issue bonds and
17 impose a sales tax to retire such bonds, by the qualified voters
18 voting thereon are in favor of the proposal, then the ordinance
19 and any amendments thereto shall be in effect. If a majority of
20 the votes cast on the proposal, as provided in subdivision (1) of
21 this subsection, by the qualified voters voting thereon are
22 opposed to the proposal, then the council or other governing body
23 of the city shall have no power to impose the tax authorized in
24 subdivision (1) of this subsection unless and until the council
25 or other governing body of the city submits another proposal to
26 authorize the council or other governing body of the city to
27 impose the tax and such proposal is approved by a majority of the
28 qualified voters voting thereon. If more than three-sevenths of

1 the votes cast by the qualified voters voting thereon are opposed
2 to the proposal, as provided in subdivision (2) of this
3 subsection to issue bonds and impose a sales tax to retire such
4 bonds, then the council or other governing body of the city shall
5 have no power to issue any bonds or to impose the tax authorized
6 in subdivision (2) of this subsection unless and until the
7 council or other governing body of the city submits another
8 proposal to authorize the council or other governing body of the
9 city to issue such bonds or impose the tax to retire such bonds
10 and such proposal is approved by four-sevenths of the qualified
11 voters voting thereon.

12 2. No incorporated municipality located wholly or partially
13 within any first class county operating under a charter form of
14 government and having a population of over nine hundred thousand
15 inhabitants shall impose such a sales tax for that part of the
16 city, town or village that is located within such first class
17 county, in the event such a first class county imposes a sales
18 tax under the provisions of sections 94.600 to 94.655.

19 3. The sales tax may be imposed at a rate not to exceed
20 one-half of one percent on the receipts from the sale at retail
21 of all tangible personal property or taxable services at retail
22 within any city adopting such tax, if such property and services
23 are subject to taxation by the state of Missouri under the
24 provisions of sections 144.010 to 144.525.

25 4. [If the boundaries of a city in which such sales tax has
26 been imposed shall thereafter be changed or altered, the city
27 clerk shall forward to the director of revenue by United States
28 registered mail or certified mail a certified copy of the

1 ordinance adding or detaching territory from the city. The
2 ordinance shall reflect the effective date thereof, and shall be
3 accompanied by a map of the city clearly showing the territory
4 added thereto or detached therefrom. Upon receipt of the
5 ordinance and map, the tax imposed by sections 94.700 to 94.755
6 shall be effective in the added territory or abolished in the
7 detached territory on the effective date of the change of the
8 city boundary.

9 5.] No tax imposed pursuant to this section for the purpose
10 of retiring bonds issued pursuant to this section may be
11 terminated until all of such bonds have been retired.

12 143.011. 1. A tax is hereby imposed for every taxable year
13 on the Missouri taxable income of every resident.

14 (1) For tax years ending on or before December 31, 2013,
15 the tax shall be determined by applying the tax table or the rate
16 provided in section 143.021, which is based upon the following
17 rates:

18 If the Missouri taxable income is: The tax is:

19 Not over \$1,000.00	1 1/2% of the Missouri
20	taxable income
21 Over \$1,000 but not over \$2,000	\$15 plus 2% of excess
22	over \$1,000
23 Over \$2,000 but not over \$3,000	\$35 plus 2 1/2% of excess
24	over \$2,000
25 Over \$3,000 but not over \$4,000	\$60 plus 3% of excess
26	over \$3,000
27 Over \$4,000 but not over \$5,000	\$90 plus 3 1/2% of excess
28	over \$4,000

1	Over \$5,000 but not over \$6,000	\$125 plus 4% of excess
2		over \$5,000
3	Over \$6,000 but not over \$7,000	\$165 plus 4 1/2% of excess
4		over \$6,000
5	Over \$7,000 but not over \$8,000	\$210 plus 5% of excess
6		over \$7,000
7	Over \$8,000 but not over \$9,000	\$260 plus 5 1/2% of excess
8		over \$8,000
9	Over \$9,000	\$315 plus 6% of excess
10		over \$9,000

11 (2) For all tax years beginning on or before January 1,
12 2014, but ending on or before December 31, 2014, the tax shall be
13 determined by applying the tax table or the rate provided in
14 section 143.021, which is based upon the following rates:

15	<u>If the Missouri taxable income is:</u>	<u>The tax is:</u>
16	<u>Not over \$1,000.00</u>	<u>1 1/2% of the Missouri</u>
17		<u>taxable income</u>
18	<u>Over \$1,000 but not over \$2,000 . . .</u>	<u>\$15 plus 2% of excess</u>
19		<u>over \$1,000</u>
20	<u>Over \$2,000 but not over \$3,000 . . .</u>	<u>\$35 plus 2 1/2% of excess</u>
21		<u>over \$2,000</u>
22	<u>Over \$3,000 but not over \$4,000 . . .</u>	<u>\$60 plus 3% of excess</u>
23		<u>over \$3,000</u>
24	<u>Over \$4,000 but not over \$5,000 . . .</u>	<u>\$90 plus 3 1/2% of excess</u>
25		<u>over \$4,000</u>
26	<u>Over \$5,000 but not over \$6,000 . . .</u>	<u>\$125 plus 4% of excess</u>
27		<u>over \$5,000</u>
28	<u>Over \$6,000 but not over \$7,000 . . .</u>	<u>\$165 plus 4 1/2% of excess</u>

1		<u>over \$6,000</u>
2	<u>Over \$7,000 but not over \$8,000 . . .</u>	<u>\$210 plus 5% of excess</u>
3		<u>over \$7,000</u>
4	<u>Over \$8,000 but not over \$8,600 . . .</u>	<u>\$260 plus 5 1/2% of excess</u>
5		<u>over \$8,000</u>
6	<u>Over \$8,600</u>	<u>\$293 plus 5 4/5% of excess</u>
7		<u>over \$8,600</u>
8	<u>(3) For all tax years beginning on or before January 1,</u>	
9	<u>2015, but ending on or before December 31, 2015, the tax shall be</u>	
10	<u>determined by applying the tax table or the rate provided in</u>	
11	<u>section 143.021, which is based upon the following rates:</u>	
12	<u>If the Missouri taxable income is:</u>	<u>The tax is:</u>
13	<u>Not over \$1,000.00</u>	<u>1 1/2% of the Missouri</u>
14		<u>taxable income</u>
15	<u>Over \$1,000 but not over \$2,000 . . .</u>	<u>\$15 plus 2% of excess</u>
16		<u>over \$1,000</u>
17	<u>Over \$2,000 but not over \$3,000 . . .</u>	<u>\$35 plus 2 1/2% of excess</u>
18		<u>over \$2,000</u>
19	<u>Over \$3,000 but not over \$4,000 . . .</u>	<u>\$60 plus 3% of excess</u>
20		<u>over \$3,000</u>
21	<u>Over \$4,000 but not over \$5,000 . . .</u>	<u>\$90 plus 3 1/2% of excess</u>
22		<u>over \$4,000</u>
23	<u>Over \$5,000 but not over \$6,000 . . .</u>	<u>\$125 plus 4% of excess</u>
24		<u>over \$5,000</u>
25	<u>Over \$6,000 but not over \$7,000 . . .</u>	<u>\$165 plus 4 1/2% of excess</u>
26		<u>over \$6,000</u>
27	<u>Over \$7,000 but not over \$8,000 . . .</u>	<u>\$210 plus 5% of excess</u>
28		<u>over \$7,000</u>

1 Over \$8,000 but not over \$8,200 . . . \$260 plus 5 1/2% of excess
 2 over \$8,000
 3 Over \$8,200 \$271 plus 5 3/5% of excess
 4 over \$8,200

5 (4) For all tax years beginning on or before January 1,
 6 2016, but ending on or before December 31, 2016, the tax shall be
 7 determined by applying the tax table or the rate provided in
 8 section 143.021, which is based upon the following rates:

9 If the Missouri taxable income is: The tax is:

10 Not over \$1,000.00 1 1/2% of the Missouri
 11 taxable income

12 Over \$1,000 but not over \$2,000 . . . \$15 plus 2% of excess
 13 over \$1,000

14 Over \$2,000 but not over \$3,000 . . . \$35 plus 2 1/2% of excess
 15 over \$2,000

16 Over \$3,000 but not over \$4,000 . . . \$60 plus 3% of excess
 17 over \$3,000

18 Over \$4,000 but not over \$5,000 . . . \$90 plus 3 1/2% of excess
 19 over \$4,000

20 Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess
 21 over \$5,000

22 Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess
 23 over \$6,000

24 Over \$7,000 but not over \$7,800 . . . \$210 plus 5% of excess
 25 over \$7,000

26 Over \$7,800 \$250 plus 5 2/5% of excess
 27 over \$7,800

28 (5) For all tax years beginning on or after January 1,

2017, but ending on or before December 31, 2017, the tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is: The tax is:

Not over \$1,000.00 1 1/2% of the Missouri taxable income

Over \$1,000 but not over \$2,000 . . . \$15 plus 2% of excess over \$1,000

Over \$2,000 but not over \$3,000 . . . \$35 plus 2 1/2% of excess over \$2,000

Over \$3,000 but not over \$4,000 . . . \$60 plus 3% of excess over \$3,000

Over \$4,000 but not over \$5,000 . . . \$90 plus 3 1/2% of excess over \$4,000

Over \$5,000 but not over \$6,000 . . . \$125 plus 4% of excess over \$5,000

Over \$6,000 but not over \$7,000 . . . \$165 plus 4 1/2% of excess over \$6,000

Over \$7,000 but not over \$7,400 . . . \$210 plus 5% of excess over \$7,000

Over \$7,400 \$230 plus 5 1/5% of excess over \$7,400

(6) For all tax years beginning on or after January 1, 2018, the tax shall be determined by applying the tax table or the rate provided in section 143.021, which is based upon the following rates:

If the Missouri taxable income is: The tax is:

Not over \$1,000.00 1 1/2% of the Missouri

1		<u>taxable income</u>
2	<u>Over \$1,000 but not over \$2,000 . . .</u>	<u>\$15 plus 2% of excess</u>
3		<u>over \$1,000</u>
4	<u>Over \$2,000 but not over \$3,000 . . .</u>	<u>\$35 plus 2 1/2% of excess</u>
5		<u>over \$2,000</u>
6	<u>Over \$3,000 but not over \$4,000 . . .</u>	<u>\$60 plus 3% of excess</u>
7		<u>over \$3,000</u>
8	<u>Over \$4,000 but not over \$5,000 . . .</u>	<u>\$90 plus 3 1/2% of excess</u>
9		<u>over \$4,000</u>
10	<u>Over \$5,000 but not over \$6,000 . . .</u>	<u>\$125 plus 4% of excess</u>
11		<u>over \$5,000</u>
12	<u>Over \$6,000 but not over \$7,000 . . .</u>	<u>\$165 plus 4 1/2% of excess</u>
13		<u>over \$6,000</u>
14	<u>Over \$7,000</u>	<u>\$210 plus 5% of excess</u>

15 2. If the federal Marketplace Fairness Act of 2013 or
16 similar legislation providing for a uniform method of collection
17 of sales and use tax on purchases shipped into this state becomes
18 federal law, the director of the department of revenue shall, by
19 rule, adjust the tax tables of subsection 1 of this section to
20 decrease the maximum rate of tax by one-fourth percent.

21 143.021. 1. For all tax years ending on or before December
22 31, 2013, every resident having a taxable income of less than
23 nine thousand dollars shall determine his tax from a tax table
24 prescribed by the director of revenue and based upon the rates
25 provided in section 143.011. The tax table shall be on the basis
26 of one hundred dollar increments of taxable income below nine
27 thousand dollars. The tax provided in the table shall be the
28 amount rounded to the nearest whole dollar by applying the rates

1 in section 143.011 to the taxable income at the midpoint of each
2 increment, except there shall be no tax on a taxable income of
3 less than one hundred dollars. Every resident having a taxable
4 income of nine thousand dollars or more shall determine his tax
5 from the rate provided in section 143.011.

6 2. For all tax years beginning on or after January 1, 2014,
7 and ending on or before December 31, 2014, every resident having
8 a taxable income of less than eight thousand six hundred dollars
9 shall determine his tax from a tax table prescribed by the
10 director of revenue and based upon the rates provided in section
11 143.011. The tax table shall be on the basis of one hundred
12 dollar increments of taxable income below eight thousand six
13 hundred dollars. The tax provided in the table shall be the
14 amount rounded to the nearest whole dollar by applying the rates
15 in section 143.011 to the taxable income at the midpoint of each
16 increment, except there shall be no tax on a taxable income of
17 less than one hundred dollars. Every resident having a taxable
18 income of eight thousand six hundred dollars or more shall
19 determine his tax from the rate provided in section 143.011.

20 3. For all tax years beginning on or after January 1, 2015,
21 and ending on or before December 31, 2015, every resident having
22 a taxable income of less than eight thousand two hundred dollars
23 shall determine his tax from a tax table prescribed by the
24 director of revenue and based upon the rates provided in section
25 143.011. The tax table shall be on the basis of one hundred
26 dollar increments of taxable income below eight thousand two
27 hundred dollars. The tax provided in the table shall be the
28 amount rounded to the nearest whole dollar by applying the rates

1 in section 143.011 to the taxable income at the midpoint of each
2 increment, except there shall be no tax on a taxable income of
3 less than one hundred dollars. Every resident having a taxable
4 income of eight thousand two hundred dollars or more shall
5 determine his tax from the rate provided in section 143.011.

6 4. For all tax years beginning on or after January 1, 2016,
7 and ending on or before December 31, 2016, every resident having
8 a taxable income of less than seven thousand eight hundred
9 dollars shall determine his tax from a tax table prescribed by
10 the director of revenue and based upon the rates provided in
11 section 143.011. The tax table shall be on the basis of one
12 hundred dollar increments of taxable income below seven thousand
13 eight hundred dollars. The tax provided in the table shall be
14 the amount rounded to the nearest whole dollar by applying the
15 rates in section 143.011 to the taxable income at the midpoint of
16 each increment, except there shall be no tax on a taxable income
17 of less than one hundred dollars. Every resident having a
18 taxable income of seven thousand eight hundred dollars or more
19 shall determine his tax from the rate provided in section
20 143.011.

21 5. For all tax years beginning on or after January 1, 2017,
22 and ending on or before December 31, 2017, every resident having
23 a taxable income of less than seven thousand four hundred dollars
24 shall determine his tax from a tax table prescribed by the
25 director of revenue and based upon the rates provided in section
26 143.011. The tax table shall be on the basis of one hundred
27 dollar increments of taxable income below seven thousand four
28 hundred dollars. The tax provided in the table shall be the

1 amount rounded to the nearest whole dollar by applying the rates
2 in section 143.011 to the taxable income at the midpoint of each
3 increment, except there shall be no tax on a taxable income of
4 less than one hundred dollars. Every resident having a taxable
5 income of seven thousand four hundred dollars or more shall
6 determine his tax from the rate provided in section 143.011.

7 6. For all tax years beginning on or after January 1, 2018,
8 every resident having a taxable income of less than seven
9 thousand dollars shall determine his tax from a tax table
10 prescribed by the director of revenue and based upon the rates
11 provided in section 143.011. The tax table shall be on the basis
12 of one hundred dollar increments of taxable income below seven
13 thousand dollars. The tax provided in the table shall be the
14 amount rounded to the nearest whole dollar by applying the rates
15 in section 143.011 to the taxable income at the midpoint of each
16 increment, except there shall be no tax on a taxable income of
17 less than one hundred dollars. Every resident having a taxable
18 income of seven thousand dollars or more shall determine his tax
19 from the rate provided in section 143.011.

20 7. The department of revenue may, by rule, make adjustments
21 to the dollar amounts in this section based on the provisions in
22 subsection 2 of section 144.011.

23 143.022. 1. As used in this section, "business income"
24 means the Missouri source net profit from business determined
25 under the provisions of the Internal Revenue Code and partnership
26 income as determined by sections 143.401 and 143.471. Business
27 income shall not include "compensation" as such term is defined
28 under subsection 1 of Article IV of section 32.200 or "guaranteed

1 payments" as defined by the Internal Revenue Code.

2 2. In addition to all other modifications allowed by law,
3 there shall be subtracted from the federal adjusted gross income
4 of an individual taxpayer, the following amounts to the extent
5 included in federal adjusted gross income when determining the
6 taxpayer's Missouri adjusted gross income:

7 (1) For the tax year beginning on or after January 1, 2014,
8 but before January 1, 2015, ten percent of the amount of business
9 income;

10 (2) For the tax year beginning on or after January 1, 2015,
11 but before January 1, 2016, twenty percent of the amount of
12 business income;

13 (3) For the tax year beginning on or after January 1, 2016,
14 but before January 1, 2017, thirty percent of the amount of
15 business income;

16 (4) For the tax year beginning on or after January 1, 2017,
17 but before January 1, 2018, forty percent of the amount of
18 business income;

19 (5) For tax years beginning on or after January 1, 2018,
20 fifty percent of the amount of business income.

21 3. In the case of a small corporation described in section
22 143.471 or a partnership, computing the deduction allowed under
23 subsection 2 of this section, taxpayers described in subdivisions
24 (1) or (2) of this subsection shall be allowed such deduction
25 apportioned in proportion to their share of ownership of the
26 business on the last day of the taxpayer's tax period for which
27 such deduction is being claimed when determining the Missouri
28 adjusted gross income of:

1 (1) The shareholders of a small corporation as described in
2 section 143.471;

3 (2) The partners in a partnership.

4 143.071. 1. For all tax years beginning before September
5 1, 1993, a tax is hereby imposed upon the Missouri taxable income
6 of corporations in an amount equal to five percent of Missouri
7 taxable income.

8 2. For all tax years beginning on or after September 1,
9 1993, and ending on or before December 31, 2013, a tax is hereby
10 imposed upon the Missouri taxable income of corporations in an
11 amount equal to six and one-fourth percent of Missouri taxable
12 income.

13 3. (1) For all tax years beginning on or after January 1,
14 2014, but ending on or before December 31, 2014, a tax is hereby
15 imposed upon the Missouri taxable income of corporations in an
16 amount equal to six and one-twentieths percent of Missouri
17 taxable income.

18 (2) For all tax years beginning on or after January 1,
19 2015, but ending on or before December 31, 2015, a tax is hereby
20 imposed upon the Missouri taxable income of corporations in an
21 amount equal to five and seventeen-twentieths percent of Missouri
22 taxable income.

23 (3) For all tax years beginning on or after January 1,
24 2016, but ending on or before December 31, 2016, a tax is hereby
25 imposed upon the Missouri taxable income of corporations in an
26 amount equal to five and thirteen-twentieths percent of Missouri
27 taxable income.

28 (4) For all tax years beginning on or after January 1,

1 2017, but ending on or before December 31, 2017, a tax is hereby
2 imposed upon the Missouri taxable income of corporations in an
3 amount equal to five and nine-twentieths percent of Missouri
4 taxable income.

5 (5) For all tax years beginning on or after January 1,
6 2018, a tax is hereby imposed upon the Missouri taxable income of
7 corporations in an amount equal to five and one-quarter percent
8 of Missouri taxable income.

9 143.151. For all taxable years beginning before January 1,
10 1999, a resident shall be allowed a deduction of one thousand two
11 hundred dollars for himself or herself and one thousand two
12 hundred dollars for his or her spouse if he or she is entitled to
13 a deduction for such personal exemptions for federal income tax
14 purposes. For all taxable years beginning on or after January 1,
15 1999, a resident shall be allowed a deduction of two thousand one
16 hundred dollars for himself or herself and two thousand one
17 hundred dollars for his or her spouse if he or she is entitled to
18 a deduction for such personal exemptions for federal income tax
19 purposes. For all tax years beginning on or after January 1,
20 2014, a resident with a Missouri adjusted gross income of less
21 than twenty thousand dollars shall be allowed an additional
22 deduction of two thousand dollars for himself or herself and an
23 additional two thousand dollars for his or her spouse if he or
24 she is entitled to a deduction for such personal exemptions for
25 federal income tax purposes and his or her spouse's Missouri
26 adjusted gross income is less than twenty thousand dollars.

27 144.010. 1. The following words, terms, and phrases when
28 used in [sections 144.010 to 144.525] this chapter shall have the

1 meanings ascribed to them in this section, except when the
2 context indicates a different meaning:

3 (1) "Admission" includes seats and tables, reserved or
4 otherwise, and other similar accommodations and charges made
5 therefor and amount paid for admission, exclusive of any
6 admission tax imposed by the federal government or by sections
7 144.010 to 144.525;

8 (2) "Advertising and promotional direct mail", printed
9 material that meets the definition of direct mail, the primary
10 purpose of which is to attract public attention to a product,
11 person, business, or organization, or to attempt to sell,
12 popularize, or secure financial support for a product, person,
13 business, or organization. As used in this subdivision, the word
14 "product" means tangible personal property, a product transferred
15 electronically or a service;

16 (3) "Agreement", the streamlined sales and use tax
17 agreement, as amended from time to time;

18 (4) "Air-to-ground radiotelephone service", a radio
19 service, as that term is defined in 47 CFR 22.99, in which common
20 carriers are authorized to offer and provide radio
21 telecommunications service for hire to subscribers in aircraft;

22 (5) "Alcoholic beverages", beverages that are suitable for
23 human consumption and contain one-half of one percent or more of
24 alcohol by volume;

25 (6) "Ancillary services", services that are associated with
26 or incidental to the provisions of telecommunications services,
27 including but not limited to, detailed telecommunications
28 billing, directory assistance, vertical service, and voice mail

1 services. Ancillary services shall not include specified digital
2 products, digital audio-visual works, digital audio works, or
3 digital books;

4 (7) "Appliance", clothes washers and dryers, water heaters,
5 trash compactors, dishwashers, conventional ovens, ranges,
6 stoves, air conditioners, furnaces, refrigerators and freezers;

7 (8) "Bottled water", water that is placed in a safety
8 sealed container or package for human consumption. Bottled water
9 is calorie free and does not contain sweeteners or other
10 additives except that it may contain:

11 (a) Antimicrobial agents;

12 (b) Fluoride;

13 (c) Carbonation;

14 (d) Vitamins, minerals, and electrolytes;

15 (e) Oxygen;

16 (f) Preservatives; and

17 (g) Only those flavors, extracts, or essences derived from
18 a spice or fruit.

19
20 Bottled water includes water that is delivered to the buyer in a
21 reusable container that is not sold with the water;

22 (9) "Bundled transaction":

23 (a) The retail sale of two or more products, except real
24 property and services to real property, where the products are
25 otherwise distinct and identifiable, and the products are sold
26 for one nonitemized price. A bundled transaction shall not
27 include the sale of any products in which the sales price varies,
28 or is negotiable, based on the selection by the purchaser of the

1 products included in the transaction;

2 (b) As used in this subdivision, the term "distinct and
3 identifiable products" shall not include:

4 a. Packaging, such as containers, boxes, sacks, bags, and
5 bottles, or other materials, such as wrapping, labels, tags, and
6 instruction guides, that accompany the retail sale of the
7 products and are incidental or immaterial to the retail sale
8 thereof;

9 b. A product provided free of charge with the required
10 purchase of another product. A product is provided free of
11 charge if the sales price of the product purchased does not vary
12 depending on the inclusion of the product provided free of
13 charge;

14 c. Items included in the definition of the term sales
15 price;

16 (c) As used in this subdivision, the term "one nonitemized
17 price" shall not include a price that is separately identified by
18 product on binding sales or other supporting sales-related
19 documentation made available to the customer in paper or
20 electronic form, including but not limited to an invoice, bill of
21 sale, receipt, contract, service agreement, lease agreement,
22 periodic notice of rates and services, rate card, or price list;

23 (d) a. A transaction that otherwise meets the definition
24 of a bundled transaction as defined in this subdivision shall not
25 constitute a bundled transaction if it is:

26 (i) A retail sale of tangible personal property and a
27 service where the tangible personal property is essential to the
28 use of the service, and is provided exclusively in connection

1 with the service, and the true object of the transaction is the
2 service; or

3 (ii) A retail sale of services where one service is
4 provided that is essential to the use of receipt of a second
5 service and the first service is provided exclusively in
6 connection with the second service and the true object of the
7 transaction is the second service; or

8 (iii) A transaction that includes taxable products and
9 nontaxable products and the sales price of the taxable products
10 is de minimis.

11 b. "De minimis" means the sales price of the taxable
12 product is ten percent or less of the total sales price of the
13 bundled products.

14 c. Sellers shall use the sales price of the products to
15 determine if the taxable products are de minimis.

16 d. (i) Sellers shall use the full term of a service
17 contract to determine if the taxable products are de minimis; or

18 (ii) A retail sale of exempt tangible personal property and
19 taxable tangible personal property where:

20 i. The transaction included food and food ingredients,
21 drugs, durable medical equipment, mobility enhancing equipment,
22 over-the-counter drugs, prosthetic devices, or medical supplies;
23 and

24 ii. The seller's purchase price or sales price of the
25 taxable tangible personal property is fifty percent or less of
26 the total sales price of the bundled tangible personal property.
27 Sellers shall not use a combination of the purchase price and
28 sales price of the tangible personal property when making the

1 fifty percent determination for a transaction;

2 (10) "Business" includes any activity engaged in by any
3 person, or caused to be engaged in by him, with the object of
4 gain, benefit or advantage, either direct or indirect, and the
5 classification of which business is of such character as to be
6 subject to the terms of sections 144.010 to 144.525. The
7 isolated or occasional sale of tangible personal property,
8 service, substance, or thing, by a person not engaged in such
9 business, does not constitute engaging in business within the
10 meaning of sections 144.010 to 144.525 unless the total amount of
11 the gross receipts from such sales, exclusive of receipts from
12 the sale of tangible personal property by persons which property
13 is sold in the course of the partial or complete liquidation of a
14 household, farm or nonbusiness enterprise, exceeds three thousand
15 dollars in any calendar year. The provisions of this subdivision
16 shall not be construed to make any sale of property which is
17 exempt from sales tax or use tax on June 1, 1977, subject to that
18 tax thereafter;

19 [(3)] (11) "Calendar quarter", the period of three
20 consecutive calendar months ending on March thirty-first, June
21 thirtieth, September thirtieth or December thirty-first;

22 (12) "Call-by-call basis", any method of charging for
23 telecommunications services where the price is measured by
24 individual calls;

25 (13) "Candy", a preparation of sugar, honey, or other
26 natural or artificial sweeteners in combination with chocolate,
27 fruits, nuts or other ingredients or flavorings in the form of
28 bars, drops, or pieces. Candy shall not include any preparation

1 containing flour and shall require no refrigeration;

2 (14) "Captive wildlife", includes but is not limited to
3 exotic partridges, gray partridge, northern bobwhite quail,
4 ring-necked pheasant, captive waterfowl, captive white-tailed
5 deer, captive elk, and captive furbearers held under permit
6 issued by the Missouri department of conservation for hunting
7 purposes. The provisions of this subdivision shall not apply to
8 sales tax on a harvested animal;

9 (15) "Certified automated system" or "CAS", software
10 certified under the streamlined sales and use tax agreement to
11 calculate the tax imposed by each jurisdiction on a transaction,
12 determine the amount of tax to remit to the appropriate state,
13 and maintain a record of the transaction;

14 (16) "Certified service provider" or "CSP", an agent
15 certified under the streamlined sales and use tax agreement to
16 perform all the seller's sales and use tax functions, other than
17 the seller's obligation to remit tax on its own purchases;

18 (17) "Clothing":

19 (a) All human wearing apparel suitable for general use;

20 (b) Clothing shall include:

21 a. Aprons, household and shop;

22 b. Athletic supporters;

23 c. Baby receiving blankets;

24 d. Bathing suits and caps;

25 e. Beach capes and coats;

26 f. Belts and suspenders;

27 g. Boots;

28 h. Coats and jackets;

- 1 i. Costumes;
- 2 j. Diapers, children and adult, including disposable
- 3 diapers;
- 4 k. Ear muffs;
- 5 l. Footlets;
- 6 m. Formal wear;
- 7 n. Garters and garter belts;
- 8 o. Girdles;
- 9 p. Gloves and mittens for general use;
- 10 q. Hats and caps;
- 11 r. Hosiery;
- 12 s. Insoles for shoes;
- 13 t. Lab coats;
- 14 u. Neckties;
- 15 v. Overshoes;
- 16 w. Pantyhose;
- 17 x. Rainwear;
- 18 y. Rubber pants;
- 19 z. Sandals;
- 20 aa. Scarves;
- 21 bb. Shoes and shoe laces;
- 22 cc. Slippers;
- 23 dd. Sneakers;
- 24 ee. Socks and stockings;
- 25 ff. Steel toed shoes;
- 26 gg. Underwear;
- 27 hh. Uniforms, athletic and nonathletic; and
- 28 ii. Wedding apparel;

1 (c) Clothing shall not include:

2 a. Belt buckles sold separately;

3 b. Costume masks sold separately;

4 c. Patches and emblems sold separately;

5 d. Sewing equipment and supplies, including but not limited
6 to, knitting needles, patterns, pins, scissors, sewing machines,
7 sewing needles, tape measures, and thimbles; and

8 e. Sewing materials that become part of clothing, including
9 but not limited to buttons, fabric, lace, thread, yarn, and
10 zippers;

11 (18) "Clothing accessories and equipment", incidental items
12 worn on the person or in conjunction with clothing. Clothing
13 accessories or equipment are mutually exclusive of clothing,
14 sport or recreational equipment, and protective equipment;

15 (19) "Coin-operated telephone service", a
16 telecommunications service paid for by inserting money into a
17 telephone accepting direct deposits of money to operate;

18 (20) "Communications channel", a physical or virtual path
19 of communications over which signals are transmitted between or
20 among customer channel termination points;

21 (21) "Computer", an electronic device that accepts
22 information in digital or similar form and manipulates it for a
23 result based on a sequence of instructions;

24 (22) "Computer software", a set of coded instructions
25 designed to cause a computer or automatic data processing
26 equipment to perform a task. Computer software shall not include
27 specified digital products, digital audio-visual works, digital
28 audio works, or digital books;

1 (23) "Conference bridging service", an ancillary service
2 that links two or more participants of an audio or video
3 conference call and may include the provision of a telephone
4 number. Conference bridging service does not include the
5 telecommunications services used to reach the conference bridge;

6 (24) "Customer channel termination point", the location
7 where the telecommunications customer either inputs or receives
8 the communication;

9 (25) "Delivered electronically", delivered to the purchaser
10 by means other than tangible storage media;

11 (26) "Delivery charges", charges by the seller of personal
12 property or services for preparation and delivery to a location
13 designated by the purchaser of personal property or services,
14 including but not limited to transportation, shipping, postage,
15 handling, crating, and packing;

16 (27) "Detailed telecommunications billing service", an
17 ancillary service of separately stating information pertaining to
18 individual calls on a telecommunications customer's billing
19 statement;

20 (28) "Dietary supplement", any product, other than tobacco,
21 intended to supplement the diet that contains one or more of the
22 following dietary ingredients: a vitamin; a mineral; an herb or
23 other botanical; an amino acid; a dietary substance for use by
24 humans to supplement the diet by increasing the total dietary
25 intake; or a concentrate, metabolite, constituent, extract, or
26 combination of any ingredient described above; and that is
27 intended for ingestion in tablet, capsule, powder, softgel,
28 gelcap, or liquid form, or if not intended for ingestion in such

1 a form, is not represented as a conventional food and is not
2 represented for use as a sole item of a meal or of the diet; and
3 that is required to be labeled as a dietary supplement,
4 identifiable by the supplemental facts box found on the label and
5 as required under 21 CFR Section 101.36;

6 (29) "Digital audio works", works that result from the
7 fixation of a series of musical, spoken, or other sounds,
8 including ringtones;

9 (30) "Digital audio-visual works", a series of related
10 images which, when shown in succession, impart an impression of
11 motion, together with accompanying sounds, if any;

12 (31) "Digital books", works that are generally recognized
13 in the ordinary and usual sense as books;

14 (32) "Direct mail", printed material delivered or
15 distributed by United States mail or other delivery service to a
16 mass audience or to addressees on a mailing list provided by the
17 purchaser or at the direction of the purchaser when the cost of
18 the items are not billed directly to the recipients. Direct mail
19 shall include tangible personal property supplied directly or
20 indirectly by the purchaser to the direct mail seller for
21 inclusion in the package containing the printed material. Direct
22 mail shall not include multiple items of printed material
23 delivered to a single address;

24 (33) "Directory assistance", an ancillary service of
25 providing telephone number information, or address information;

26 (34) "Drug":

27 (a) A compound, substance, or preparation, and any
28 component of a compound, substance, or preparation, other than

1 food and food ingredients, dietary supplements, alcoholic
2 beverages, or grooming and hygiene products:

3 a. Recognized in the official United States Pharmacopoeia,
4 official Homeopathic Pharmacopoeia of the United States, or
5 official National Formulary, and supplement to any of them;

6 b. Intended for use in the diagnosis, cure, mitigation,
7 treatment, or prevention of disease; or

8 c. Intended to affect the structure or any function of the
9 body;

10 (b) Drug shall include insulin and medical oxygen;

11 (35) "Durable medical equipment", equipment including
12 repair and replacement parts for same, excluding mobility
13 enhancing equipment. Durable medical equipment:

14 (a) Can withstand repeated use;

15 (b) Is primarily and customarily used to serve a medical
16 purpose;

17 (c) Generally is not useful to a person in the absence of
18 illness or injury;

19 (d) Is not worn in or on the body;

20 (e) Is for home use;

21 (f) Is within the classification of devices eligible for MO
22 HealthNet and Medicare reimbursement;

23 (g) Shall not include:

24 a. Kidney dialysis equipment not worn in or on the body,
25 including repair and replacement parts; and

26 b. Enteral feeding systems not worn in or on the body,
27 including repair and replacement parts.

1 As used in this subdivision, repair and replacement parts shall
2 include all components or attachments used in conjunction with
3 the durable medical equipment;

4 (36) "Electronic", relating to technology having
5 electrical, digital, magnetic, wireless, optical,
6 electromagnetic, or similar capabilities;

7 (37) "End user", the person who utilizes the
8 telecommunication service. In case of an entity, "end user"
9 means the individual who utilizes the service on behalf of the
10 entity;

11 (38) "Energy star qualified product", a product that meets
12 the energy efficient guidelines set by the United States
13 Environmental Protection Agency and the United States Department
14 of Energy that are authorized to carry the Energy Star label.
15 Covered products are those listed at www.energystar.gov or
16 successor address;

17 (39) "Engages in business activities within this state",
18 includes:

19 (a) Maintaining or having a franchisee or licensee
20 operating under the seller's trade name in this state if the
21 franchisee or licensee is required to collect sales tax under
22 sections 144.010 to 144.525;

23 (b) Soliciting sales or taking orders by sales agents or
24 traveling representatives;

25 (c) A vendor is presumed to "engage in business activities
26 within this state" if any person, other than a common carrier
27 acting in its capacity as such, that has substantial nexus with
28 this state:

1 a. Sells a similar line of products as the vendor and does
2 so under the same or a similar business name;

3 b. Maintains an office, distribution facility, warehouse,
4 or storage place, or similar place of business in the state to
5 facilitate the delivery of property or services sold by the
6 vendor to the vendor's customers;

7 c. Delivers, installs, assembles, or performs maintenance
8 services for the vendor's customers within the state;

9 d. Facilitates the vendor's delivery of property to
10 customers in the state by allowing the vendor's customers to pick
11 up property sold by the vendor at an office, distribution
12 facility, warehouse, storage place, or similar place of business
13 maintained by the person in the state; or

14 e. Conducts any other activities in the state that are
15 significantly associated with the vendor's ability to establish
16 and maintain a market in the state for the sales;

17 (d) The presumption in paragraph (c) may be rebutted by
18 demonstrating that the person's activities in the state are not
19 significantly associated with the vendor's ability to establish
20 or maintain a market in this state for the vendor's sales;

21 (e) Notwithstanding paragraph (c), a vendor shall be
22 presumed to engage in business activities within this state if
23 the vendor enters into an agreement with one or more residents of
24 this state under which the resident, for a commission or other
25 consideration, directly or indirectly refers potential customers,
26 whether by a link on an internet website, an in-person oral
27 presentation, telemarketing, or otherwise, to the vendor, if the
28 cumulative gross receipts from sales by the vendor to customers

1 in the state who are referred to the vendor by all residents with
2 this type of an agreement with the vendor is in excess of ten
3 thousand dollars during the preceding twelve months;

4 (f) The presumption in paragraph (e) may be rebutted by
5 submitting proof that the residents with whom the vendor has an
6 agreement did not engage in any activity within the state that
7 was significantly associated with the vendor's ability to
8 establish or maintain the vendor's market in the state during the
9 preceding twelve months. Such proof may consist of sworn written
10 statements from all of the residents with whom the vendor has an
11 agreement stating that they did not engage in any solicitation in
12 the state on behalf of the vendor during the preceding year
13 provided that such statements were provided and obtained in good
14 faith;

15 (40) "Food and food ingredients", substances, whether in
16 liquid, concentrated, solid, frozen, dried, or dehydrated form,
17 that are sold for ingestion or chewing by humans and are consumed
18 for their taste or nutritional value. Food and food ingredients
19 shall not include alcoholic beverages, tobacco, or dietary
20 supplements;

21 (41) "Food sold through vending machines", food dispensed
22 from a machine or other mechanical device that accepts payment;

23 (42) "Grooming and hygiene products", soaps and cleaning
24 solutions, shampoo, toothpaste, mouthwash, antiperspirants, and
25 suntan lotions and screens, regardless of whether the items meet
26 the definition of over-the-counter-drugs;

27 [(4)] (43) "Gross receipts"[,] or "sales price":

28 (a) Except as provided in section 144.012, [means the total

1 amount of the sale price of the sales at retail including any
2 services other than charges incident to the extension of credit
3 that are a part of such sales made by the businesses herein
4 referred to, capable of being valued in money, whether received
5 in money or otherwise; except that, the term "gross receipts"
6 shall not include the sale price of property returned by
7 customers when the full sale price thereof is refunded either in
8 cash or by credit. In determining any tax due under sections
9 144.010 to 144.525 on the gross receipts, charges incident to the
10 extension of credit shall be specifically exempted. For the
11 purposes of sections 144.010 to 144.525 the total amount of the
12 sale price above mentioned shall be deemed to be the amount
13 received. It shall also include the lease or rental
14 consideration where the right to continuous possession or use of
15 any article of tangible personal property is granted under a
16 lease or contract and such transfer of possession would be
17 taxable if outright sale were made and, in such cases, the same
18 shall be taxable as if outright sale were made and considered as
19 a sale of such article, and the tax shall be computed and paid by
20 the lessee upon the rentals paid;] applies to the measure subject
21 to sales tax and means the total amount of consideration,
22 including cash, credit, property, and services, for which
23 personal property or services are sold, leased, or rented, valued
24 in money, whether received in money or otherwise, without any
25 deduction for the following:
26 a. The seller's cost of the property sold;
27 b. The cost of materials used, labor or service cost,
28 interest, losses, all costs of transportation to the seller, all

1 taxes imposed on the seller, and any other expense of the seller;

2 c. Charges by the seller for any services necessary to
3 complete the sale, other than delivery and installation charges;

4 d. Delivery charges; and

5 e. Credit for any trade-in;

6 (b) Shall not include:

7 a. Discounts, including cash, term, or coupons that are not
8 reimbursed by a third party that are allowed by a seller and
9 taken by a purchaser on a sale;

10 b. Interest, financing, and carrying charges from credit
11 extended on the sale of personal property or services, if the
12 amount is separately stated on the invoice, bill of sale or
13 similar document given to the purchaser; and

14 c. Any taxes legally imposed directly on the consumer that
15 are separately stated on the invoice, bill of sale or similar
16 document given to the purchaser;

17 (c) Shall include consideration received by the seller from
18 third parties if:

19 a. The seller actually receives consideration from a party
20 other than the purchaser and the consideration is directly
21 related to a price reduction or discount on the sale;

22 b. The seller has an obligation to pass the price reduction
23 or discount through to the purchaser;

24 c. The amount of the consideration attributable to the sale
25 is fixed and determinable by the seller at the time of the sale
26 of the item to the purchaser; and

27 d. One of the following criteria is met:

28 (i) The purchaser presents a coupon, certificate or other

1 documentation to the seller to claim a price reduction or
2 discount where the coupon, certificate or documentation is
3 authorized, distributed, or granted by a third party with the
4 understanding that the third party will reimburse any seller to
5 whom the coupon, certificate or documentation is presented;

6 (ii) The purchaser identifies himself or herself to the
7 seller as a member of a group or organization entitled to a price
8 reduction or discount (a preferred customer card that is
9 available to any patron does not constitute membership in such a
10 group); or

11 (iii) The price reduction or discount is identified as a
12 third-party price reduction or discount on the invoice received
13 by the purchaser or on a coupon, certificate or other
14 documentation presented by the purchaser;

15 (44) "Home service provider", the same as such term is
16 defined in Section 124(5) of Public Law 106-252, Mobile
17 Telecommunications Sourcing Act;

18 (45) "Lease or rental":

19 (a) Any transfer of possession or control of tangible
20 personal property for a fixed or indeterminate term for
21 consideration. A lease or rental may include future options to
22 purchase or extend;

23 (b) Lease or rental shall not include:

24 a. A transfer of possession or control of property under a
25 security agreement or deferred payment plan that requires the
26 transfer of title upon completion of the required payments;

27 b. A transfer of possession or control of property under an
28 agreement that requires the transfer of title upon completion of

1 required payments and where any payment of an option price does
2 not exceed the greater of one hundred dollars or one percent of
3 the total required payments;

4 c. Providing tangible personal property along with an
5 operator for a fixed or indeterminate period of time provided
6 that the operator is necessary for the equipment to perform as
7 designed and the operator does more than maintain, inspect, or
8 set up the tangible personal property;

9 (c) Lease or rental includes agreements covering motor
10 vehicles and trailers where the amount of consideration may be
11 increased or decreased by reference to the amount realized upon
12 sale or disposition of the property as defined in 26 U.S.C.
13 Section 7701(h) (1), as amended;

14 (46) "Light aircraft", a light airplane that seats no more
15 than four persons, with a gross weight of three thousand pounds
16 or less, which is primarily used for recreational flying or
17 flight training;

18 (47) "Light aircraft kit", factory manufactured light
19 aircraft parts and components, including engine, propeller,
20 instruments, wheels, brakes, and air frame parts which make up a
21 complete aircraft kit or partial kit designed to be assembled
22 into a light aircraft and then operated by a qualified light
23 aircraft purchaser for recreational and educational purposes;

24 (48) "Light aircraft parts and components", manufactured
25 light aircraft parts, including air frame and engine parts, that
26 are required by the qualified light aircraft purchaser to
27 complete a light aircraft kit, or spare or replacement parts for
28 an already completed light aircraft;

1 [(5)] (49) "Livestock", cattle, calves, sheep, swine,
2 ratite birds, including but not limited to, ostrich and emu,
3 aquatic products as defined in section 277.024, llamas, alpaca,
4 buffalo, elk documented as obtained from a legal source and not
5 from the wild, goats, horses, other equine, or rabbits raised in
6 confinement for human consumption;

7 [(6)] (50) "Load and leave", delivery to the purchaser by
8 use of a tangible storage media where the tangible storage media
9 is not physically transferred to the purchaser;

10 (51) "Maintains a place of business in this state",
11 includes maintaining, occupying, or using, permanently or
12 temporarily, directly or indirectly, by whatever name called, an
13 office, place of distribution, sales or sample room or place,
14 warehouse or storage place, or other place of business in this
15 state, whether owned or operated by the vendor or by any other
16 person other than a common carrier acting in its capacity as
17 such;

18 (52) "Mobile telecommunications service", the same as such
19 term is defined in Section 124(7) of Public Law 106-252, Mobile
20 Telecommunications Sourcing Act;

21 (53) "Mobility enhancing equipment", equipment, including
22 repair and replacement parts to same, which:

23 (a) Is primarily and customarily used to provide or
24 increase the ability to move from one place to another and which
25 is appropriate for use either in a home or a motor vehicle; and

26 (b) Is not generally used by persons with normal mobility;
27 and

28 (c) Is within the classification of devices eligible for Mo

1 HealthNet and Medicare reimbursement.

2
3 Mobility enhancement equipment shall not include durable medical
4 equipment or any motor vehicle or equipment on a motor vehicle
5 normally provided by a motor vehicle manufacturer;

6 (54) "Model 1 seller", a seller registered under the
7 agreement that has selected a certified service provider as its
8 agent to perform all the seller's sales and use tax functions,
9 other than the seller's obligation to remit tax on its own
10 purchases;

11 (55) "Model 2 seller", a seller that has selected a
12 certified automated system (CAS) to perform part of its sales and
13 use tax functions, but retains responsibility for remitting the
14 tax;

15 (56) "Model 3 seller", a seller registered under the
16 agreement that has sales in at least five member states, has
17 total annual sales revenue of at least five hundred million
18 dollars, has a proprietary system that calculates the amount of
19 tax due each jurisdiction, and has entered into a performance
20 agreement with the member states that establishes a tax
21 performance standard for the seller. As used in this
22 subdivision, a seller shall include an affiliated group of
23 sellers using the same proprietary system;

24 (57) "Model 4 seller", a seller that is registered under
25 the agreement and is not a Model 1 Seller, a Model 2 Seller or a
26 Model 3 Seller;

27 (58) "Motor vehicle leasing company" [shall be], a company
28 obtaining a permit from the director of revenue to operate as a

1 motor vehicle leasing company. Not all persons renting or
2 leasing trailers or motor vehicles need to obtain such a permit;
3 however, no person failing to obtain such a permit may avail
4 itself of the optional tax provisions of subsection 5 of section
5 144.070, as hereinafter provided;

6 [(7)] (59) "Other direct mail", any direct mail that is not
7 advertising and promotional direct mail regardless of whether
8 advertising and promotional direct mail is included in the same
9 mailing. Other direct mail includes, but is not limited to:

10 (a) Transactional direct mail that contains personal
11 information specific to the one addressee including, but not
12 limited to, invoices, bills, statements of account, and payroll
13 advices;

14 (b) Any legally required mailings including, but not
15 limited to, privacy notices, tax reports, and stockholder
16 reports; and

17 (c) Other nonpromotional direct mail delivered to existing
18 or former shareholders, customers, employees, or agents
19 including, but not limited to, newsletters and informational
20 pieces.

21
22 Other direct mail shall not include the development of billing
23 information or the provision or any data processing service that
24 is more than incidental;

25 (60) "Over-the-counter-drug", a drug, excluding grooming
26 and hygiene products, that contains a label that identifies the
27 product as a drug as required by 21 CFR Section 201.66 and
28 includes:

1 (a) A drug facts panel; or

2 (b) A statement of the active ingredients with a list of
3 those ingredients contained in the compound, substance, or
4 preparation;

5 (61) "Person" includes any individual, firm, copartnership,
6 joint adventure, association, corporation, municipal or private,
7 and whether organized for profit or not, state, county, political
8 subdivision, state department, commission, board, bureau or
9 agency, [except the state transportation department,] estate,
10 trust, business trust, receiver or trustee appointed by the state
11 or federal court, syndicate, or any other group or combination
12 acting as a unit, and the plural as well as the singular number,
13 or any other legal entity;

14 [(8)] (62) "Place of primary use", the street address
15 representative of where the telecommunications customer's use of
16 the telecommunications service primarily occurs, which shall be
17 the residential street address or the primary business street
18 address of the telecommunications customer. In the case of
19 mobile telecommunications services, place of primary use shall be
20 within the licensed service area of the home service provider;

21 (63) "Post-paid calling service", the telecommunications
22 service obtained by making a payment on a call-by-call basis
23 either through the use of a credit card or payment mechanism such
24 as a bank card, travel card, credit card, or debit card, or by
25 charge made to a telephone number which is not associated with
26 the origination or termination of the telecommunications service.
27 A post-paid calling service includes a telecommunications
28 service, except a prepaid wireless calling service, that would be

1 a prepaid calling service except it is not exclusively a
2 telecommunications service;

3 (64) "Prepaid calling service", the right to access
4 exclusively telecommunications services, which must be paid for
5 in advance and which enables the origination of calls using an
6 access number or authorization code, whether manually or
7 electronically dialed, and that is sold in predetermined units or
8 dollars of which the number declines with use in a known amount;

9 (65) "Prepaid wireless calling service", a
10 telecommunications service that provides the right to utilize
11 mobile wireless services as well as other nontelecommunications
12 services, including the download of digital products delivered
13 electronically, content and ancillary services, which must be
14 paid for in advance and that is sold in predetermined units or
15 dollars of which the number declines with use in a known amount;

16 (66) "Prepared food", food sold in a heated state or heated
17 by the seller; two or more food ingredients mixed or combined by
18 the seller for sale as a single item; or food sold with eating
19 utensils provided by the seller, including plates, knives, forks,
20 spoons, glasses, cups, napkins, or straws. A plate shall not
21 include a container or packaging used to transport the food.
22 Prepared food shall not include food that is only cut,
23 repackaged, or pasteurized by the seller and eggs, fish, meat,
24 poultry, and foods containing these raw animal foods requiring
25 cooking by the consumer as recommended by the Food and Drug
26 Administration in Chapter 3, Part 401.11 of the Food Code so as
27 to prevent food borne illnesses;

28 (67) "Prescription", an order, formula, or recipe issued in

1 any form of oral, written, electronic, or other means of
2 transmission by a duly licensed practitioner authorized by the
3 laws of the state;

4 (68) "Prewritten computer software", computer software,
5 including prewritten upgrades, which is not designed and
6 developed by the author or other creator to the specifications of
7 a specific purchaser. The combining of two or more prewritten
8 computer software programs or prewritten portions thereof shall
9 not cause the combination to be other than prewritten computer
10 software. Prewritten computer software shall include software
11 designed and developed by the author or other creator to the
12 specifications of a specific purchaser when it is sold to a
13 person other than the specific purchaser. Where a person
14 modifies or enhances computer software of which the person is not
15 the author or creator, the person shall be deemed to be the
16 author or creator only of such person's modifications or
17 enhancements. Prewritten computer software or a prewritten
18 portion thereof that is modified or enhanced to any degree, where
19 such modification or enhancement is designed and developed to the
20 specifications of a specific purchaser, remains prewritten
21 computer software; provided, however, that where there is a
22 reasonable, separately stated charge or an invoice or other
23 statement of the price given to the purchaser for such
24 modification or enhancement, such modification or enhancement
25 shall not constitute prewritten computer software;

26 (69) "Private communication service", a telecommunications
27 service that entitles the customer to exclusive or priority use
28 of a communications channel or group of channels between or among

1 termination points, regardless of the manner in which such
2 channel or channels are connected, and includes switching
3 capacity, extension lines, stations, and any other associated
4 services that are provided in connection with the use of such
5 channel or channels;

6 (70) "Product-based exemption", an exemption based on the
7 description of the product and not based on who purchases the
8 product or how the purchaser intends to use the product;

9 (71) "Product which is intended to be sold ultimately for
10 final use or consumption", tangible personal property, or any
11 service that is subject to state or local sales or use taxes, or
12 any tax that is substantially equivalent to these taxes, in this
13 state or any other state;

14 (72) "Prosthetic device", a replacement, corrective, or
15 supportive device including repair and replacement parts for same
16 worn on or in the body to artificially replace a missing portion
17 of the body, prevent or correct physical deformity or
18 malfunction, or support a weak or deformed portion of the body.
19 The term "prosthetic device" shall not include corrective
20 eyeglasses or contact lenses and shall be limited to the
21 classification of devices eligible for MO HealthNet and Medicare
22 reimbursement;

23 (73) "Protective equipment", items for human wear and
24 designed as protection of the wearer against injury or disease or
25 as protections against damage or injury of other persons or
26 property but not suitable for general use. Protective equipment
27 are mutually exclusive of clothing, clothing accessories or
28 equipment, and sport or recreational equipment;

1 (74) "Purchase", the acquisition of the ownership of, or
2 title to, tangible personal property, through a sale, as defined
3 herein, for the purpose of storage, use or consumption in this
4 state;

5 (75) "Purchase price", applies to the measure subject to
6 use tax and has the same meaning as sales price;

7 (76) "Purchaser" [means], a person [who purchases tangible]
8 to whom a sale of personal property is made or to whom [are
9 rendered services, receipts from which are taxable under sections
10 144.010 to 144.525] a service is furnished;

11 [(9)] (77) "Qualified light aircraft purchaser", a
12 purchaser of a light aircraft, light aircraft kit, light aircraft
13 parts or components who is a nonresident of this state, who will
14 transport the light aircraft, light aircraft kit, light aircraft
15 parts or components outside this state within ten days after the
16 date of purchase, and who will register any light aircraft so
17 purchased in another state or country. Such purchaser shall not
18 base such aircraft in this state and such purchaser shall not be
19 a resident of the state unless such purchaser has paid sales or
20 use tax on such aircraft in another state;

21 (78) "Receive" or "receipt", taking possession of tangible
22 personal property; making first use of services; or taking
23 possession or making first use of digital goods, whichever comes
24 first. Receive and receipt shall not include possession by a
25 shipping company on behalf of the purchaser;

26 (79) "Registered under the agreement", registration by a
27 seller with the member states under the central registration
28 system provided in Article IV of the agreement;

1 (80) "Research or experimentation activities" are the
2 development of an experimental or pilot model, plant process,
3 formula, invention or similar property, and the improvement of
4 existing property of such type. Research or experimentation
5 activities do not include activities such as ordinary testing or
6 inspection of materials or products for quality control,
7 efficiency surveys, advertising promotions or research in
8 connection with literary, historical or similar projects;

9 [(10) "Sale" or "sales" includes installment and credit
10 sales, and the exchange of properties as well as the sale thereof
11 for money, every closed transaction constituting a sale, and
12 means any transfer, exchange or barter, conditional or otherwise,
13 in any manner or by any means whatsoever, of tangible personal
14 property for valuable consideration and the rendering, furnishing
15 or selling for a valuable consideration any of the substances,
16 things and services herein designated and defined as taxable
17 under the terms of sections 144.010 to 144.525;

18 (11)] (81) "Sale at retail" [means any transfer made by any
19 person engaged in business as defined herein of the ownership of,
20 or title to, tangible personal property to the purchaser, for use
21 or consumption and not for resale in any form as tangible
22 personal property, for a valuable consideration; except that, for
23 the purposes of sections 144.010 to 144.525 and the tax imposed
24 thereby: (i) purchases of tangible personal property made by
25 duly licensed physicians, dentists, optometrists and
26 veterinarians and used in the practice of their professions shall
27 be deemed to be purchases for use or consumption and not for
28 resale; and (ii) the selling of computer printouts, computer

1 output or microfilm or microfiche and computer-assisted photo
2 compositions to a purchaser to enable the purchaser to obtain for
3 his or her own use the desired information contained in such
4 computer printouts, computer output on microfilm or microfiche
5 and computer-assisted photo compositions shall be considered as
6 the sale of a service and not as the sale of tangible personal
7 property] or "retail sale", any sale, lease, or rental for any
8 purpose other than for resale, sublease, or subrent. Purchases
9 of tangible personal property made by duly licensed physicians,
10 dentists, optometrists, and veterinarians and used in the
11 practice of their professions shall be deemed to be purchases for
12 use or consumption and not for resale. Where necessary to
13 conform to the context of sections 144.010 to 144.525 and the tax
14 imposed thereby, the term "sale at retail" shall be construed to
15 embrace:

16 (a) Sales of admission tickets, cash admissions, charges
17 and fees to or in places of amusement, entertainment and
18 recreation, games and athletic events;

19 (b) Sales of electricity, electrical current, water and
20 gas, natural or artificial, to domestic, commercial or industrial
21 consumers;

22 (c) Sales of local and long distance telecommunications
23 service to telecommunications subscribers and to others through
24 equipment of telecommunications subscribers for the transmission
25 of messages and conversations, and the sale, rental or leasing of
26 all equipment or services pertaining or incidental thereto;

27 (d) Sales of service for transmission of messages by
28 telegraph companies;

1 (e) Sales or charges for all rooms, meals and drinks
2 furnished at any hotel, motel, tavern, inn, restaurant, eating
3 house, drugstore, dining car, tourist camp, tourist cabin, or
4 other place in which rooms, meals or drinks are regularly served
5 to the public;

6 (f) Sales of tickets by every person operating a railroad,
7 sleeping car, dining car, express car, boat, airplane, and such
8 buses and trucks as are licensed by the division of motor carrier
9 and railroad safety of the department of economic development of
10 Missouri, engaged in the transportation of persons for hire;

11 (82) "School art supply":

12 (a) An item commonly used by a student in a course of study
13 for artwork. The term is mutually exclusive of the terms school
14 supply, school instructional material, and school computer
15 supply;

16 (b) The following is an all-inclusive list:

- 17 a. Clay and glazes;
18 b. Paints, acrylic, tempera, and oil;
19 c. Paintbrushes for artwork;
20 d. Sketch and drawing pads; and
21 e. Watercolors;

22 (83) "School computer supply":

23 (a) An item commonly used by a student in a course of study
24 in which a computer is used. The term is mutually exclusive of
25 the terms school supply, school art supply, and school
26 instructional material.

27 (b) The following is an all-inclusive list:

- 28 a. Computer storage media, diskettes, compact disks;

1 b. Handheld electronic schedulers, except devices that are
2 cellular phones;

3 c. Personal digital assistants, except devices that are
4 cellular phones; and

5 d. Computer printers and printer supplies for computers,
6 printer paper, and printer ink;

7 (84) "School instructional material":

8 (a) Written material commonly used by a student in a course
9 of study as a reference and to learn the subject being taught.
10 The term is mutually exclusive of the terms school supply, school
11 art supply, and school computer supply;

12 (b) The following is an all-inclusive list:

13 a. Reference books;

14 b. Reference maps and globes;

15 c. Textbooks; and

16 d. Workbooks;

17 (85) "School supply":

18 (a) An item commonly used by a student in a course of
19 study. The term is mutually exclusive of the terms school art
20 supply, school instructional material, and school computer
21 supply;

22 (b) The following is an all-inclusive list:

23 a. Binders;

24 b. Book bags;

25 c. Calculators;

26 d. Cellophane tape;

27 e. Blackboard chalk;

28 f. Compasses;

- 1 g. Composition books;
2 h. Crayons;
3 i. Erasers;
4 j. Folders, expandable, pocket, plastic, and manila;
5 k. Glue, paste, and paste sticks;
6 l. Highlighters;
7 m. Index cards;
8 n. Index card boxes;
9 o. Legal pads;
10 p. Lunch boxes;
11 q. Markers;
12 r. Notebooks;
13 s. Paper, loose leaf notebook paper, copy paper, graph
14 paper, tracing paper, manila paper, colored paper, poster board,
15 and construction paper;
16 t. Pencil boxes and other school supply boxes;
17 u. Pencil sharpeners;
18 v. Pencils;
19 w. Pens;
20 x. Protractors;
21 y. Rulers;
22 z. Scissors; and
23 aa. Writing tablets;
24 [(12)] (86) "Seller" means a person [selling or furnishing
25 tangible] making sales, leases, or rentals of personal property
26 or [rendering services, on the receipts from which a tax is
27 imposed pursuant to section 144.020] service;
28 (87) "Selling agent", every person acting as a

1 representative of a principal, when such principal is not
2 registered with the director of revenue of the state of Missouri
3 for the collection of the taxes imposed under this chapter and
4 who receives compensation by reason of the sale of tangible
5 personal property of the principal, if such property is to be
6 stored, used, or consumed in this state;

7 (88) "Service address":

8 (a) The location of the telecommunications equipment to
9 which a customer's call is charged and from which the call
10 originates or terminates, regardless of where the call is billed
11 or paid;

12 (b) If the location in paragraph (a) of this subdivision is
13 not known, "service address" means the origination point of the
14 signal of the telecommunications services first identified by
15 either the seller's telecommunications system or in information
16 received by the seller from its service provider, where the
17 system used to transport such signals is not that of the seller;

18 (c) If the location in paragraphs (a) and (b) of this
19 subdivision are not known, the service address shall be the
20 location of the customer's place of primary use;

21 (89) "Specified digital products", electronically
22 transferred digital audio-visual works, digital audio works, and
23 digital books;

24 (90) "Sport or recreational equipment", items designed for
25 human use and worn in conjunction with an athletic or
26 recreational activity that are not suitable for general use.
27 Sport or recreational equipment are mutually exclusive of
28 clothing, clothing accessories or equipment, and protective

1 equipment;

2 (91) "State", any state of the United States, the District
3 of Columbia, and the Commonwealth of Puerto Rico;

4 (92) "Storage", any keeping or retention in this state of
5 tangible personal property purchased from a vendor, except
6 property for sale or property that is temporarily kept or
7 retained in this state for subsequent use outside the state;

8 (93) "Tangible personal property", personal property that
9 can be seen, weighed, measured, felt, or touched, or that is in
10 any other manner perceptible to the senses. Tangible personal
11 property shall include electricity, water, gas, steam, and
12 prewritten computer software. Tangible personal property shall
13 not include specified digital products, digital audio-visual
14 works, digital audio works, or digital books;

15 [(13) The noun] (94) "Tax" [means], either the tax payable
16 by the purchaser of a commodity or service subject to tax, or the
17 aggregate amount of taxes due from the vendor of such commodities
18 or services during the period for which he or she is required to
19 report his or her collections, as the context may require;

20 (95) "Taxpayer", any person remitting the tax or who should
21 remit the tax levied by this chapter;

22 (96) "Telecommunications customer", the person or entity
23 that contracts with the seller of telecommunications services.
24 If the end user of telecommunications services is not the
25 contracting party, the end user of the telecommunications service
26 is the telecommunications customer of the telecommunication
27 service, but this definition only applies to the purpose of
28 sourcing sales of telecommunications services under section

1 144.043. Telecommunications customer shall not include a
2 reseller of telecommunications service or for mobile
3 telecommunications service of a serving carrier under an
4 agreement to serve the telecommunications customer outside the
5 home service provider's licensed service area;

6 (97) "Telecommunications nonrecurring charges", an amount
7 billed for the installation, connection, change or initiation of
8 telecommunications service received by the customer;

9 [(14)] (98) "Telecommunications service"[, for the purpose
10 of this chapter, the transmission of information by wire, radio,
11 optical cable, coaxial cable, electronic impulses, or other
12 similar means. As used in this definition, "information" means
13 knowledge or intelligence represented by any form of writing,
14 signs, signals, pictures, sounds, or any other symbols.

15 Telecommunications service does not include the following if such
16 services are separately stated on the customer's bill or on
17 records of the seller maintained in the ordinary course of
18 business:

19 (a) Access to the internet, access to interactive computer
20 services or electronic publishing services, except the amount
21 paid for the telecommunications service used to provide such
22 access;

23 (b) Answering services and one-way paging services;

24 (c) Private mobile radio services which are not two-way
25 commercial mobile radio services such as wireless telephone,
26 personal communications services or enhanced specialized mobile
27 radio services as defined pursuant to federal law; or

28 (d) Cable or satellite television or music services; and

1 (15) "Product which is intended to be sold ultimately for
2 final use or consumption" means tangible personal property, or
3 any service that is subject to state or local sales or use taxes,
4 or any tax that is substantially equivalent thereto, in this
5 state or any other state.]:

6 (a) The electronic transmission, conveyance, or routing of
7 voice, data, audio, video, or any other information or signals to
8 a point, or between or among points;

9 (b) Telecommunications service shall include such
10 transmission, conveyance, or routing in which computer processing
11 applications are used to act on the form, code, or protocol of
12 the content for purposes of transmission, conveyance, or routing
13 without regard to whether such service is referred to as voice
14 over internet protocol services or is classified by the Federal
15 Communications Commission as enhanced or value added;

16 (c) Telecommunications service shall include air-to-ground
17 radiotelephone service, mobile telecommunications service,
18 post-paid calling service, prepaid calling service, prepaid
19 wireless calling service, and private communication service;

20 (d) Telecommunications service shall not include:

21 a. Data processing and information services that allow data
22 to be generated, acquired, stored, processed, or retrieved and
23 delivered by an electronic transmission to a purchaser where such
24 purchaser's primary purpose for the underlying transaction is the
25 processed data or information;

26 b. Installation or maintenance of wiring or equipment on a
27 customer's premises;

28 c. Tangible personal property;

1 d. Advertising, including but not limited to directory
2 advertising;

3 e. Billing and collection services provided to third
4 parties;

5 f. Internet access service;

6 g. Radio and television audio and video programming
7 services, regardless of the medium, including the furnishing of
8 transmission, conveyance, and routing of such services by the
9 programming service provider. Radio and television audio and
10 video programming services shall include but not be limited to
11 cable service, as defined in 47 U.S.C. Section 522(6), as
12 amended, and audio and video programming services delivered by
13 commercial mobile radio service providers, as defined in 47 CFR
14 20.3;

15 h. Ancillary services; or

16 i. Digital products delivered electronically, including,
17 but not limited to, software, music, video, reading materials, or
18 ring tones;

19 (99) "Transportation equipment", any of the following:

20 (a) Locomotives and railcars that are utilized for the
21 carriage of persons or property in interstate commerce;

22 (b) Trucks and truck-tractors with a gross vehicle weight
23 rating (GVWR) of ten thousand one pounds or greater, trailers,
24 semi-trailers, or passenger buses that are:

25 a. Registered through the International Registration Plan;
26 and

27 b. Operated under authority of a carrier authorized and
28 certificated by the United States Department of Transportation or

1 another federal authority to engage in the carriage of persons or
2 property in interstate commerce;

3 (c) Aircraft that are operated by air carriers authorized
4 and certificated by the United States Department of
5 Transportation or another federal or a foreign authority to
6 engage in the carriage of persons or property in interstate or
7 foreign commerce;

8 (d) Containers designed for use on and component parts
9 attached or secured on the items set forth in paragraphs (a) to
10 (c) of this subdivision;

11 (100) "Tobacco", cigarettes, cigars, chewing or pipe
12 tobacco, or any other item that contains tobacco;

13 (101) "Use", the exercise of any right or power over
14 tangible personal property incident to the ownership or control
15 of that property, except that it does not include the temporary
16 storage of property in this state for subsequent use outside the
17 state, or the sale of the property in the regular course of
18 business;

19 (102) "Use-based exemption", an exemption based on a
20 specified use of the product by the purchaser;

21 (103) "Vendor", every person engaged in making sales of
22 tangible personal property by mail order, by advertising, by
23 agent or peddling tangible personal property, soliciting or
24 taking orders for sales of tangible personal property, for
25 storage, use or consumption in this state, all salesmen,
26 solicitors, hawkers, representatives, consignees, peddlers or
27 canvassers, as agents of the dealers, distributors, consignors,
28 supervisors, principals or employers under whom they operate or

1 from whom they obtain the tangible personal property sold by
2 them, and every person who maintains a place of business in this
3 state, maintains a stock of goods in this state, or engages in
4 business activities within this state and every person who
5 engages in this state in the business of acting as a selling
6 agent for persons not otherwise vendors as defined in this
7 subdivision. Irrespective of whether they are making sales on
8 their own behalf or on behalf of the dealers, distributors,
9 consignors, supervisors, principals or employers, they shall be
10 regarded as vendors and the dealers, distributors, consignors,
11 supervisors, principals or employers shall be regarded as vendors
12 for the purposes of sections 144.600 to 144.745.

13 2. For purposes of the taxes imposed under sections 144.010
14 to 144.525, and any other provisions of law pertaining to sales
15 or use taxes which incorporate the provisions of sections 144.010
16 to 144.525 by reference, the term "manufactured homes" shall have
17 the same meaning given it in section 700.010.

18 3. Sections 144.010 to 144.525 may be known and quoted as
19 the "Sales Tax Law".

20 144.014. 1. Notwithstanding other provisions of law to the
21 contrary, beginning October 1, 1997, the tax levied and imposed
22 pursuant to sections 144.010 to 144.525 and sections 144.600 to
23 144.746 on all retail sales of food and food ingredients shall be
24 at the rate of one percent. The revenue derived from the one
25 percent rate pursuant to this section shall be deposited by the
26 state treasurer in the school district trust fund and shall be
27 distributed as provided in section 144.701.

28 2. [For the purposes of this section, the term "food" shall

1 include only those products and types of food for which food
2 stamps may be redeemed pursuant to the provisions of the Federal
3 Food Stamp Program as contained in 7 U.S.C. Section 2012, as that
4 section now reads or as it may be amended hereafter, and shall
5 include food dispensed by or through vending machines. For the
6 purpose of this section,] Except for food sold through vending
7 [machine sales, the term "food"] machines, subsection 1 of this
8 section shall not [include] apply to food or drink sold by any
9 establishment where the gross receipts derived from the sale of
10 food prepared by such establishment for immediate consumption on
11 or off the premises of the establishment constitutes more than
12 eighty percent of the total gross receipts of that establishment,
13 regardless of whether such prepared food is consumed on the
14 premises of that establishment, including, but not limited to,
15 sales of food by any restaurant, fast food restaurant,
16 delicatessen, eating house, or café.

17 144.020. 1. A tax is hereby levied and imposed upon all
18 sellers for the privilege of engaging in the business of selling
19 tangible personal property or rendering taxable service at retail
20 in this state. The rate of tax shall be as follows:

21 (1) Upon every retail sale in this state of tangible
22 personal property, including but not limited to motor vehicles,
23 trailers, motorcycles, mopeds, motortricycles, boats and outboard
24 motors, a tax equivalent to four percent of the purchase price
25 paid or charged, or in case such sale involves the exchange of
26 property, a tax equivalent to four percent of the consideration
27 paid or charged, including the fair market value of the property
28 exchanged at the time and place of the exchange, except as

1 otherwise provided in section 144.025;

2 (2) A tax equivalent to four percent of the amount paid for
3 admission and seating accommodations, or fees paid to, or in any
4 place of amusement, entertainment or recreation, games and
5 athletic events;

6 (3) A tax equivalent to four percent of the basic rate paid
7 or charged on all sales of electricity or electrical current,
8 water and gas, natural or artificial, to domestic, commercial or
9 industrial consumers;

10 (4) A tax equivalent to four percent on the basic rate paid
11 or charged on all sales of local and long distance
12 telecommunications service to telecommunications subscribers and
13 to others through equipment of telecommunications subscribers for
14 the transmission of messages and conversations and upon the sale,
15 rental or leasing of all equipment or services pertaining or
16 incidental thereto; except that, the payment made by
17 telecommunications subscribers or others, pursuant to section
18 144.060, and any amounts paid for access to the internet or
19 interactive computer services shall not be considered as amounts
20 paid for telecommunications services;

21 (5) A tax equivalent to four percent of the basic rate paid
22 or charged for all sales of services for transmission of messages
23 of telegraph companies;

24 (6) A tax equivalent to four percent on the amount of sales
25 or charges for all rooms, meals and drinks furnished at any
26 hotel, motel, tavern, inn, restaurant, eating house, drugstore,
27 dining car, tourist cabin, tourist camp or other place in which
28 rooms, meals or drinks are regularly served to the public;

1 (7) A tax equivalent to four percent of the amount paid or
2 charged for intrastate tickets by every person operating a
3 railroad, sleeping car, dining car, express car, boat, airplane
4 and such buses and trucks as are licensed by the division of
5 motor carrier and railroad safety of the department of economic
6 development of Missouri, engaged in the transportation of persons
7 for hire;

8 (8) A tax equivalent to four percent of the amount paid or
9 charged for rental or lease of tangible personal property,
10 provided that if the lessor or renter of any tangible personal
11 property had previously purchased the property under the
12 conditions of "sale at retail" or leased or rented the property
13 and the tax was paid at the time of purchase, lease or rental,
14 the lessor, sublessor, renter or subrenter shall not apply or
15 collect the tax on the subsequent lease, sublease, rental or
16 subrental receipts from that property. The purchase, rental or
17 lease of motor vehicles, trailers, motorcycles, mopeds,
18 motortricycles, boats, and outboard motors shall be taxed and the
19 tax paid as provided in this section and section 144.070. In no
20 event shall the rental or lease of boats and outboard motors be
21 considered a sale, charge, or fee to, for or in places of
22 amusement, entertainment or recreation nor shall any such rental
23 or lease be subject to any tax imposed to, for, or in such places
24 of amusement, entertainment or recreation. Rental and leased
25 boats or outboard motors shall be taxed under the provisions of
26 the sales tax laws as provided under such laws for motor vehicles
27 and trailers. Tangible personal property which is exempt from
28 the sales or use tax under section 144.030 upon a sale thereof is

1 likewise exempt from the sales or use tax upon the lease or
2 rental thereof.

3 2. All tickets sold which are sold under the provisions of
4 sections 144.010 to 144.525 which are subject to the sales tax
5 shall have printed, stamped or otherwise endorsed thereon, the
6 words "This ticket is subject to a sales tax."

7 3. The provisions of subsections 1 and 2 of this section
8 notwithstanding, the rate of tax imposed under this section shall
9 be as follows:

10 (1) For the 2014 calendar year, four and one-tenth percent;

11 (2) For the 2015 calendar year, four and one-fifth percent;

12 (3) For the 2016 calendar year, four and three-tenth
13 percent;

14 (4) For the 2017 calendar year, four and two-fifth percent;

15 and

16 (5) For all calendar years beginning on or after January 1,
17 2018, four and one-half percent.

18 144.021. 1. The purpose and intent of sections 144.010 to
19 144.510 is to impose a tax upon the privilege of engaging in the
20 business, in this state, of selling tangible personal property
21 and those services listed in section 144.020. The primary tax
22 burden is placed upon the seller making the taxable sales of
23 property or service and is levied at the rate provided for in
24 section 144.020. Excluding sections 144.070, 144.440 and 144.450,
25 the extent to which a seller is required to collect the tax from
26 the purchaser of the taxable property or service is governed by
27 section 144.285 and in no way affects sections 144.080 and
28 144.100, which require all sellers to report to the director of

1 revenue their "gross receipts", defined herein to mean the
2 aggregate amount of the sales price of all sales at retail, and
3 remit tax at four percent of their gross receipts.

4 2. The provisions of subsections 1 of this section
5 notwithstanding, the rate of tax imposed under this section shall
6 be as follows:

7 (1) For the 2014 calendar year, four and one-tenth percent;

8 (2) For the 2015 calendar year, four and one-fifth percent;

9 (3) For the 2016 calendar year, four and three-tenth
10 percent;

11 (4) For the 2017 calendar year, four and two-fifth percent;
12 and

13 (5) For all calendar years beginning on or after January 1,
14 2018, four and one-half percent.

15 144.022. 1. In the case of a bundled transaction that
16 includes any of the following: telecommunication service,
17 ancillary service, internet access, or audio or video programming
18 service:

19 (1) If the price is attributable to products that are
20 taxable and products that are nontaxable, the portion of the
21 price attributable to the nontaxable products may be subject to
22 tax unless the provider can identify by reasonable and verifiable
23 standards such portion from its books and records that are kept
24 in the regular course of business for other purposes, including,
25 but not limited to, nontax purposes;

26 (2) If the price is attributable to products that are
27 subject to tax at different tax rates, the total price shall be
28 treated as attributable to the products subject to tax at the

1 highest tax rate unless the provider can identify by reasonable
2 and verifiable standards the portion of the price attributable to
3 the products subject to tax at the lower rate from its books and
4 records that are kept in the regular course of business for other
5 purposes, including, but not limited to, nontax purposes;

6 (3) The provisions of this section shall apply unless
7 otherwise provided by federal law.

8 2. In the case of a transaction that includes an optional
9 computer software maintenance contract for prewritten computer
10 software, the following provisions apply:

11 (1) If an optional computer software maintenance contract
12 only obligates the vendor to provide upgrades and updates, it
13 shall be characterized as a sale of prewritten computer software;

14 (2) If an optional computer software maintenance contract
15 only obligates the vendor to provide support services, it shall
16 be characterized as a sale of services and not a sale of tangible
17 personal property;

18 (3) If an optional computer software maintenance contract
19 is a bundled transaction in which both taxable and nontaxable or
20 exempt products that are not separately itemized on the invoice
21 or similar billing document, the purchase price under the
22 contract shall be taxable.

23 144.030. 1. There is hereby specifically exempted from the
24 provisions of sections 144.010 to 144.525 and from the
25 computation of the tax levied, assessed or payable pursuant to
26 sections 144.010 to 144.525 such retail sales as may be made in
27 commerce between this state and any other state of the United
28 States, or between this state and any foreign country, and any

1 retail sale which the state of Missouri is prohibited from taxing
2 pursuant to the Constitution or laws of the United States of
3 America, and such retail sales of tangible personal property
4 which the general assembly of the state of Missouri is prohibited
5 from taxing or further taxing by the constitution of this state.

6 2. There are also specifically exempted from the provisions
7 of the local sales tax law as defined in section 32.085, section
8 238.235, and sections 144.010 to 144.525 and 144.600 to 144.761
9 and from the computation of the tax levied, assessed or payable
10 pursuant to the local sales tax law as defined in section 32.085,
11 section 238.235, and sections 144.010 to 144.525 and 144.600 to
12 144.745:

13 (1) Motor fuel or special fuel subject to an excise tax of
14 this state, unless all or part of such excise tax is refunded
15 pursuant to section 142.824; or upon the sale at retail of fuel
16 to be consumed in manufacturing or creating gas, power, steam,
17 electrical current or in furnishing water to be sold ultimately
18 at retail; or feed for livestock or poultry; or grain to be
19 converted into foodstuffs which are to be sold ultimately in
20 processed form at retail; or seed, limestone or fertilizer which
21 is to be used for seeding, liming or fertilizing crops which when
22 harvested will be sold at retail or will be fed to livestock or
23 poultry to be sold ultimately in processed form at retail;
24 economic poisons registered pursuant to the provisions of the
25 Missouri pesticide registration law (sections 281.220 to 281.310)
26 which are to be used in connection with the growth or production
27 of crops, fruit trees or orchards applied before, during, or
28 after planting, the crop of which when harvested will be sold at

1 retail or will be converted into foodstuffs which are to be sold
2 ultimately in processed form at retail;

3 (2) Materials, manufactured goods, machinery and parts
4 which when used in manufacturing, processing, compounding,
5 mining, producing or fabricating become a component part or
6 ingredient of the new personal property resulting from such
7 manufacturing, processing, compounding, mining, producing or
8 fabricating and which new personal property is intended to be
9 sold ultimately for final use or consumption; and materials,
10 including without limitation, gases and manufactured goods,
11 including without limitation slagging materials and firebrick,
12 which are ultimately consumed in the manufacturing process by
13 blending, reacting or interacting with or by becoming, in whole
14 or in part, component parts or ingredients of steel products
15 intended to be sold ultimately for final use or consumption;

16 (3) Materials, replacement parts and equipment purchased
17 for use directly upon, and for the repair and maintenance or
18 manufacture of, motor vehicles, watercraft, railroad rolling
19 stock or aircraft engaged as common carriers of persons or
20 property;

21 (4) Motor vehicles registered in excess of fifty-four
22 thousand pounds, and the trailers pulled by such motor vehicles,
23 that are actually used in the normal course of business to haul
24 property on the public highways of the state, and that are
25 capable of hauling loads commensurate with the motor vehicle's
26 registered weight; and the materials, replacement parts, and
27 equipment purchased for use directly upon, and for the repair and
28 maintenance or manufacture of such vehicles. For purposes of

1 this subdivision "motor vehicle" and "public highway" shall have
2 the meaning as ascribed in section 390.020;

3 (5) Replacement machinery, equipment, and parts and the
4 materials and supplies solely required for the installation or
5 construction of such replacement machinery, equipment, and parts,
6 used directly in manufacturing, mining, fabricating or producing
7 a product which is intended to be sold ultimately for final use
8 or consumption; and machinery and equipment, and the materials
9 and supplies required solely for the operation, installation or
10 construction of such machinery and equipment, purchased and used
11 to establish new, or to replace or expand existing, material
12 recovery processing plants in this state. For the purposes of
13 this subdivision, a "material recovery processing plant" means a
14 facility that has as its primary purpose the recovery of
15 materials into a useable product or a different form which is
16 used in producing a new product and shall include a facility or
17 equipment which are used exclusively for the collection of
18 recovered materials for delivery to a material recovery
19 processing plant but shall not include motor vehicles used on
20 highways. For purposes of this section, the terms motor vehicle
21 and highway shall have the same meaning pursuant to section
22 301.010. Material recovery is not the reuse of materials within
23 a manufacturing process or the use of a product previously
24 recovered. The material recovery processing plant shall qualify
25 under the provisions of this section regardless of ownership of
26 the material being recovered;

27 (6) Machinery and equipment, and parts and the materials
28 and supplies solely required for the installation or construction

1 of such machinery and equipment, purchased and used to establish
2 new or to expand existing manufacturing, mining or fabricating
3 plants in the state if such machinery and equipment is used
4 directly in manufacturing, mining or fabricating a product which
5 is intended to be sold ultimately for final use or consumption;

6 (7) Tangible personal property which is used exclusively in
7 the manufacturing, processing, modification or assembling of
8 products sold to the United States government or to any agency of
9 the United States government;

10 (8) Animals or poultry used for breeding or feeding
11 purposes, or captive wildlife;

12 (9) Newsprint, ink, computers, photosensitive paper and
13 film, toner, printing plates and other machinery, equipment,
14 replacement parts and supplies used in producing newspapers
15 published for dissemination of news to the general public;

16 (10) The rentals of films, records or any type of sound or
17 picture transcriptions for public commercial display;

18 (11) Pumping machinery and equipment used to propel
19 products delivered by pipelines engaged as common carriers;

20 (12) Railroad rolling stock for use in transporting persons
21 or property in interstate commerce and motor vehicles licensed
22 for a gross weight of twenty-four thousand pounds or more or
23 trailers used by common carriers, as defined in section 390.020,
24 in the transportation of persons or property;

25 (13) Electrical energy used in the actual primary
26 manufacture, processing, compounding, mining or producing of a
27 product, or electrical energy used in the actual secondary
28 processing or fabricating of the product, or a material recovery

1 processing plant as defined in subdivision (5) of this
2 subsection, in facilities owned or leased by the taxpayer, if the
3 total cost of electrical energy so used exceeds ten percent of
4 the total cost of production, either primary or secondary,
5 exclusive of the cost of electrical energy so used or if the raw
6 materials used in such processing contain at least twenty-five
7 percent recovered materials as defined in section 260.200. There
8 shall be a rebuttable presumption that the raw materials used in
9 the primary manufacture of automobiles contain at least
10 twenty-five percent recovered materials. For purposes of this
11 subdivision, "processing" means any mode of treatment, act or
12 series of acts performed upon materials to transform and reduce
13 them to a different state or thing, including treatment necessary
14 to maintain or preserve such processing by the producer at the
15 production facility;

16 (14) Anodes which are used or consumed in manufacturing,
17 processing, compounding, mining, producing or fabricating and
18 which have a useful life of less than one year;

19 (15) Machinery, equipment, appliances and devices purchased
20 or leased and used solely for the purpose of preventing, abating
21 or monitoring air pollution, and materials and supplies solely
22 required for the installation, construction or reconstruction of
23 such machinery, equipment, appliances and devices;

24 (16) Machinery, equipment, appliances and devices purchased
25 or leased and used solely for the purpose of preventing, abating
26 or monitoring water pollution, and materials and supplies solely
27 required for the installation, construction or reconstruction of
28 such machinery, equipment, appliances and devices;

1 (17) Tangible personal property purchased by a rural water
2 district;

3 (18) All amounts paid or charged for admission or
4 participation or other fees paid by or other charges to
5 individuals in or for any place of amusement, entertainment or
6 recreation, games or athletic events, including museums, fairs,
7 zoos and planetariums, owned or operated by a municipality or
8 other political subdivision where all the proceeds derived
9 therefrom benefit the municipality or other political subdivision
10 and do not inure to any private person, firm, or corporation;

11 (19) All sales of [insulin and prosthetic or orthopedic
12 devices as defined on January 1, 1980, by the federal Medicare
13 program pursuant to Title XVIII of the Social Security Act of
14 1965, including the items specified in Section 1862(a)(12) of
15 that act, and also specifically including hearing aids and
16 hearing aid supplies and all sales of drugs which may be legally
17 dispensed by a licensed pharmacist only upon a lawful
18 prescription of a practitioner licensed to administer those
19 items, including samples and materials used to manufacture
20 samples which may be dispensed by a practitioner authorized to
21 dispense such samples and all sales or rental of medical oxygen,
22 home respiratory equipment and accessories, hospital beds and
23 accessories and ambulatory aids, all sales or rental of manual
24 and powered wheelchairs, stairway lifts, Braille writers,
25 electronic Braille equipment and, if purchased or rented by or on
26 behalf of a person with one or more physical or mental
27 disabilities to enable them to function more independently, all
28 sales or rental of scooters, reading machines, electronic print

1 enlargers and magnifiers, electronic alternative and augmentative
2 communication devices, and items used solely to modify motor
3 vehicles to permit the use of such motor vehicles by individuals
4 with disabilities or sales of] over-the-counter [or
5 nonprescription] drugs to individuals with disabilities, all
6 sales of durable medical equipment, prosthetic devices, and
7 mobility enhancing equipment, and [drugs required by the Food and
8 Drug Administration to meet the] all sales of over-the-counter
9 [drug product labeling requirements in 21 CFR 201.66, or its
10 successor,] drugs as prescribed by a health care practitioner
11 licensed to prescribe;

12 (20) All sales made by or to religious and charitable
13 organizations and institutions in their religious, charitable or
14 educational functions and activities and all sales made by or to
15 all elementary and secondary schools operated at public expense
16 in their educational functions and activities;

17 (21) All sales of aircraft to common carriers for storage
18 or for use in interstate commerce and all sales made by or to
19 not-for-profit civic, social, service or fraternal organizations,
20 including fraternal organizations which have been declared
21 tax-exempt organizations pursuant to Section 501(c)(8) or (10) of
22 the 1986 Internal Revenue Code, as amended, in their civic or
23 charitable functions and activities and all sales made to
24 eleemosynary and penal institutions and industries of the state,
25 and all sales made to any private not-for-profit institution of
26 higher education not otherwise excluded pursuant to subdivision
27 (20) of this subsection or any institution of higher education
28 supported by public funds, and all sales made to a state relief

1 agency in the exercise of relief functions and activities;

2 (22) All ticket sales made by benevolent, scientific and
3 educational associations which are formed to foster, encourage,
4 and promote progress and improvement in the science of
5 agriculture and in the raising and breeding of animals, and by
6 nonprofit summer theater organizations if such organizations are
7 exempt from federal tax pursuant to the provisions of the
8 Internal Revenue Code and all admission charges and entry fees to
9 the Missouri state fair or any fair conducted by a county
10 agricultural and mechanical society organized and operated
11 pursuant to sections 262.290 to 262.530;

12 (23) All sales made to any private not-for-profit
13 elementary or secondary school, all sales of feed additives,
14 medications or vaccines administered to livestock or poultry in
15 the production of food or fiber, all sales of pesticides used in
16 the production of crops, livestock or poultry for food or fiber,
17 all sales of bedding used in the production of livestock or
18 poultry for food or fiber, all sales of propane or natural gas,
19 electricity or diesel fuel used exclusively for drying
20 agricultural crops, natural gas used in the primary manufacture
21 or processing of fuel ethanol as defined in section 142.028,
22 natural gas, propane, and electricity used by an eligible new
23 generation cooperative or an eligible new generation processing
24 entity as defined in section 348.432, and all sales of farm
25 machinery and equipment, other than airplanes, motor vehicles and
26 trailers, and any freight charges on any exempt item. As used in
27 this subdivision, the term "feed additives" means tangible
28 personal property which, when mixed with feed for livestock or

1 poultry, is to be used in the feeding of livestock or poultry.
2 As used in this subdivision, the term "pesticides" includes
3 adjuvants such as crop oils, surfactants, wetting agents and
4 other assorted pesticide carriers used to improve or enhance the
5 effect of a pesticide and the foam used to mark the application
6 of pesticides and herbicides for the production of crops,
7 livestock or poultry. As used in this subdivision, the term
8 "farm machinery and equipment" means new or used farm tractors
9 and such other new or used farm machinery and equipment and
10 repair or replacement parts thereon and any accessories for and
11 upgrades to such farm machinery and equipment, rotary mowers used
12 exclusively for agricultural purposes, and supplies and
13 lubricants used exclusively, solely, and directly for producing
14 crops, raising and feeding livestock, fish, poultry, pheasants,
15 chukar, quail, or for producing milk for ultimate sale at retail,
16 including field drain tile, and one-half of each purchaser's
17 purchase of diesel fuel therefor which is:

18 (a) Used exclusively for agricultural purposes;

19 (b) Used on land owned or leased for the purpose of
20 producing farm products; and

21 (c) Used directly in producing farm products to be sold
22 ultimately in processed form or otherwise at retail or in
23 producing farm products to be fed to livestock or poultry to be
24 sold ultimately in processed form at retail;

25 (24) Except as otherwise provided in section 144.032, all
26 sales of metered water service, electricity, [electrical current,
27 natural, artificial or propane gas, wood, coal or home heating
28 oil] piped natural or artificial gas, or other fuels delivered by

1 the seller for domestic use [and in any city not within a county,
2 all sales of metered or unmetered water service for domestic
3 use]:

4 (a) "Domestic use" means that portion of metered water
5 service, electricity, [electrical current, natural, artificial or
6 propane gas, wood, coal or home heating oil, and in any city not
7 within a county, metered or unmetered water service,] piped
8 natural or artificial gas, or other fuels delivered by the seller
9 which an individual occupant of a residential premises uses for
10 nonbusiness, noncommercial or nonindustrial purposes. Utility
11 service through a single or master meter for residential
12 apartments or condominiums, including service for common areas
13 and facilities and vacant units, shall be deemed to be for
14 domestic use. Each seller shall establish and maintain a system
15 whereby individual purchases are determined as exempt or
16 nonexempt;

17 (b) Regulated utility sellers shall determine whether
18 individual purchases are exempt or nonexempt based upon the
19 seller's utility service rate classifications as contained in
20 tariffs on file with and approved by the Missouri public service
21 commission. Sales and purchases made pursuant to the rate
22 classification "residential" and sales to and purchases made by
23 or on behalf of the occupants of residential apartments or
24 condominiums through a single or master meter, including service
25 for common areas and facilities and vacant units, shall be
26 considered as sales made for domestic use and such sales shall be
27 exempt from sales tax. Sellers shall charge sales tax upon the
28 entire amount of purchases classified as nondomestic use. The

1 seller's utility service rate classification and the provision of
2 service thereunder shall be conclusive as to whether or not the
3 utility must charge sales tax;

4 (c) Each person making domestic use purchases of [services
5 or property] electricity, piped natural or artificial gas, or
6 other fuels delivered by the seller and who uses any portion of
7 the services or property so purchased for a nondomestic use
8 shall, by the fifteenth day of the fourth month following the
9 year of purchase, and without assessment, notice or demand, file
10 a return and pay sales tax on that portion of nondomestic
11 purchases. Each person making nondomestic purchases of [services
12 or property] electricity, piped natural or artificial gas, or
13 other fuels delivered by the seller and who uses any portion of
14 the [services or property] electricity, piped natural or
15 artificial gas, or other fuels delivered by the seller so
16 purchased for domestic use, and each person making domestic
17 purchases on behalf of occupants of residential apartments or
18 condominiums through a single or master meter, including service
19 for common areas and facilities and vacant units, under a
20 nonresidential utility service rate classification may, between
21 the first day of the first month and the fifteenth day of the
22 fourth month following the year of purchase, apply for credit or
23 refund to the director of revenue and the director shall give
24 credit or make refund for taxes paid on the domestic use portion
25 of the purchase. The person making such purchases on behalf of
26 occupants of residential apartments or condominiums shall have
27 standing to apply to the director of revenue for such credit or
28 refund;

1 (25) All sales of handicraft items made by the seller or
2 the seller's spouse if the seller or the seller's spouse is at
3 least sixty-five years of age, and if the total gross proceeds
4 from such sales do not constitute a majority of the annual gross
5 income of the seller;

6 (26) Excise taxes, collected on sales at retail, imposed by
7 Sections 4041, [4061,] 4071, 4081, [4091,] 4161, 4181, 4251, 4261
8 and 4271 of Title 26, United States Code. The director of
9 revenue shall promulgate rules pursuant to chapter 536 to
10 eliminate all state and local sales taxes on such excise taxes;

11 (27) Sales of fuel consumed or used in the operation of
12 ships, barges, or waterborne vessels which are used primarily in
13 or for the transportation of property or cargo, or the conveyance
14 of persons for hire, on navigable rivers bordering on or located
15 in part in this state, if such fuel is delivered by the seller to
16 the purchaser's barge, ship, or waterborne vessel while it is
17 afloat upon such river;

18 (28) All sales made to an interstate compact agency created
19 pursuant to sections 70.370 to 70.441 or sections 238.010 to
20 238.100 in the exercise of the functions and activities of such
21 agency as provided pursuant to the compact;

22 (29) Computers, computer software and computer security
23 systems purchased for use by architectural or engineering firms
24 headquartered in this state. For the purposes of this
25 subdivision, "headquartered in this state" means the office for
26 the administrative management of at least four integrated
27 facilities operated by the taxpayer is located in the state of
28 Missouri;

1 (30) All livestock sales when either the seller is engaged
2 in the growing, producing or feeding of such livestock, or the
3 seller is engaged in the business of buying and selling,
4 bartering or leasing of such livestock;

5 (31) All sales of barges which are to be used primarily in
6 the transportation of property or cargo on interstate waterways;

7 (32) Electrical energy or gas, whether natural, artificial
8 or propane, water, or other utilities which are ultimately
9 consumed in connection with the manufacturing of cellular glass
10 products or in any material recovery processing plant as defined
11 in subdivision (5) of this subsection;

12 (33) Notwithstanding other provisions of law to the
13 contrary, all sales of pesticides or herbicides used in the
14 production of crops, aquaculture, livestock or poultry;

15 (34) Tangible personal property and utilities purchased for
16 use or consumption directly or exclusively in the research and
17 development of agricultural/biotechnology and plant genomics
18 products and prescription pharmaceuticals consumed by humans or
19 animals;

20 (35) All sales of grain bins for storage of grain for
21 resale;

22 (36) All sales of feed which are developed for and used in
23 the feeding of pets owned by a commercial breeder when such sales
24 are made to a commercial breeder, as defined in section 273.325,
25 and licensed pursuant to sections 273.325 to 273.357;

26 (37) All purchases by a contractor on behalf of an entity
27 located in another state, provided that the entity is authorized
28 to issue a certificate of exemption for purchases to a contractor

1 under the provisions of that state's laws. For purposes of this
2 subdivision, the term "certificate of exemption" shall mean any
3 document evidencing that the entity is exempt from sales and use
4 taxes on purchases pursuant to the laws of the state in which the
5 entity is located. Any contractor making purchases on behalf of
6 such entity shall maintain a copy of the entity's exemption
7 certificate as evidence of the exemption. If the exemption
8 certificate issued by the exempt entity to the contractor is
9 later determined by the director of revenue to be invalid for any
10 reason and the contractor has accepted the certificate in good
11 faith, neither the contractor or the exempt entity shall be
12 liable for the payment of any taxes, interest and penalty due as
13 the result of use of the invalid exemption certificate.

14 Materials shall be exempt from all state and local sales and use
15 taxes when purchased by a contractor for the purpose of
16 fabricating tangible personal property which is used in
17 fulfilling a contract for the purpose of constructing, repairing
18 or remodeling facilities for the following:

19 (a) An exempt entity located in this state, if the entity
20 is one of those entities able to issue project exemption
21 certificates in accordance with the provisions of section
22 144.062; or

23 (b) An exempt entity located outside the state if the
24 exempt entity is authorized to issue an exemption certificate to
25 contractors in accordance with the provisions of that state's law
26 and the applicable provisions of this section;

27 (38) All sales or other transfers of tangible personal
28 property to a lessor who leases the property under a lease of one

1 year or longer executed or in effect at the time of the sale or
2 other transfer to an interstate compact agency created pursuant
3 to sections 70.370 to 70.441 or sections 238.010 to 238.100;

4 (39) Sales of tickets to any collegiate athletic
5 championship event that is held in a facility owned or operated
6 by a governmental authority or commission, a quasi-governmental
7 agency, a state university or college or by the state or any
8 political subdivision thereof, including a municipality, and that
9 is played on a neutral site and may reasonably be played at a
10 site located outside the state of Missouri. For purposes of this
11 subdivision, "neutral site" means any site that is not located on
12 the campus of a conference member institution participating in
13 the event;

14 (40) All purchases by a sports complex authority created
15 under section 64.920, and all sales of utilities by such
16 authority at the authority's cost that are consumed in connection
17 with the operation of a sports complex leased to a professional
18 sports team;

19 (41) Beginning January 1, 2009, but not after January 1,
20 2015, materials, replacement parts, and equipment purchased for
21 use directly upon, and for the modification, replacement, repair,
22 and maintenance of aircraft, aircraft power plants, and aircraft
23 accessories;

24 (42) Sales of sporting clays, wobble, skeet, and trap
25 targets to any shooting range or similar places of business for
26 use in the normal course of business and money received by a
27 shooting range or similar places of business from patrons and
28 held by a shooting range or similar place of business for

1 redistribution to patrons at the conclusion of a shooting event;

2 (43) All sales of new light aircraft, light aircraft kits,
3 light aircraft parts or components manufactured or substantially
4 completed within this state, when such new light aircraft, light
5 aircraft kits, light aircraft parts or components are sold by the
6 manufacturer to a qualified purchaser. The director of revenue
7 shall prescribe the manner for a purchaser of a light aircraft,
8 light aircraft kit, parts or components to establish that such
9 person is a qualified purchaser and is eligible for the exemption
10 established in this section;

11 (44) All sales of computer printouts, computer output or
12 microfilm or microfiche and computer-assisted photo compositions
13 to a purchaser to enable the purchaser to obtain for his or her
14 own use the desired information contained in such computer
15 printouts, computer output on microfilm or microfiche and
16 computer-assisted photo compositions.

17 144.032. The provisions of section 144.030 to the contrary
18 notwithstanding, any city imposing a sales tax under the
19 provisions of sections 94.500 to 94.570, or any county imposing a
20 sales tax under the provisions of sections 66.600 to 66.635, or
21 any county imposing a sales tax under the provisions of sections
22 67.500 to 67.729, or any hospital district imposing a sales tax
23 under the provisions of section 205.205 may by ordinance impose a
24 sales tax upon all sales of [metered water services,]
25 electricity, [electrical current and natural, artificial or
26 propane gas, wood, coal, or home heating oil] pipel natural or
27 artificial gas, or other fuels delivered by the seller for
28 domestic use only. Such tax shall be administered by the

1 department of revenue and assessed by the retailer in the same
2 manner as any other city, county, or hospital district sales tax.
3 Domestic use shall be determined in the same manner as the
4 determination of domestic use for exemption of such sales from
5 the state sales tax under the provisions of section 144.030.

6 144.040. 1. (1) All retail sales in Missouri, excluding
7 leases and rentals, of tangible personal property or digital
8 goods shall be sourced to the location where the order is
9 received by the seller.

10 (2) This subsection shall apply only if:

11 (a) The location where receipt of the product by the
12 purchaser occurs is inside this state as determined in accordance
13 with subsection 2 of this section; and

14 (b) At the time the order is received, the recordkeeping
15 system of the seller used to calculate the proper amount of sales
16 or use tax to be imposed captures the location where the order is
17 received.

18 (3) When the sale is sourced under this section to the
19 location where the order is received by the seller, only the
20 sales tax for the location where the order is received by the
21 seller may be levied. No additional sales or use tax based on
22 the location where the product is delivered to the purchaser may
23 be levied on that sale. The purchaser shall not be entitled to
24 any refund if the combined state and local rate or rates at the
25 location where the product is received by the purchaser is lower
26 than the rate where the order is received by the seller.

27 (4) A purchaser shall have no additional liability to the
28 state for tax, penalty or interest on a sale for which the

1 purchaser remits tax to the seller in the amount invoiced by the
2 seller if such invoice amount is calculated at either the rate
3 applicable to the location where receipt by the purchaser occurs
4 or at the rate applicable to the location where the order is
5 received by the seller. A purchaser may rely on a written
6 representation by the seller as to the location where the order
7 for such sale was received by the seller. When the purchaser
8 does not have a written representation by the seller as to the
9 location where the order for such sale was received by the
10 seller, the purchaser may use a location indicated by a business
11 address for the seller that is available from the business
12 records of the purchaser that are maintained in the ordinary
13 course of the purchaser's business to determine the rate
14 applicable to the location where the order was received.

15 (5) The location where the order is received by or on
16 behalf of the seller means the physical location of a seller or
17 third party such as an established outlet, office location or
18 automated order receipt system operated by or on behalf of the
19 seller where an order is initially received by or on behalf of
20 the seller and not where the order may be subsequently accepted,
21 completed or fulfilled. An order is received when all of the
22 information from the purchaser necessary to the determination
23 whether the order can be accepted has been received by or on
24 behalf of the seller. The location from which a product is
25 shipped shall not be used in determining the location where the
26 order is received by the seller.

27 (6) When taxable services are sold with tangible personal
28 property or digital products pursuant to a single contract or in

1 the same transaction, are billed on the same billing statement or
2 statements, and, because of the application of this section,
3 would be sourced to different jurisdictions, this subsection
4 shall apply to determine the source for tax.

5 2. Except as provided in section 144.041, when the location
6 where the order is received by the seller and the location where
7 the receipt of the product by the purchaser (or the purchaser's
8 donee, designated as such by the purchaser) occurs are in
9 different states, the retail sale, excluding lease or rental, of
10 a product shall be sourced as follows:

11 (1) When the product is received by the purchaser at a
12 business location of the seller, the sale shall be sourced to
13 such business location;

14 (2) When the product is not received by the purchaser at a
15 business location of the seller, the sale shall be sourced to the
16 location where receipt by the purchaser (or the purchaser's
17 donee, designated as such by the purchaser) occurs, including the
18 location indicated by instructions for delivery to the purchaser
19 or donee, known to the seller;

20 (3) When subdivisions (1) and (2) of this subsection do not
21 apply, the sale shall be sourced to the location indicated by an
22 address for the purchaser that is available from the business
23 records of the seller that are maintained in the ordinary course
24 of the seller's business when use of this address does not
25 constitute bad faith;

26 (4) When subdivisions (1), (2), and (3) of this subsection
27 do not apply, the sale shall be sourced to the location indicated
28 by an address for the purchaser obtained during the consummation

1 of the sale, including the address of a purchaser's payment
2 instrument, if no other address is available, when use of this
3 address does not constitute bad faith;

4 (5) When none of the previous rules of subdivisions (1),
5 (2), (3), and (4) of this subsection do not apply, including the
6 circumstances in which the seller is without sufficient
7 information to apply the previous rules, then the location will
8 be determined by the address from which tangible personal
9 property was shipped, from which the digital good or computer
10 software delivered electronically was first available for
11 transmission from the seller, or from which the service was
12 provided (disregarding for these purposes any location that
13 merely provided the digital transfer of the product sold).

14 3. Notwithstanding subsections 1 and 2 of this section, all
15 sales of motor vehicles, trailers, semi-trailers, watercraft and
16 aircraft that do not qualify as transportation equipment shall be
17 sourced to the address of the owner thereof.

18 4. The lease or rental of tangible personal property, other
19 than property identified in subsection 2 or 3 of this section,
20 shall be sourced as follows:

21 (1) For a lease or rental that requires recurring periodic
22 payments, the first periodic payment is sourced the same as a
23 retail sale in accordance with the provisions of subsection 1 of
24 this section. Periodic payments made subsequent to the first
25 payment are sourced to the primary property location for each
26 period covered by the payment. The primary property location
27 shall be as indicated by an address for the property provided by
28 the lessee that is available to the lessor from its records

1 maintained in the ordinary course of business, when use of this
2 address does not constitute bad faith. The property location
3 shall not be altered by intermittent use at different locations,
4 such as use of business property that accompanies employees on
5 business trips and service calls;

6 (2) For a lease or rental that does not require recurring
7 periodic payments, the payment is sourced the same as a retail
8 sale in accordance with the provisions of subsection 1 of this
9 section;

10 (3) This subsection does not affect the imposition or
11 computation of sales or use tax on leases or rentals based on a
12 lump sum or accelerated basis, or on the acquisition of property
13 for lease.

14 5. The lease or rental of motor vehicles, trailers, semi-
15 trailers, or aircraft that do not qualify as transportation
16 equipment, as defined in section 144.010, shall be sourced as
17 follows:

18 (1) For a lease or rental that requires recurring periodic
19 payments, each periodic payment is sourced to the primary
20 property location. The primary property location shall be as
21 indicated by an address for the property provided by the lessee
22 that is available to the lessor from its records maintained in
23 the ordinary course of business, when use of such address does
24 not constitute bad faith. Such location shall not be altered by
25 intermittent use at different locations;

26 (2) For a lease or rental that does not require recurring
27 periodic payments, the payment is sourced the same as a retail
28 sale in accordance with the provisions of subsection 1 of this

1 section;

2 (3) This subsection does not affect the imposition or
3 computation of sales or use tax on leases or rentals based on a
4 lump sum or accelerated basis, or on the acquisition of property
5 for lease.

6 6. The retail sale, including lease or rental, of
7 transportation equipment shall be sourced the same as a retail
8 sale in accordance with the provisions of subsection 1 of this
9 section, notwithstanding the exclusion of lease or rental in
10 subsection 1 of this section.

11 144.041. 1. The retail sale of a product shall be sourced
12 in accordance with section 144.040. The provisions of section
13 144.040 shall apply regardless of the characterization of a
14 product as tangible personal property, a digital good, or a
15 service. The provisions of section 144.040 shall only apply to
16 determine a seller's obligation to pay or collect and remit sales
17 or use tax with respect to the seller's retail sale of a product.
18 The provisions of this subsection shall not affect the obligation
19 of a purchaser or lessee to remit tax on the use of the product
20 to the taxing jurisdictions of that use.

21 2. Section 144.040 shall not apply to sales or use taxes
22 levied on the following:

23 (1) Retail sales or transfers of watercraft, modular homes,
24 manufactured homes, or mobile homes; and

25 (2) Telecommunications services and ancillary services.

26 144.042. 1. (1) A purchaser of advertising and
27 promotional direct mail may provide the seller with either:

28 (a) A direct pay permit;

1 (b) An agreement certificate of exemption claiming direct
2 mail (or other written statement approved, authorized or accepted
3 by the state); or

4 (c) Information showing the jurisdictions to which the
5 advertising and promotional direct mail is to be delivered to
6 recipients.

7 (2) If the purchaser provides the permit, certificate or
8 statement referred to in paragraph (a) or (b) of subdivision (1)
9 of subsection 1 of this section, the seller, in the absence of
10 bad faith, is relieved of all obligations to collect, pay, or
11 remit any tax on any transaction involving advertising and
12 promotional direct mail to which the permit, certificate or
13 statement applies. The purchaser shall source the sale to the
14 jurisdictions to which the advertising and promotional direct
15 mail is to be delivered to the recipients and shall report and
16 pay any applicable tax due.

17 (3) If the purchaser provides the seller information
18 showing the jurisdictions to which the advertising and
19 promotional direct mail is to be delivered to recipients, the
20 seller shall source the sale to the jurisdictions to which the
21 advertising and promotional direct mail is to be delivered and
22 shall collect and remit the applicable tax. In the absence of
23 bad faith, the seller is relieved of any further obligation to
24 collect any additional tax on the sale of advertising and
25 promotional direct mail where the seller has sourced the sale
26 according to the delivery information provided by the purchaser.

27 (4) If the purchaser does not provide the seller with any
28 of the items listed in paragraph (a), (b) or (c) of subdivision

1 (1) of subsection 1 of this section, the sale shall be sourced
2 according to subdivision (5) of subsection 2 of section 144.040.
3 The state to which the advertising and promotional direct mail is
4 delivered may disallow credit for tax paid on sales sourced under
5 this subdivision.

6 (5) Notwithstanding section 144.040, this subsection shall
7 apply to sales of advertising and promotional direct mail.

8 2. (1) Except as otherwise provided in this subsection,
9 sales of other direct mail are sourced in accordance with
10 subdivision (3) of subsection 2 of section 144.040.

11 (2) A purchaser of other direct mail may provide the seller
12 with either:

13 (a) A direct pay permit; or

14 (b) An agreement certificate of exemption claiming direct
15 mail (or other written statement approved, authorized or accepted
16 by the state).

17 (3) If the purchaser provides the permit, certificate or
18 statement referred to in paragraph (a) or (b) of subdivision (2)
19 of this subsection, the seller, in the absence of bad faith, is
20 relieved of all obligations to collect, pay or remit any tax on
21 any transaction involving other direct mail to which the permit,
22 certificate or statement apply. Notwithstanding subdivision (1)
23 of this subsection, the sale shall be sourced to the
24 jurisdictions to which the other direct mail is to be delivered
25 to the recipients and the purchaser shall report and pay
26 applicable tax due.

27 (4) Notwithstanding section 144.040, this subsection shall
28 apply to sales of other direct mail.

1 3. (1) (a) This section applies to a transaction
2 characterized under state law as the sale of services only if the
3 service is an integral part of the production and distribution of
4 printed material that meets the definition of direct mail.

5 (b) This section does not apply to any transaction that
6 includes the development of billing information or the provision
7 of any data processing service that is more than incidental
8 regardless of whether advertising and promotional direct mail is
9 included in the same mailing.

10 (2) If a transaction is a bundled transaction that includes
11 advertising and promotion direct mail, this section applies only
12 if the primary purpose of the transaction is the sale of products
13 or services that meet the definition of advertising and
14 promotional direct mail.

15 (3) Nothing in this section shall limit any purchaser's:

16 (a) Obligation for sales or use tax to any state to which
17 the direct mail is delivered;

18 (b) Right under local, state, federal or constitutional
19 law, to a credit for sales or use taxes legally due and paid to
20 other jurisdictions; or

21 (c) Right to a refund of sales or use taxes overpaid to any
22 jurisdiction.

23 (4) This section applies for purposes of uniformly sourcing
24 direct mail transactions and does not impose requirements on
25 states regarding the taxation of products that meet the
26 definition of direct mail or to the application of sales for
27 resale or other exemptions.

28 144.043. 1. [As used in this section, the following terms

1 mean:

2 (1) "Light aircraft", a light airplane that seats no more
3 than four persons, with a gross weight of three thousand pounds
4 or less, which is primarily used for recreational flying or
5 flight training;

6 (2) "Light aircraft kit", factory manufactured parts and
7 components, including engine, propeller, instruments, wheels,
8 brakes, and air frame parts which make up a complete aircraft kit
9 or partial kit designed to be assembled into a light aircraft and
10 then operated by a qualified purchaser for recreational and
11 educational purposes;

12 (3) "Parts and components", manufactured light aircraft
13 parts, including air frame and engine parts, that are required by
14 the qualified purchaser to complete a light aircraft kit, or
15 spare or replacement parts for an already completed light
16 aircraft;

17 (4) "Qualified purchaser", a purchaser of a light aircraft,
18 light aircraft kit, parts or components who is nonresident of
19 this state, who will transport the light aircraft, light aircraft
20 kit, parts or components outside this state within ten days after
21 the date of purchase, and who will register any light aircraft so
22 purchased in another state or country. Such purchaser shall not
23 base such aircraft in this state and such purchaser shall not be
24 a resident of the state unless such purchaser has paid sales or
25 use tax on such aircraft in another state.

26 2. In addition to the exemptions granted under the
27 provisions of section 144.030, there shall also be specifically
28 exempted from the provisions of sections 144.010 to 144.525,

1 sections 144.600 to 144.748, section 238.235, and from the
2 provisions of any local sales tax law, as defined in section
3 32.085, and from the computation of the tax levied, assessed or
4 payable under sections 144.010 to 144.525, sections 144.600 to
5 144.748, section 238.235, and under any local sales tax law, as
6 defined in section 32.085, all sales of new light aircraft, light
7 aircraft kits, parts or components manufactured or substantially
8 completed within this state, when such new light aircraft, light
9 aircraft kits, parts or components are sold by the manufacturer
10 to a qualified purchaser. The director of revenue shall
11 prescribe the manner for a purchaser of a light aircraft, light
12 aircraft kit, parts or components to establish that such person
13 is a qualified purchaser and is eligible for the exemption
14 established in this section.] Except for the defined
15 telecommunication services in subsection 3 of this section, the
16 sale of telecommunication service sold on a call-by-call basis
17 shall be sourced to:

18 (1) Each level of taxing jurisdiction where the call
19 originates and terminates in that jurisdiction; or

20 (2) Each level of taxing jurisdiction where the call either
21 originates or terminates and in which the service address is also
22 located.

23 2. Except for the defined telecommunication services in
24 subsection 3 of this section, a sale of telecommunications
25 services sold on a basis other than a call-by-call basis, is
26 sourced to the customer's place of primary use.

27 3. The sale of the following telecommunication services
28 shall be sourced to each level of taxing jurisdiction as follows:

1 (1) A sale of mobile telecommunications services other than
2 air-to-ground radiotelephone service and prepaid calling service,
3 is sourced to the customer's place of primary use as required by
4 the Mobile Telecommunications Sourcing Act;

5 (2) A sale of post-paid calling service is sourced to the
6 origination point of the telecommunications signal as first
7 identified by either:

8 (a) The seller's telecommunications system; or

9 (b) Information received by the seller from its service
10 provider, where the system used to transport such signals is not
11 that of the seller;

12 (3) A sale of prepaid calling service or a sale of a
13 prepaid wireless calling service is sourced in accordance with
14 section 144.040, provided however, in the case of a sale of
15 prepaid wireless calling service, the rule provided in
16 subdivision (5) of subsection 2 of section 144.040 shall include
17 as an option the location associated with the mobile telephone
18 number;

19 (4) A sale of a private communication service is sourced as
20 follows:

21 (a) Service for a separate charge related to a customer
22 channel termination point is sourced to each level of
23 jurisdiction in which such customer channel termination point is
24 located;

25 (b) Service where all customer termination points are
26 located entirely within one jurisdiction or levels of
27 jurisdiction is sourced in such jurisdiction in which the
28 customer channel termination points are located;

1 (c) Service for segments of a channel between two customer
2 channel termination points located in different jurisdictions and
3 which segment of channel are separately charged is sourced fifty
4 percent in each level of jurisdiction in which the customer
5 channel termination points are located; and

6 (d) Service for segments of a channel located in more than
7 one jurisdiction or levels of jurisdiction and which segments are
8 not separately billed is sourced in each jurisdiction based on
9 the percentage determined by dividing the number of customer
10 channel termination points in such jurisdiction by the total
11 number of customer channel termination points.

12 4. The sale of internet access service is sourced to the
13 customer's place of primary use.

14 5. The sale of an ancillary service is sourced to the
15 customer's place of primary use.

16 144.049. 1. [For purposes of this section, the following
17 terms mean:

18 (1) "Clothing", any article of wearing apparel, including
19 footwear, intended to be worn on or about the human body. The
20 term shall include but not be limited to cloth and other material
21 used to make school uniforms or other school clothing. Items
22 normally sold in pairs shall not be separated to qualify for the
23 exemption. The term shall not include watches, watchbands,
24 jewelry, handbags, handkerchiefs, umbrellas, scarves, ties,
25 headbands, or belt buckles; and

26 (2) "Personal computers", a laptop, desktop, or tower
27 computer system which consists of a central processing unit,
28 random access memory, a storage drive, a display monitor, and a

1 keyboard and devices designed for use in conjunction with a
2 personal computer, such as a disk drive, memory module, compact
3 disk drive, daughterboard, digitalizer, microphone, modem,
4 motherboard, mouse, multimedia speaker, printer, scanner,
5 single-user hardware, single-user operating system, soundcard, or
6 video card;

7 (3) "School supplies", any item normally used by students
8 in a standard classroom for educational purposes, including but
9 not limited to textbooks, notebooks, paper, writing instruments,
10 crayons, art supplies, rulers, book bags, backpacks, handheld
11 calculators, chalk, maps, and globes. The term shall not include
12 watches, radios, CD players, headphones, sporting equipment,
13 portable or desktop telephones, copiers or other office
14 equipment, furniture, or fixtures. School supplies shall also
15 include computer software having a taxable value of three hundred
16 fifty dollars or less.

17 2.] In each year beginning on or after January 1, 2005,
18 there is hereby specifically exempted from state sales tax law
19 all retail sales of any article of clothing having a taxable
20 value of one hundred dollars or less[,]; all retail sales of
21 school supplies, school art supplies, and school instructional
22 materials not to exceed fifty dollars per purchase[,]; all
23 prewritten computer software with a taxable value of three
24 hundred fifty dollars or less[,]; and all retail sales of
25 [personal] computers [or computer peripheral devices] and school
26 computer-supplies not to exceed three thousand five hundred
27 dollars, during a three-day period beginning at 12:01 a.m. on the
28 first Friday in August and ending at midnight on the Sunday

1 following.

2 [3. If the governing body of any political subdivision
3 adopted an ordinance that applied to the 2004 sales tax holiday
4 to prohibit the provisions of this section from allowing the
5 sales tax holiday to apply to such political subdivision's local
6 sales tax, then, notwithstanding any provision of a local
7 ordinance to the contrary, the 2005 sales tax holiday shall not
8 apply to such political subdivision's local sales tax. However,
9 any such political subdivision may enact an ordinance to allow
10 the 2005 sales tax holiday to apply to its local sales taxes. A
11 political subdivision must notify the department of revenue not
12 less than forty-five calendar days prior to the beginning date of
13 the sales tax holiday occurring in that year of any ordinance or
14 order rescinding an ordinance or order to opt out.

15 4.] 2. This section shall not apply to any sales which take
16 place within the Missouri state fairgrounds.

17 [5.] 3. This section applies to sales of items bought for
18 personal use only.

19 [6. After the 2005 sales tax holiday, any political
20 subdivision may, by adopting an ordinance or order, choose to
21 prohibit future annual sales tax holidays from applying to its
22 local sales tax. After opting out, the political subdivision may
23 rescind the ordinance or order. The political subdivision must
24 notify the department of revenue not less than forty-five
25 calendar days prior to the beginning date of the sales tax
26 holiday occurring in that year of any ordinance or order
27 rescinding an ordinance or order to opt out.

28 7.] 4. This section may not apply to any retailer when less

1 than two percent of the retailer's merchandise offered for sale
2 qualifies for the sales tax holiday. The retailer shall offer a
3 sales tax refund in lieu of the sales tax holiday.

4 144.054. 1. As used in this section, the following terms
5 mean:

6 (1) "Processing", any mode of treatment, act, or series of
7 acts performed upon materials to transform or reduce them to a
8 different state or thing, including treatment necessary to
9 maintain or preserve such processing by the producer at the
10 production facility;

11 (2) "Recovered materials", those materials which have been
12 diverted or removed from the solid waste stream for sale, use,
13 reuse, or recycling, whether or not they require subsequent
14 separation and processing.

15 2. In addition to all other exemptions granted under this
16 chapter, there is hereby specifically exempted from the
17 provisions of [sections 144.010 to 144.525 and 144.600 to
18 144.761, and from the computation of the tax levied, assessed, or
19 payable under sections 144.010 to 144.525 and 144.600 to
20 144.761,] this chapter and from the computation of the tax
21 levied, assessed, or payable under this chapter electrical energy
22 and gas, whether natural, artificial, or propane, water, coal,
23 and energy sources, chemicals, machinery, equipment, and
24 materials used or consumed in the manufacturing, processing,
25 compounding, mining, or producing of any product, or used or
26 consumed in the processing of recovered materials, or used in
27 research and development related to manufacturing, processing,
28 compounding, mining, or producing any product. [The exemptions

1 granted in this subsection shall not apply to local sales taxes
2 as defined in section 32.085 and the provisions of this
3 subsection shall be in addition to any state and local sales tax
4 exemption provided in section 144.030.] This section shall not
5 apply to local sales or use taxes levied on electricity, piped
6 natural or artificial gas, or other fuels delivered by the
7 seller.

8 3. In addition to all other exemptions granted under this
9 chapter, there is hereby specifically exempted from the
10 provisions of [sections 144.010 to 144.525 and 144.600 to
11 144.761, and section 238.235, and the local sales tax law as
12 defined in section 32.085, and from the computation of the tax
13 levied, assessed, or payable under sections 144.010 to 144.525
14 and 144.600 to 144.761, and section 238.235, and the local sales
15 tax law as defined in section 32.085] this chapter and from the
16 computation of the tax levied, assessed, and payable under this
17 chapter, all utilities, machinery, and equipment used or consumed
18 directly in television or radio broadcasting and all sales and
19 purchases of tangible personal property, utilities, services, or
20 any other transaction that would otherwise be subject to the
21 state or local sales or use tax when such sales are made to or
22 purchases are made by a contractor for use in fulfillment of any
23 obligation under a defense contract with the United States
24 government, and all sales and leases of tangible personal
25 property by any county, city, incorporated town, or village,
26 provided such sale or lease is authorized under chapter 100, and
27 such transaction is certified for sales tax exemption by the
28 department of economic development, and tangible personal

1 property used for railroad infrastructure brought into this state
2 for processing, fabrication, or other modification for use
3 outside the state in the regular course of business.

4 4. In addition to all other exemptions granted under this
5 chapter, there is hereby specifically exempted from the
6 provisions of [sections 144.010 to 144.525 and 144.600 to
7 144.761, and section 238.235, and the local sales tax law as
8 defined in section 32.085, and from the computation of the tax
9 levied, assessed, or payable under sections 144.010 to 144.525
10 and 144.600 to 144.761, and section 238.235, and the local sales
11 tax law as defined in section 32.085] this chapter and from the
12 computation of the tax levied, assessed, and payable under this
13 chapter, all sales and purchases of tangible personal property,
14 utilities, services, or any other transaction that would
15 otherwise be subject to the state or local sales or use tax when
16 such sales are made to or purchases are made by a private partner
17 for use in completing a project under sections 227.600 to
18 227.669.

19 144.070. 1. At the time the owner of any new or used motor
20 vehicle, trailer, boat, or outboard motor which was acquired in a
21 transaction subject to sales tax under the Missouri sales tax law
22 makes application to the director of revenue for an official
23 certificate of title and the registration of the motor vehicle,
24 trailer, boat, or outboard motor as otherwise provided by law,
25 the owner shall present to the director of revenue evidence
26 satisfactory to the director of revenue showing the purchase
27 price exclusive of any charge incident to the extension of credit
28 paid by or charged to the applicant in the acquisition of the

1 motor vehicle, trailer, boat, or outboard motor, or that no sales
2 tax was incurred in its acquisition, and if sales tax was
3 incurred in its acquisition, the applicant shall pay or cause to
4 be paid to the director of revenue the sales tax provided by the
5 Missouri sales tax law in addition to the registration fees now
6 or hereafter required according to law, and the director of
7 revenue shall not issue a certificate of title for any new or
8 used motor vehicle, trailer, boat, or outboard motor subject to
9 sales tax as provided in the Missouri sales tax law until the tax
10 levied for the sale of the same under sections 144.010 to 144.510
11 has been paid as provided in this section or is registered under
12 the provisions of subsection ~~[5]~~ 4 of this section.

13 2. [As used in subsection 1 of this section, the term
14 "purchase price" shall mean the total amount of the contract
15 price agreed upon between the seller and the applicant in the
16 acquisition of the motor vehicle, trailer, boat, or outboard
17 motor, regardless of the medium of payment therefor.

18 3.] In the event that the purchase price is unknown or
19 undisclosed, or that the evidence thereof is not satisfactory to
20 the director of revenue, the same shall be fixed by appraisalment
21 by the director.

22 [4.] 3. The director of the department of revenue shall
23 endorse upon the official certificate of title issued by the
24 director upon such application an entry showing that such sales
25 tax has been paid or that the motor vehicle, trailer, boat, or
26 outboard motor represented by such certificate is exempt from
27 sales tax and state the ground for such exemption.

28 [5.] 4. Any person, company, or corporation engaged in the

1 business of renting or leasing motor vehicles, trailers, boats,
2 or outboard motors, which are to be used exclusively for rental
3 or lease purposes, and not for resale, may apply to the director
4 of revenue for authority to operate as a leasing company. Any
5 company approved by the director of revenue may pay the tax due
6 on any motor vehicle, trailer, boat, or outboard motor as
7 required in section 144.020 at the time of registration thereof
8 or in lieu thereof may pay a sales tax as provided in sections
9 144.010, 144.020, 144.070 and 144.440. A sales tax shall be
10 charged to and paid by a leasing company which does not exercise
11 the option of paying in accordance with section 144.020, on the
12 amount charged for each rental or lease agreement while the motor
13 vehicle, trailer, boat, or outboard motor is domiciled in this
14 state. Any motor vehicle, trailer, boat, or outboard motor which
15 is leased as the result of a contract executed in this state
16 shall be presumed to be domiciled in this state.

17 [6.] 5. Any corporation may have one or more of its
18 divisions separately apply to the director of revenue for
19 authorization to operate as a leasing company, provided that the
20 corporation:

21 (1) Has filed a written consent with the director
22 authorizing any of its divisions to apply for such authority;

23 (2) Is authorized to do business in Missouri;

24 (3) Has agreed to treat any sale of a motor vehicle,
25 trailer, boat, or outboard motor from one of its divisions to
26 another of its divisions as a sale at retail;

27 (4) Has registered under the fictitious name provisions of
28 sections 417.200 to 417.230 each of its divisions doing business

1 in Missouri as a leasing company; and

2 (5) Operates each of its divisions on a basis separate from
3 each of its other divisions. However, when the transfer of a
4 motor vehicle, trailer, boat or outboard motor occurs within a
5 corporation which holds a license to operate as a motor vehicle
6 or boat dealer pursuant to sections 301.550 to 301.573 the
7 provisions in subdivision (3) of this subsection shall not apply.

8 [7.] 6. If the owner of any motor vehicle, trailer, boat,
9 or outboard motor desires to charge and collect sales tax as
10 provided in this section, the owner shall make application to the
11 director of revenue for a permit to operate as a motor vehicle,
12 trailer, boat, or outboard motor leasing company. The director
13 of revenue shall promulgate rules and regulations determining the
14 qualifications of such a company, and the method of collection
15 and reporting of sales tax charged and collected. Such
16 regulations shall apply only to owners of motor vehicles,
17 trailers, boats, or outboard motors, electing to qualify as motor
18 vehicle, trailer, boat, or outboard motor leasing companies under
19 the provisions of subsection [5] 4 of this section, and no motor
20 vehicle renting or leasing, trailer renting or leasing, or boat
21 or outboard motor renting or leasing company can come under
22 sections 144.010, 144.020, 144.070 and 144.440 unless all motor
23 vehicles, trailers, boats, and outboard motors held for renting
24 and leasing are included.

25 [8.] 7. Beginning July 1, 2010, any motor vehicle dealer
26 licensed under section 301.560 engaged in the business of selling
27 motor vehicles or trailers may apply to the director of revenue
28 for authority to collect and remit the sales tax required under

1 this section on all motor vehicles sold by the motor vehicle
2 dealer. A motor vehicle dealer receiving authority to collect
3 and remit the tax is subject to all provisions under sections
4 144.010 to 144.525. Any motor vehicle dealer authorized to
5 collect and remit sales taxes on motor vehicles under this
6 subsection shall be entitled to deduct and retain an amount equal
7 to two percent of the motor vehicle sales tax pursuant to section
8 144.140. Any amount of the tax collected under this subsection
9 that is retained by a motor vehicle dealer pursuant to section
10 144.140 shall not constitute state revenue. In no event shall
11 revenues from the general revenue fund or any other state fund be
12 utilized to compensate motor vehicle dealers for their role in
13 collecting and remitting sales taxes on motor vehicles. In the
14 event this subsection or any portion thereof is held to violate
15 article IV, section 30(b) of the Missouri Constitution, no motor
16 vehicle dealer shall be authorized to collect and remit sales
17 taxes on motor vehicles under this section. No motor vehicle
18 dealer shall seek compensation from the state of Missouri or its
19 agencies if a court of competent jurisdiction declares that the
20 retention of two percent of the motor vehicle sales tax is
21 unconstitutional and orders the return of such revenues.

22 144.080. 1. Every person receiving any payment or
23 consideration upon the sale of property or rendering of service,
24 subject to the tax imposed by the provisions of sections 144.010
25 to 144.525, is exercising the taxable privilege of selling the
26 property or rendering the service at retail and is subject to the
27 tax levied in section 144.020. The person shall be responsible
28 not only for the collection of the amount of the tax imposed on

1 the sale or service to the extent possible under the provisions
2 of section 144.285, but shall, on or before the last day of the
3 month following each calendar quarterly period of three months,
4 file a return with the director of revenue showing the person's
5 gross receipts and the amount of tax levied in section 144.020
6 for the preceding quarter, and shall remit to the director of
7 revenue, with the return, the taxes levied in section 144.020,
8 except as provided in subsections 2 and 3 of this section. The
9 director of revenue may promulgate rules or regulations changing
10 the filing and payment requirements of sellers, but shall not
11 require any seller to file and pay more frequently than required
12 in this section.

13 2. [Where the aggregate amount levied and imposed upon a
14 seller by section 144.020 is in excess of two hundred and fifty
15 dollars for either the first or second month of a calendar
16 quarter, the seller shall file a return and pay such aggregate
17 amount for such months to the director of revenue by the
18 twentieth day of the succeeding month.

19 3.] Where the aggregate amount levied and imposed upon a
20 seller by section 144.020 is less than forty-five dollars in a
21 calendar quarter, the director of revenue shall by regulation
22 permit the seller to file a return for a calendar year. The
23 return shall be filed and the taxes paid on or before January
24 thirty-first of the succeeding year.

25 [4.] 3. The seller of any property or person rendering any
26 service, subject to the tax imposed by sections 144.010 to
27 144.525, shall collect the tax from the purchaser of such
28 property or the recipient of the service to the extent possible

1 under the provisions of section 144.285, but the seller's
2 inability to collect any part or all of the tax does not relieve
3 the seller of the obligation to pay to the state the tax imposed
4 by section 144.020; except that the collection of the tax imposed
5 by sections 144.010 to 144.525 on motor vehicles and trailers
6 shall be made as provided in sections 144.070 and 144.440.

7 [5.] 4. It shall be unlawful for any person to advertise or
8 hold out or state to the public or to any customer directly or
9 indirectly that the tax or any part thereof imposed by sections
10 144.010 to 144.525, and required to be collected by the person,
11 will be assumed or absorbed by the person, or that it will not be
12 separately stated and added to the selling price of the property
13 sold or service rendered, or if added, that it or any part
14 thereof will be refunded. Any person violating any of the
15 provisions of this section shall be guilty of a misdemeanor.

16 144.082. 1. The director shall participate in an online
17 registration system that will allow sellers to register in this
18 state and other member states.

19 2. By registering, the seller agrees to collect and remit
20 sales and use taxes for all taxable sales into this state as well
21 as the other member states, including member states joining after
22 the seller's registration. Withdrawal or revocation of this
23 state from the agreement shall not relieve a seller of its
24 responsibility to remit taxes previously or subsequently
25 collected on behalf of this state.

26 3. If the seller has a requirement to register prior to
27 registering under the agreement, such seller shall obtain a
28 retail sales license under section 144.083 and register under

1 section 144.650.

2 4. Registration with the central registration system and
3 the collection of sales and use taxes in this state shall not be
4 used as a factor in determining whether the seller has nexus with
5 this state for any tax at any time.

6 144.083. 1. The director of revenue shall require all
7 persons who are responsible for the collection of taxes under the
8 provisions of section 144.080 to procure a retail sales license
9 at no cost to the licensee which shall be prominently displayed
10 at the licensee's place of business, and the license is valid
11 until revoked by the director or surrendered by the person to
12 whom issued when sales are discontinued. The director shall
13 issue the retail sales license within ten working days following
14 the receipt of a properly completed application. Any person
15 applying for a retail sales license or reinstatement of a revoked
16 sales tax license who owes any tax under sections 144.010 to
17 144.510 or sections 143.191 to 143.261 must pay the amount due
18 plus interest and penalties before the department may issue the
19 applicant a license or reinstate the revoked license. All
20 persons beginning business subsequent to August 13, 1986, and who
21 are required to collect the sales tax shall secure a retail sales
22 license prior to making sales at retail. Such license may, after
23 ten days' notice, be revoked by the director of revenue only in
24 the event the licensee shall be in default for a period of sixty
25 days in the payment of any taxes levied under section 144.020 or
26 sections 143.191 to 143.261. Notwithstanding the provisions of
27 section 32.057 in the event of revocation, the director of
28 revenue may publish the status of the business account including

1 the date of revocation in a manner as determined by the director.

2 2. The possession of a retail sales license and a statement
3 from the department of revenue that the licensee owes no tax due
4 under sections 144.010 to 144.510 or sections 143.191 to 143.261
5 shall be a prerequisite to the issuance or renewal of any city or
6 county occupation license or any state license which is required
7 for conducting any business where goods are sold at retail. The
8 date of issuance on the statement that the licensee owes no tax
9 due shall be no more than ninety days before the date of
10 submission for application or renewal of the local license. The
11 revocation of a retailer's license by the director shall render
12 the occupational license or the state license null and void.

13 3. No person responsible for the collection of taxes under
14 section 144.080 shall make sales at retail unless such person is
15 the holder of a valid retail sales license. After all appeals
16 have been exhausted, the director of revenue may notify the
17 county or city law enforcement agency representing the area in
18 which the former licensee's business is located that the retail
19 sales license of such person has been revoked, and that any
20 county or city occupation license of such person is also revoked.
21 The county or city may enforce the provisions of this section,
22 and may prohibit further sales at retail by such person.

23 4. In addition to the provisions of subsection 2 of this
24 section, beginning January 1, 2009, the possession of a statement
25 from the department of revenue stating no tax is due under
26 sections 143.191 to 143.265 or sections 144.010 to 144.510 shall
27 also be a prerequisite to the issuance or renewal of any city or
28 county occupation license or any state license required for

1 conducting any business where goods are sold at retail. The
2 statement of no tax due shall be dated no longer than ninety days
3 before the date of submission for application or renewal of the
4 city or county license.

5 [5. Notwithstanding any law or rule to the contrary, sales
6 tax shall only apply to the sale price paid by the final
7 purchaser and not to any off-invoice discounts or other pricing
8 discounts or mechanisms negotiated between manufacturers,
9 wholesalers, and retailers.]

10 144.084. 1. The director shall promulgate rules and
11 regulations for remittance of returns. Such rules shall:

12 (1) Allow for electronic payments by all remitters by both
13 ACH credit and ACH debit;

14 (2) Provide an alternative method for making "same day"
15 payments if an electronic funds transfer fails;

16 (3) Provide that if a due date falls on a legal banking
17 holiday in the state, the taxes shall be due on the next
18 succeeding business day; and

19 (4) Require that any data that accompanies a remittance be
20 formatted using uniform tax type and payment type codes approved
21 by the streamlined sales and use tax governing board.

22 2. All model 1, model 2, and model 3 sellers shall file
23 returns electronically. Any model 1, model 2, or model 3 seller
24 shall submit its sales and use tax returns in a simplified format
25 approved by the director at such times as may be prescribed by
26 the director.

27 144.100. 1. Every person making any taxable sales of
28 property or service, except transactions provided for in sections

1 144.070 and 144.440, individually or by duly authorized officer
2 or agent, shall make and file a written return with the director
3 of revenue in such manner as he may prescribe.

4 2. The returns shall be on blanks designed and furnished by
5 the director of the department of revenue and shall be filed at
6 the times provided in sections 144.080 and 144.090. The returns
7 shall [show the amount of gross receipts from sales of taxable
8 property and services by the person and the amount of tax due
9 thereon by that person during and for the period covered by the
10 return] state:

11 (1) The name and address of the retailer;

12 (2) The total amount of gross sales of all tangible
13 personal property and taxable services rendered by the retailer
14 during the period for which the return is made;

15 (3) The total amount received during the period for which
16 the return is made on charge and time sales of tangible personal
17 property made and taxable services rendered prior to the period
18 for which the return is made;

19 (4) Deductions allowed by law from such total amount of
20 gross sales and from total amount received during the period for
21 which the return is made on such charge and time sales;

22 (5) Receipts during the period for which the return is made
23 from the total amount of sales of tangible personal property and
24 taxable services rendered during such period in the course of
25 such business, after deductions allowed by law have been made;

26 (6) Receipts during the period for which the return is made
27 from charge and time sales of tangible personal property made and
28 taxable services rendered prior to such period in the course of

1 such business, after deductions allowed by law have been made;

2 (7) Gross receipts during the period for which the return
3 is made from sales of tangible personal property and taxable
4 services rendered in the course of such business upon the basis
5 of which the tax is imposed; and

6 (8) Such other pertinent information as the director may
7 require.

8 3. In making such return, the retailer shall determine the
9 market value of any consideration, other than money, received in
10 connection with the sale of any tangible personal property in the
11 course of the business and shall include such value in the
12 return. Such value shall be subject to review and revision by
13 the director as hereinafter provided. Refunds made by a retailer
14 during the period for which the return is made on account of
15 tangible personal property returned to the retailer shall be
16 allowed as a deduction under subdivision (4) of subsection 2 of
17 this section in case the retailer has included the receipts from
18 such sale in a return made by such retailer and paid taxes on
19 such sale. The retailer shall, at the time of making such
20 return, pay to the director the amount of tax owed, except as
21 otherwise provided in this section. The director may extend the
22 time for making returns and paying the tax required by this
23 section for any period not to exceed sixty days under such rules
24 and regulations as the director of revenue may prescribe.

25 4. The director shall only require a single tax return for
26 each taxing period and such return shall include only the taxing
27 jurisdictions in which the seller makes sales within the state.

28 With each return, the person shall remit to the director of

1 revenue the full amount of the tax due.

2 [3.] 5. In case of charge and time sales the gross receipts
3 thereof shall be included as sales in the returns as and when
4 payments are received by the person, without any deduction
5 therefrom whatsoever.

6 [4.] 6. If an error or omission is discovered in a return
7 or a change be necessary to show the true facts, the error may be
8 corrected, the omission supplied, or the change made in the
9 return next filed with the director for the filing period
10 immediately following the filing period in which the error was
11 made or the omission occurred, as prescribed by law, except that
12 no refund under this chapter shall be allowed for any amount of
13 tax paid by a seller which is based upon charges incident to
14 credit card discounts. Any other omission or error must be
15 corrected by filing an amended return for the erroneously
16 reported period if the amount of tax is less than that originally
17 reported, or an additional return if the amount of tax is greater
18 than that originally reported. An additional return shall be
19 deemed filed on the date the envelope in which it is mailed is
20 postmarked or the date it is received by the director, whichever
21 is earlier. Any payment of tax, interest, penalty or additions
22 to tax shall be deemed filed on the date the envelope containing
23 the payment is postmarked or the date the payment is received by
24 the director, whichever is earlier. If a refund or credit
25 results from the filing of an amended return, no refund or credit
26 shall be allowed unless an application for refund or credit is
27 properly completed and submitted to the director pursuant to
28 section 144.190.

1 [5.] 7. The amount of gross receipts from sales and the
2 amount of tax due returned by the person, as well as all matters
3 contained in the return, is subject to review and revision in the
4 manner herein provided for the correction of the returns.

5 144.105. 1. A seller shall be allowed a deduction from
6 taxable sales for bad debts attributable to taxable sales of such
7 seller that have become uncollectable. Any deduction taken that
8 is attributed to bad debts shall not include interest.

9 2. The amount of the bad debt deduction shall be calculated
10 pursuant to 26 U.S.C. Section 166(b), as amended, except that
11 such amount shall be adjusted to exclude financing charges or
12 interest, sales, or use taxes charged on the purchase price,
13 uncollectable amounts on property that remain in the possession
14 of the seller until the full purchase price is paid, and expenses
15 incurred in attempting to collect any debt or repossessed
16 property.

17 3. Bad debts may be deducted on the return for the period
18 during which the bad debt is written off as uncollectable in the
19 seller's books and records and is eligible to be deducted for
20 federal income tax purposes. For purposes of this subsection, a
21 seller who is not required to file federal income tax returns may
22 deduct a bad debt on a return filed for the period in which the
23 bad debt is written off as uncollectable in the seller's books
24 and records and would be eligible for a bad debt deduction for
25 federal income tax purposes if the seller was required to file a
26 federal income tax return.

27 4. If a deduction is taken for a bad debt and the debt is
28 subsequently collected in whole or in part, the tax on the amount

1 so collected shall be paid and reported on the return filed for
2 the period in which the collection is made.

3 5. When the amount of bad debt exceeds the amount of
4 taxable sales for the period during which the bad debt is written
5 off, a refund claim may be filed by the seller within the
6 applicable statute of limitations for refund claim; however, the
7 statute of limitations shall be measured from the due date of the
8 return on which the bad debt could first be claimed.

9 6. Where filing responsibilities have been assumed by a
10 certified service provider, such service provider may claim, on
11 behalf of the seller, any bad debt allowance provided by this
12 section. The certified service provider shall credit or refund
13 the full amount of any bad debt allowance or refund received to
14 the seller.

15 7. For the purposes of reporting a payment received on a
16 previously claimed bad debt, any payments made on a debt or
17 account shall first be applied proportionally to the taxable
18 price of the property or service and the sales tax thereon, and
19 secondly to interest, service charges, and any other charges.

20 8. In situations where the books and records of the seller,
21 or certified service provider on behalf of the seller, claiming
22 the bad debt allowance support an allocation of the bad debts
23 among the member states, such an allocation shall be permitted.

24 144.110. 1. The state shall review software submitted to
25 the streamlined sales and use tax governing board for
26 certification as a certified automated system (CAS) under Section
27 501 of the streamlined sales and use tax agreement. Such review
28 shall include a review to determine that the program adequately

1 classifies the state's product-based exemptions. Upon completion
2 of the review, the state shall certify to the governing board its
3 acceptance of the classifications made by the system. The state
4 shall relieve a certified service provider (CSP) or model 2
5 seller from liability to this state and its local jurisdictions
6 for failure to collect sales or use taxes resulting from the CSP
7 or model 2 seller's reliance on the certification provided by the
8 state.

9 2. The streamlined sales and use tax governing board and
10 this state shall not be responsible for classification of an item
11 or transaction with the product-based exemptions. The relief
12 from liability provided in this section shall not be available
13 for a CSP or model 2 seller that has incorrectly classified an
14 item or transaction into a product-based exemption certified by
15 this state. This subsection shall apply to the individual
16 listing of items or transactions within a product definition
17 approved by the governing board or the state.

18 3. If the state determines that an item or transaction is
19 incorrectly classified as to its taxability, it shall notify the
20 CSP or model 2 seller of the incorrect classification. The CSP
21 or model 2 seller shall have ten days to revise the
22 classification after receipt of notice from the state of the
23 determination. Upon expiration of the ten days, such CSP or
24 model 2 seller shall be liable for failure to collect the correct
25 amount of sales or use taxes due and owing to the state.

26 144.123. 1. The director shall provide and maintain a
27 database that describes boundary changes for all taxing
28 jurisdictions and the effective dates of such changes for sales

1 and use tax purposes.

2 2. The director shall provide and maintain a database of
3 all sales and use tax rates for all taxing jurisdictions. For
4 the identification of counties and cities, codes corresponding to
5 the rates shall be provided according to Federal Information
6 Processing Standards (FIPS) as developed by the National
7 Institute of Standards and Technology. For the identification of
8 all other jurisdictions, codes corresponding to the rates shall
9 be in a format determined by the director.

10 3. The director shall provide and maintain a database that
11 assigns each five- and nine-digit zip code to the proper rates
12 and taxing jurisdictions. The lowest combined tax rate imposed
13 in the zip code area shall apply if the area includes more than
14 one tax rate in any level of taxing jurisdiction. If a nine-
15 digit zip code designation is not available for a street address,
16 or if a seller or a certified service provider (CSP) is unable to
17 determine the nine-digit zip code designation applicable to a
18 purchase after exercising due diligence to determine the
19 designation, the seller or CSP may apply the rate for the five-
20 digit zip code area. For purposes of this section, there shall
21 be a rebuttable presumption that a seller or CSP has exercised
22 due diligence if the seller has attempted to determine the nine-
23 digit zip code designation by utilizing software approved by the
24 secretary that makes this designation from the street address and
25 the five-digit zip code applicable to a purchase.

26 4. The director may provide address-based boundary database
27 records for assigning taxing jurisdictions and associated rates
28 which shall be in addition to the requirements of subsection 3 of

1 this section. The database records shall be in the same approved
2 format as the database records required under subsection 3 of
3 this section and shall meet the requirements developed pursuant
4 to the federal Mobile Telecommunications Sourcing Act, 4 U.S.C.
5 Section 119(a), as amended. If the director develops address-
6 based assignment database records pursuant to the agreement,
7 sellers that register under the agreement shall be required to
8 use such database. A seller or CSP shall use such database
9 records in place of the five- and nine-digit zip code database
10 records provided for in subsection 3 of this section. If a
11 seller or CSP is unable to determine the applicable rate and
12 jurisdiction using an address-based database record after
13 exercising due diligence, the seller or CSP may apply the nine-
14 digit zip code designation applicable to a purchase. If a nine-
15 digit zip code designation is not available for a street address
16 or if a seller or CSP is unable to determine the nine-digit zip
17 code designation applicable to a purchase after exercising due
18 diligence to determine the designation, the seller or CSP may
19 apply the rate for the five-digit zip code area. For the
20 purposes of this section, there shall be a rebuttable presumption
21 that a seller or CSP has exercised due diligence if the seller or
22 CSP has attempted to determine the tax rate and jurisdiction by
23 utilizing software approved by the director and makes the
24 assignment from the address and zip code information applicable
25 to the purchase. If the director has met the requirements of
26 subsection 3 of this section, the director may also elect to
27 certify vendor provided address-based databases for assigning tax
28 rates and jurisdictions. The databases shall be in the same

1 approved format as the database records under this section and
2 meet the requirements developed pursuant to the federal Mobile
3 Telecommunications Sourcing Act, 4 U.S.C. Section 119(a), as
4 amended. If the director certifies a vendor address-based
5 database, a seller or CSP may use such database in place of the
6 database provided for in this subsection.

7 5. The electronic databases provided for in subsections 1,
8 2, 3, and 4 of this section shall be in a downloadable format as
9 determined by the director. The databases may be directly
10 provided by the director or provided by a vendor as designated by
11 the director. A database provided by a vendor as designated by
12 the director shall be applicable and subject to the provisions of
13 section 144.1031 and this section. The databases shall be
14 provided at no cost to the user of the database. The provisions
15 of subsections 3 and 4 of this section shall not apply when the
16 purchased product is received by the purchaser at the business
17 location of the seller.

18 6. No seller or CSP shall be liable for reliance upon
19 erroneous data provided by the director on tax rates, boundaries,
20 or taxing jurisdiction assignments.

21 144.124. 1. The director shall complete a taxability
22 matrix. The state's entries in the matrix shall be provided and
23 maintained by the director in a database that is in a
24 downloadable format.

25 2. The director shall provide reasonable notice of changes
26 in the taxability of the products or services listed in the
27 taxability matrix.

28 3. A seller or certified service provider (CSP) shall be

1 relieved from liability to this state or any local taxing
2 jurisdiction for having charged and collected the incorrect
3 amount of state or local sales or use tax resulting from such
4 seller's or CSP's reliance upon erroneous data provided by the
5 director in the taxability matrix.

6 144.125. 1. (1) Amnesty shall be granted for uncollected
7 or unpaid sales or use tax to a seller who registers to pay or to
8 collect and remit applicable sales or use tax on sales made to
9 purchasers in this state in accordance with the terms of the
10 agreement, provided that the seller was not so registered in this
11 state in the twelve-month period preceding the effective date of
12 this state's participation in the agreement.

13 (2) Amnesty shall preclude assessment for uncollected or
14 unpaid sales or use tax together with penalty or interest for
15 sales made during the period the seller was not registered in
16 this state, provided registration occurs within twelve months of
17 the effective date of this state's participation in the
18 agreement.

19 (3) Amnesty shall be provided if this state joins the
20 agreement after the seller has registered.

21 2. Amnesty shall not be available to a seller with respect
22 to any matter or matters for which the seller received notice of
23 the commencement of an audit and which audit is not yet finally
24 resolved including any related administrative and judicial
25 processes. The amnesty shall not be available for sales or use
26 taxes already paid or remitted to this state or to taxes
27 collected by the seller.

28 3. Amnesty provided under this section shall be fully

1 effective, absent the seller's fraud or intentional
2 misrepresentation of a material fact, as long as the seller
3 continues registration and payment or collection and remittance
4 of applicable sales or use taxes for a period of at least thirty-
5 six months. The statute of limitations applicable to asserting a
6 tax liability during this thirty-six month period shall be
7 tolled.

8 4. Amnesty provided under this section shall be applicable
9 only to sales or use taxes due from a seller in its capacity as a
10 seller and not to sales or use taxes due from a seller in its
11 capacity as a purchaser.

12 5. The provisions of this section shall become effective as
13 of the date that the state joins and becomes a member state of
14 the agreement.

15 144.140. 1. From every remittance to the director of
16 revenue made on or before the date when the same becomes due, the
17 person required to remit the same shall be entitled to deduct and
18 retain an amount equal to two percent thereof.

19 2. If the director of the department of revenue enters into
20 the streamlined sales and use tax agreement under section 32.070,
21 the director shall provide a monetary allowance from the taxes
22 collected to each of the following:

23 (1) A certified service provider, in accordance with the
24 agreement and under the terms of the contract signed with the
25 provider, provided that such allowance shall not exceed two
26 percent of the amount collected;

27 (2) Any vendor registered under the agreement that selects
28 a certified automated system to perform part of its sales or use

1 tax functions;

2 (3) Any vendor registered under the agreement that uses a
3 proprietary system to calculate taxes due and has entered into a
4 performance agreement with states that are members to the
5 streamlined sales and use tax agreement.

6 3. The monetary allowance provided for vendors in
7 subdivision (2) or (3) of subsection 2 of this section shall be
8 in an amount equal to two percent of the taxes collected.

9 4. Any vendor receiving an allowance under subsection 2 of
10 this section shall not be entitled simultaneously to deduct the
11 allowance provided for in subsection 1 of this section.

12 144.210. 1. The burden of proving that a sale of tangible
13 personal property, services, substances or things was not a sale
14 at retail shall be upon the person who made the sale, except that
15 with respect to sales, services, or transactions provided for in
16 section 144.070. [The seller shall obtain and maintain exemption
17 certificates signed by the purchaser or his agent as evidence for
18 any exempt sales claimed; provided, however, that before any
19 administrative tribunal of this state, a seller may prove that
20 sale is exempt from tax under this chapter in accordance with
21 proof admissible under the applicable rules of evidence; except
22 that when a purchaser has purchased tangible personal property or
23 services sales tax free under a claim of exemption which is found
24 to be improper, the director of revenue may collect the proper
25 amount of tax, interest, additions to tax and penalty from the
26 purchaser directly. Any tax, interest, additions to tax or
27 penalty collected by the director from the purchaser shall be
28 credited against the amount otherwise due from the seller on the

1 purchases or sales where the exemption was claimed.]

2 2. If the director of revenue is not satisfied with the
3 return and payment of the tax made by any person, he is hereby
4 authorized and empowered to make an additional assessment of tax
5 due from such person, based upon the facts contained in the
6 return or upon any information within his possession or that
7 shall come into his possession.

8 3. The director of revenue shall give to the person written
9 notice of such additional or revised assessment by certified or
10 registered mail to the person at his or its last known address.

11 144.212. 1. In addition to all other provisions of law
12 provided for exemptions, when an exemption is claimed by a
13 purchaser:

14 (1) The seller shall obtain identifying information of the
15 purchaser and the reason for claiming a tax exemption at the time
16 of the purchase;

17 (2) A purchaser shall not be required to provide a
18 signature to claim an exemption from tax unless a paper exemption
19 certificate is used;

20 (3) The seller shall use the standard form for claiming an
21 exemption electronically prescribed by the director of the
22 department of revenue and acceptable to the streamlined sales and
23 use tax governing board;

24 (4) The seller shall obtain the same information for proof
25 of a claimed exemption regardless of the medium in which the
26 transaction occurred;

27 (5) The seller shall maintain proper records of exempt
28 transactions and provide such records to the director of the

1 department of revenue or the director's designee upon request;

2 (6) In the case of drop shipment sales, a third-party
3 vendor, such as a drop shipper, may claim a resale exemption
4 based on an exemption certificate provided by its customer or any
5 other acceptable information available to the third-party vendor
6 evidencing qualification for a resale exemption, regardless of
7 whether the customer is registered to collect and remit sales and
8 use tax in the state where the sale is sourced.

9 2. (1) Sellers that comply with the requirements of this
10 section shall be relieved from collecting and remitting tax
11 otherwise applicable if it is determined that the purchaser
12 improperly claimed an exemption and such purchaser shall be
13 liable for the nonpayment of tax. Relief from liability provided
14 under this section shall not apply to a seller who fraudulently
15 fails to collect tax; to a seller who solicits purchasers to
16 participate in the unlawful claim of an exemption; to a seller
17 who accepts an exemption certificate when the purchaser claims an
18 entity-based exemption when the subject of the transaction sought
19 to be covered by the exemption certificate is actually received
20 by the purchaser at a location operated by the seller and the
21 state in which that location resides provides an exemption
22 certificate that clearly and affirmatively indicates that the
23 claimed exemption is not available in such state; or to a seller
24 who accepts an exemption certificate claiming multiple points of
25 use for tangible personal property other than computer software
26 for which an exemption claiming multiple points of use not
27 available in such state.

28 (2) A seller shall be relieved from collecting and

1 remitting tax otherwise applicable if the seller obtains a fully
2 completed exemption certificate or captures the relevant data
3 elements required under the agreement within ninety days
4 subsequent to the date of sale.

5 (3) If a seller fails to obtain an exemption certificate or
6 all relevant data elements as provided in this section, the
7 seller may, within one hundred twenty days subsequent to a
8 request for substantiation by the director of the department of
9 revenue or the director's designee, either prove that the
10 transaction was not subject to tax by other means or obtain a
11 fully completed exemption certificate from the purchaser, taken
12 in good faith.

13 3. Nothing in this section shall affect the ability of the
14 director of the department of revenue or the director's designee
15 to require purchasers to update exemption certificate information
16 or to reapply with the state to claim certain exemptions.

17 4. Notwithstanding the provisions of subsection 2 of this
18 section to the contrary, the director shall relieve a seller of
19 the tax otherwise applicable if the seller obtains a blanket
20 exemption certificate for a purchaser with which the seller has a
21 recurring business relationship. The director shall not request
22 from the seller renewal of blanket certificates or updates of
23 exemption certificate information or data elements when there is
24 a recurring business relationship between the buyer and seller.
25 For purposes of this section, a recurring business relationship
26 exists when a period of no more than twelve months elapses
27 between sales transactions.

28 144.285. 1. [In order to permit sellers required to

1 collect and report the sales tax to collect the amount required
2 to be reported and remitted, but not to change the requirements
3 of reporting or remitting tax or to serve as a levy of the tax,
4 and in order to avoid fractions of pennies, the director of
5 revenue shall establish brackets, showing the amounts of tax to
6 be collected on sales of specified amounts, which shall be
7 applicable to all taxable transactions] When the seller is
8 computing the amount of tax owed by the purchaser and remitted to
9 the state:

10 (1) Tax computation shall be carried to the third decimal
11 place; and

12 (2) The tax shall be rounded to a whole cent using a method
13 that rounds up to the next cent whenever the third decimal place
14 is greater than four.

15 2. [In all instances where statements covering taxable
16 purchases are rendered to the taxpayer on a monthly or other
17 periodic basis, the amount of tax shall be determined by applying
18 the applicable tax rate to the taxable purchases represented on
19 the statement, rounded to the nearest whole cent, or by
20 application of the brackets established by the director of
21 revenue, at the option of the retail vendor] Sellers may elect to
22 compute the tax due on a transaction on an item or an invoice
23 basis. The provision of this subsection may be applied to the
24 aggregated state and local taxes.

25 3. No vendor or seller shall knowingly charge or receive
26 from a purchaser as a sales tax any sum in excess of the sums
27 provided for in this section.

28 4. [A vendor may, at his option, determine the amount

1 charged to and received from each purchaser by use of a formula
2 which applies the applicable tax rate to each taxable purchase,
3 rounded to the nearest whole cent. The formula shall be
4 uniformly and consistently applied to all purchases similarly
5 situated.

6 5.] Amounts which a vendor charges to and receives from the
7 purchaser in accordance with this section shall not be includable
8 in his gross receipts if the amounts are separately charged or
9 stated.

10 [6.] 5. If sales tax for one or more local political
11 subdivisions is owed by a taxpayer pursuant to chapter 66, 67,
12 92, or 94 and that taxpayer remits less than all sales tax due
13 for a filing period specified in section 144.080, the director of
14 revenue shall deposit the tax remitted proportionately to each
15 taxing jurisdiction in accordance with the percentage that each
16 such jurisdiction's share of the tax due for the filing period
17 bears to the total tax due from such taxpayer for such period.
18 The unpaid balance due along with penalties and interest shall be
19 similarly prorated among the state and all local jurisdictions
20 for which tax was due during the filing period for which an
21 underpayment occurs. The provisions of this subsection shall
22 apply to all returns or remittances relating to sales made on or
23 after January 1, 1984.

24 144.440. 1. In addition to all other taxes now or
25 hereafter levied and imposed upon every person for the privilege
26 of using the highways or waterways of this state, there is hereby
27 levied and imposed a tax equivalent to four percent of the
28 purchase price, as defined in section 144.070, which is paid or

1 charged on new and used motor vehicles, trailers, boats, and
2 outboard motors purchased or acquired for use on the highways or
3 waters of this state which are required to be registered under
4 the laws of the state of Missouri.

5 2. At the time the owner of any such motor vehicle,
6 trailer, boat, or outboard motor makes application to the
7 director of revenue for an official certificate of title and the
8 registration of the same as otherwise provided by law, he shall
9 present to the director of revenue evidence satisfactory to the
10 director showing the purchase price paid by or charged to the
11 applicant in the acquisition of the motor vehicle, trailer, boat,
12 or outboard motor, or that the motor vehicle, trailer, boat, or
13 outboard motor is not subject to the tax herein provided and, if
14 the motor vehicle, trailer, boat, or outboard motor is subject to
15 the tax herein provided, the applicant shall pay or cause to be
16 paid to the director of revenue the tax provided herein.

17 3. In the event that the purchase price is unknown or
18 undisclosed, or that the evidence thereof is not satisfactory to
19 the director of revenue, the same shall be fixed by appraisement
20 by the director.

21 4. No certificate of title shall be issued for such motor
22 vehicle, trailer, boat, or outboard motor unless the tax for the
23 privilege of using the highways or waters of this state has been
24 paid or the vehicle, trailer, boat, or outboard motor is
25 registered under the provisions of subsection 5 of this section.

26 5. The owner of any motor vehicle, trailer, boat, or
27 outboard motor which is to be used exclusively for rental or
28 lease purposes may pay the tax due thereon required in section

1 144.020 at the time of registration or in lieu thereof may pay a
2 use tax as provided in sections 144.010, 144.020, 144.070 and
3 144.440. A use tax shall be charged and paid on the amount
4 charged for each rental or lease agreement while the motor
5 vehicle, trailer, boat, or outboard motor is domiciled in the
6 state. If the owner elects to pay upon each rental or lease, he
7 shall make an affidavit to that effect in such form as the
8 director of revenue shall require and shall remit the tax due at
9 such times as the director of revenue shall require.

10 6. In the event that any leasing company which rents or
11 leases motor vehicles, trailers, boats, or outboard motors elects
12 to collect a use tax, all of its lease receipt would be subject
13 to the use tax, regardless of whether or not the leasing company
14 previously paid a sales tax when the vehicle, trailer, boat, or
15 outboard motor was originally purchased.

16 7. The provisions of this section, and the tax imposed by
17 this section, shall not apply to manufactured homes.

18 8. The provisions of subsections 1 of this section
19 notwithstanding, the rate of tax imposed under this section shall
20 be as follows:

21 (1) For the 2014 calendar year, four and one-tenth percent;

22 (2) For the 2015 calendar year, four and one-fifth percent;

23 (3) For the 2016 calendar year, four and three-tenth
24 percent;

25 (4) For the 2017 calendar year, four and two-fifth percent;
26 and

27 (5) For all calendar years beginning on or after January 1,
28 2018, four and one-half percent.

1 144.522. Any ruling, agreement, or contract, whether
2 written or oral, express or implied, between a person and this
3 state's executive branch, or any other state agency or
4 department, stating, agreeing, or ruling that such person is not
5 required to collect sales and use tax in this state despite the
6 presence of a warehouse, distribution center, or fulfillment
7 center in this state that is owned or operated by the person or
8 an affiliated person shall be null and void unless it is
9 specifically approved by a majority vote of each of the houses of
10 the general assembly. For purposes of this subsection, an
11 "affiliated person" means any person that is a member of the same
12 "controlled group of corporations" as defined in Section 1563(a)
13 of the Internal Revenue Code as the vendor or any other entity
14 that, notwithstanding its form of organization, bears the same
15 ownership relationship to the vendor as a corporation that is a
16 member of the same "controlled group of corporations" as defined
17 in Section 1563(a) of the Internal Revenue Code.

18 144.526. 1. This section shall be known and may be cited
19 as the "Show Me Green Sales Tax Holiday".

20 2. [For purposes of this section, the following terms mean:

21 (1) "Appliance", clothes washers and dryers, water heaters,
22 trash compactors, dishwashers, conventional ovens, ranges,
23 stoves, air conditioners, furnaces, refrigerators and freezers;
24 and

25 (2) "Energy star certified", any appliance approved by both
26 the United States Environmental Protection Agency and the United
27 States Department of Energy as eligible to display the energy
28 star label, as amended from time to time.

1 3.] In each year beginning on or after January 1, 2009,
2 there is hereby specifically exempted from state sales tax law
3 all retail sales of any [energy star certified] new appliance
4 that is an energy star qualified product, up to one thousand five
5 hundred dollars per appliance, during a seven-day period
6 beginning at 12:01 a.m. on April nineteenth and ending at
7 midnight on April twenty-fifth.

8 [4. A political subdivision may allow the sales tax holiday
9 under this section to apply to its local sales taxes by enacting
10 an ordinance to that effect. Any such political subdivision
11 shall notify the department of revenue not less than forty-five
12 calendar days prior to the beginning date of the sales tax
13 holiday occurring in that year of any such ordinance or order.

14 5. This section may not apply to any retailer when less
15 than two percent of the retailer's merchandise offered for sale
16 qualifies for the sales tax holiday. The retailer shall offer a
17 sales tax refund in lieu of the sales tax holiday.]

18 144.605. 1. The following words and phrases as used in
19 sections 144.600 to 144.745 mean and include:

20 (1) "Calendar quarter", the period of three consecutive
21 calendar months ending on March thirty-first, June thirtieth,
22 September thirtieth or December thirty-first;

23 (2) "Engages in business activities within this state"
24 includes:

25 (a) [Purposefully or systematically exploiting the market
26 provided by this state by any media-assisted, media-facilitated,
27 or media-solicited means, including, but not limited to, direct
28 mail advertising, distribution of catalogs, computer-assisted

1 shopping, telephone, television, radio, or other electronic
2 media, or magazine or newspaper advertisements, or other media;
3 or

4 (b) Being owned or controlled by the same interests which
5 own or control any seller engaged in the same or similar line of
6 business in this state; or

7 (c) Maintaining or having a franchisee or licensee
8 operating under the seller's trade name in this state if the
9 franchisee or licensee is required to collect sales tax pursuant
10 to sections 144.010 to 144.525; [or]

11 [(d)] (b) Soliciting sales or taking orders by sales agents
12 or traveling representatives;

13 (c) A vendor is presumed to "engage in business activities
14 within this state" if any person, other than a common carrier
15 acting in its capacity as such, that has substantial nexus with
16 this state:

17 a. Sells a similar line of products as the vendor and does
18 so under the same or a similar business name;

19 b. Maintains an office, distribution facility, warehouse,
20 or storage place, or similar place of business in the state to
21 facilitate the delivery of property or services sold by the
22 vendor to the vendor's customers;

23 c. Delivers, installs, assembles, or performs maintenance
24 services for the vendor's customers within the state;

25 d. Facilitates the vendor's delivery of property to
26 customers in the state by allowing the vendor's customers to pick
27 up property sold by the vendor at an office, distribution
28 facility, warehouse, storage place, or similar place of business

1 maintained by the person in the state; or

2 e. Conducts any other activities in the state that are
3 significantly associated with the vendor's ability to establish
4 and maintain a market in the state for the sales;

5 (d) The presumption in paragraph (c) may be rebutted by
6 demonstrating that the person's activities in the state are not
7 significantly associated with the vendor's ability to establish
8 or maintain a market in this state for the vendor's sales;

9 (e) Notwithstanding paragraph (c), a vendor shall be
10 presumed to engage in business activities within this state if
11 the vendor enters into an agreement with one or more residents of
12 this state under which the resident, for a commission or other
13 consideration, directly or indirectly refers potential customers,
14 whether by a link on an internet website, an in-person oral
15 presentation, telemarketing, or otherwise, to the vendor, if the
16 cumulative gross receipts from sales by the vendor to customers
17 in the stat who are referred to the vendor by all residents with
18 this type of an agreement with the vendor is in excess of ten
19 thousand dollars during the preceding twelve months;

20 (f) The presumption in paragraph (e) may be rebutted by
21 submitting proof that the residents with whom the vendor has an
22 agreement did not engage in any activity within the state that
23 was significantly associated with the vendor's ability to
24 establish or maintain the vendor's market in the state during the
25 preceding twelve months. Such proof may consist of sworn written
26 statements from all of the residents with whom the vendor has an
27 agreement stating that they did not engage in any solicitation in
28 the state on behalf of the vendor during the preceding year

1 provided that such statements were provided and obtained in good
2 faith;

3 (3) "Maintains a place of business in this state" includes
4 maintaining, occupying, or using, permanently or temporarily,
5 directly or indirectly, [or through a subsidiary, or agent,] by
6 whatever name called, an office, place of distribution, sales or
7 sample room or place, warehouse or storage place, or other place
8 of business in this state, whether owned or operated by the
9 vendor or by any other person other than a common carrier acting
10 in its capacity as such;

11 (4) "Person", any individual, firm, copartnership, joint
12 venture, association, corporation, municipal or private, and
13 whether organized for profit or not, state, county, political
14 subdivision, state department, commission, board, bureau or
15 agency, except the state transportation department, estate,
16 trust, business trust, receiver or trustee appointed by the state
17 or federal court, syndicate, or any other group or combination
18 acting as a unit, and the plural as well as the singular number;

19 (5) "Purchase", the acquisition of the ownership of, or
20 title to, tangible personal property, through a sale, as defined
21 herein, for the purpose of storage, use or consumption in this
22 state;

23 (6) "Purchaser", any person who is the recipient for a
24 valuable consideration of any sale of tangible personal property
25 acquired for use, storage or consumption in this state;

26 (7) "Sale", any transfer, barter or exchange of the title
27 or ownership of tangible personal property, or the right to use,
28 store or consume the same, for a consideration paid or to be

1 paid, and any transaction whether called leases, rentals,
2 bailments, loans, conditional sales or otherwise, and
3 notwithstanding that the title or possession of the property or
4 both is retained for security. For the purpose of this law the
5 place of delivery of the property to the purchaser, user, storer
6 or consumer is deemed to be the place of sale, whether the
7 delivery be by the vendor or by common carriers, private
8 contractors, mails, express, agents, salesmen, solicitors,
9 hawkers, representatives, consignors, peddlers, canvassers or
10 otherwise;

11 (8) "Sales price", the consideration including the charges
12 for services, except charges incident to the extension of credit,
13 paid or given, or contracted to be paid or given, by the
14 purchaser to the vendor for the tangible personal property,
15 including any services that are a part of the sale, valued in
16 money, whether paid in money or otherwise, and any amount for
17 which credit is given to the purchaser by the vendor, without any
18 deduction therefrom on account of the cost of the property sold,
19 the cost of materials used, labor or service cost, losses or any
20 other expenses whatsoever, except that cash discounts allowed and
21 taken on sales shall not be included and "sales price" shall not
22 include the amount charged for property returned by customers
23 upon rescission of the contract of sales when the entire amount
24 charged therefor is refunded either in cash or credit or the
25 amount charged for labor or services rendered in installing or
26 applying the property sold, the use, storage or consumption of
27 which is taxable pursuant to sections 144.600 to 144.745. In
28 determining the amount of tax due pursuant to sections 144.600 to

1 144.745, any charge incident to the extension of credit shall be
2 specifically exempted;

3 (9) "Selling agent", every person acting as a
4 representative of a principal, when such principal is not
5 registered with the director of revenue of the state of Missouri
6 for the collection of the taxes imposed pursuant to sections
7 144.010 to 144.525 or sections 144.600 to 144.745 and who
8 receives compensation by reason of the sale of tangible personal
9 property of the principal, if such property is to be stored,
10 used, or consumed in this state;

11 (10) "Storage", any keeping or retention in this state of
12 tangible personal property purchased from a vendor, except
13 property for sale or property that is temporarily kept or
14 retained in this state for subsequent use outside the state;

15 (11) "Tangible personal property", all items subject to the
16 Missouri sales tax as provided in subdivisions (1) and (3) of
17 section 144.020;

18 (12) "Taxpayer", any person remitting the tax or who should
19 remit the tax levied by sections 144.600 to 144.745;

20 (13) "Use", the exercise of any right or power over
21 tangible personal property incident to the ownership or control
22 of that property, except that it does not include the temporary
23 storage of property in this state for subsequent use outside the
24 state, or the sale of the property in the regular course of
25 business;

26 (14) "Vendor", every person engaged in making sales of
27 tangible personal property by mail order, by advertising, by
28 agent or peddling tangible personal property, soliciting or

1 taking orders for sales of tangible personal property, for
2 storage, use or consumption in this state, all salesmen,
3 solicitors, hawkers, representatives, consignees, peddlers or
4 canvassers, as agents of the dealers, distributors, consignors,
5 supervisors, principals or employers under whom they operate or
6 from whom they obtain the tangible personal property sold by
7 them, and every person who maintains a place of business in this
8 state, maintains a stock of goods in this state, or engages in
9 business activities within this state and every person who
10 engages in this state in the business of acting as a selling
11 agent for persons not otherwise vendors as defined in this
12 subdivision. Irrespective of whether they are making sales on
13 their own behalf or on behalf of the dealers, distributors,
14 consignors, supervisors, principals or employers, they must be
15 regarded as vendors and the dealers, distributors, consignors,
16 supervisors, principals or employers must be regarded as vendors
17 for the purposes of sections 144.600 to 144.745. [A person shall
18 not be considered a vendor for the purposes of sections 144.600
19 to 144.745 if all of the following apply:

20 (a) The person's total gross receipts did not exceed five
21 hundred thousand dollars in this state, or twelve and one-half
22 million dollars in the entire United States, in the immediately
23 preceding calendar year;

24 (b) The person maintains no place of business in this
25 state; and

26 (c) The person has no selling agents in this state.]

27 2. This section shall terminate on January 1, 2015.

28 144.655. 1. Every vendor, on or before the last day of the

1 month following each calendar quarterly period of three months,
2 shall file with the director of revenue a return of all taxes
3 collected for the preceding quarter in the form prescribed by the
4 director of revenue, showing the total sales price of the
5 tangible personal property sold by the vendor, the storage, use
6 or consumption of which is subject to the tax levied by this law,
7 and other information the director of revenue deems necessary.
8 The return shall be accompanied by a remittance of the amount of
9 the tax required to be collected by the vendor during the period
10 covered by the return. Returns shall be signed by the vendor or
11 the vendor's authorized agent. The director of revenue may
12 promulgate rules or regulations changing the filing and payment
13 requirements of vendors, but shall not require any vendor to file
14 and pay more frequently than required in this section.

15 2. Where the aggregate amount of tax required to be
16 collected by a vendor is in excess of two hundred and fifty
17 dollars for either the first or second month of a calendar
18 quarter, the vendor shall pay such aggregate amount for such
19 months to the director of revenue by the twentieth day of the
20 succeeding month. The amount so paid shall be allowed as a
21 credit against the liability shown on the vendor's quarterly
22 return required by this section.

23 3. Where the aggregate amount of tax required to be
24 collected by a vendor is less than forty-five dollars in a
25 calendar quarter, the director of revenue shall by regulation
26 permit the vendor to file a return for a calendar year. The
27 return shall be filed and the taxes paid on or before January
28 thirty-first of the succeeding year.

1 4. Except as provided in subsection 5 of this section,
2 every person purchasing tangible personal property, the storage,
3 use or consumption of which is subject to the tax levied by
4 sections 144.600 to 144.748, who has not paid the tax due to a
5 vendor registered in accordance with the provisions of section
6 144.650, shall file with the director of revenue a return for the
7 preceding reporting period in the form and manner that the
8 director of revenue prescribes, showing the total sales price of
9 the tangible property purchased during the preceding reporting
10 period and any other information that the director of revenue
11 deems necessary for the proper administration of sections 144.600
12 to 144.748. The return shall be accompanied by a remittance of
13 the amount of the tax required by sections 144.600 to 144.748 to
14 be paid by the person. Returns shall be signed by the person
15 liable for the tax or such person's duly authorized agent. For
16 purposes of this subsection, the reporting period shall be
17 determined by the director of revenue and may be a calendar
18 quarter or a calendar year. Annual returns and payments required
19 by the director pursuant to this subsection shall be due on or
20 before April fifteenth of the year for the preceding calendar
21 year and quarterly returns and payments shall be due on or before
22 the last day of the month following each calendar period of three
23 months. Upon the taxpayer's request, the director may allow the
24 filing of such returns and payments on a monthly basis. If a
25 taxpayer elects to file a monthly return and payment, such return
26 and payment shall be due on or before the twentieth day of the
27 succeeding month.

28 5. Any person purchasing tangible personal property subject

1 to the taxes imposed by sections 144.600 to 144.748 shall not be
2 required to file a use tax return with the director of revenue if
3 such purchases on which such taxes were not paid do not exceed in
4 the aggregate two thousand dollars in any calendar year.

5 6. Nothing in subsection 5 of this section shall relieve a
6 vendor of liability to collect the tax imposed pursuant to
7 sections 144.600 to 144.748 on the total gross receipts of all
8 sales of tangible personal property used, stored or consumed in
9 this state and to remit all taxes collected to the director of
10 revenue in accordance with the provisions of this section nor
11 shall it relieve a purchaser from paying such taxes to a vendor
12 registered in accordance with the provisions of section 144.650.

13 7. Any out-of-state seller which is not legally required to
14 register for use tax in this state but chooses to collect and
15 remit use tax under sections 144.600 to 144.761 shall file a
16 return for the calendar year. The return shall be filed and the
17 taxes paid on or before January thirty-first of the succeeding
18 year. In the event that any out-of-state seller which is not
19 legally required to register for use tax in this state but
20 chooses to collect and remit use tax under sections 144.600 to
21 144.761 has accumulated state and local use tax funds in an
22 amount equal to one thousand dollars or more, such vendor shall
23 file a return and remit the amount due for the month in which the
24 accumulated state and local use tax funds equal or exceed one
25 thousand dollars.

26 144.710. [From every remittance made by a vendor as
27 required by sections 144.600 to 144.745 to the director of
28 revenue on or before the date when the remittance becomes due,

1 the vendor may deduct and retain an amount equal to two percent
2 thereof.] Sections 144.210 and 144.212, pertaining to the
3 allowance for timely remittance of payment, are applicable to the
4 tax levied by this law.

5 221.407. 1. The commission of any regional jail district
6 may impose, by order, a sales tax in the amount of one-eighth of
7 one percent, one-fourth of one percent, three-eighths of one
8 percent, or one-half of one percent on all retail sales made in
9 such region which are subject to taxation pursuant to the
10 provisions of sections 144.010 to 144.525 for the purpose of
11 providing jail services and court facilities and equipment for
12 such region. The tax authorized by this section shall be in
13 addition to any and all other sales taxes allowed by law, except
14 that no order imposing a sales tax pursuant to this section shall
15 be effective unless the commission submits to the voters of the
16 district, on any election date authorized in chapter 115, a
17 proposal to authorize the commission to impose a tax.

18 2. The ballot of submission shall contain, but need not be
19 limited to, the following language:

20 Shall the regional jail district of
21 (counties' names) impose a region-wide sales tax of
22 (insert amount) for the purpose of providing
23 jail services and court facilities and equipment for the region?

24 YES NO

25 If you are in favor of the question, place an "X" in the box
26 opposite "Yes". If you are opposed to the question, place an "X"
27 in the box opposite "No".

1 If a majority of the votes cast on the proposal by the qualified
2 voters of the district voting thereon are in favor of the
3 proposal, then the order and any amendment to such order shall be
4 in effect on the first day of the second calendar quarter
5 [immediately following the election approving the proposal] after
6 the director of revenue receives notification of adoption of the
7 local sales tax. If the proposal receives less than the required
8 majority, the commission shall have no power to impose the sales
9 tax authorized pursuant to this section unless and until the
10 commission shall again have submitted another proposal to
11 authorize the commission to impose the sales tax authorized by
12 this section and such proposal is approved by the required
13 majority of the qualified voters of the district voting on such
14 proposal; however, in no event shall a proposal pursuant to this
15 section be submitted to the voters sooner than twelve months from
16 the date of the last submission of a proposal pursuant to this
17 section.

18 3. All revenue received by a district from the tax
19 authorized pursuant to this section shall be deposited in a
20 special trust fund and shall be used solely for providing jail
21 services and court facilities and equipment for such district for
22 so long as the tax shall remain in effect.

23 4. Once the tax authorized by this section is abolished or
24 terminated by any means, all funds remaining in the special trust
25 fund shall be used solely for providing jail services and court
26 facilities and equipment for the district. Any funds in such
27 special trust fund which are not needed for current expenditures
28 may be invested by the commission in accordance with applicable

1 laws relating to the investment of other county funds.

2 5. All sales taxes collected by the director of revenue
3 pursuant to this section on behalf of any district, less one
4 percent for cost of collection which shall be deposited in the
5 state's general revenue fund after payment of premiums for surety
6 bonds as provided in section 32.087, shall be deposited in a
7 special trust fund, which is hereby created, to be known as the
8 "Regional Jail District Sales Tax Trust Fund". The moneys in the
9 regional jail district sales tax trust fund shall not be deemed
10 to be state funds and shall not be commingled with any funds of
11 the state. The director of revenue shall keep accurate records
12 of the amount of money in the trust fund which was collected in
13 each district imposing a sales tax pursuant to this section, and
14 the records shall be open to the inspection of officers of each
15 member county and the public. Not later than the tenth day of
16 each month the director of revenue shall distribute all moneys
17 deposited in the trust fund during the preceding month to the
18 district which levied the tax. Such funds shall be deposited
19 with the treasurer of each such district, and all expenditures of
20 funds arising from the regional jail district sales tax trust
21 fund shall be paid pursuant to an appropriation adopted by the
22 commission and shall be approved by the commission. Expenditures
23 may be made from the fund for any function authorized in the
24 order adopted by the commission submitting the regional jail
25 district tax to the voters.

26 6. The director of revenue may authorize the state
27 treasurer to make refunds from the amounts in the trust fund and
28 credited to any district for erroneous payments and overpayments

1 made, and may redeem dishonored checks and drafts deposited to
2 the credit of such districts. If any district abolishes the tax,
3 the commission shall notify the director of revenue of the action
4 at least ninety days prior to the effective date of the repeal,
5 and the director of revenue may order retention in the trust
6 fund, for a period of one year, of two percent of the amount
7 collected after receipt of such notice to cover possible refunds
8 or overpayment of the tax and to redeem dishonored checks and
9 drafts deposited to the credit of such accounts. After one year
10 has elapsed after the effective date of abolition of the tax in
11 such district, the director of revenue shall remit the balance in
12 the account to the district and close the account of that
13 district. The director of revenue shall notify each district in
14 each instance of any amount refunded or any check redeemed from
15 receipts due the district.

16 7. Except as provided in this section, all provisions of
17 sections 32.085 and 32.087 shall apply to the tax imposed
18 pursuant to this section.

19 8. The provisions of this section shall expire September
20 30, 2015.

21 238.235. 1. (1) Any transportation development district
22 may by resolution impose a transportation development district
23 sales tax on all retail sales made in such transportation
24 development district which are subject to taxation pursuant to
25 the provisions of sections 144.010 to 144.525, except such
26 transportation development district sales tax shall not apply to
27 the sale or use of [motor vehicles, trailers, boats or outboard
28 motors nor to all sales of electricity or electrical current,

1 water and gas, natural or artificial, nor to sales of service to
2 telephone subscribers, either local or long distance] fuels used
3 to power motor vehicles, aircraft, locomotives, or watercraft, or
4 to electricity, piped natural or artificial gas, or other fuels
5 delivered by the seller, and the retail sales or transfer of
6 motor vehicles, aircraft, watercraft, modular homes, manufactured
7 homes, or mobile homes. Such transportation development district
8 sales tax may be imposed for any transportation development
9 purpose designated by the transportation development district in
10 its ballot of submission to its qualified voters, except that no
11 resolution enacted pursuant to the authority granted by this
12 section shall be effective unless:

13 (a) The board of directors of the transportation
14 development district submits to the qualified voters of the
15 transportation development district a proposal to authorize the
16 board of directors of the transportation development district to
17 impose or increase the levy of an existing tax pursuant to the
18 provisions of this section; or

19 (b) The voters approved the question certified by the
20 petition filed pursuant to subsection 5 of section 238.207.

21 (2) If the transportation district submits to the qualified
22 voters of the transportation development district a proposal to
23 authorize the board of directors of the transportation
24 development district to impose or increase the levy of an
25 existing tax pursuant to the provisions of paragraph (a) of
26 subdivision (1) of this subsection, the ballot of submission
27 shall contain, but need not be limited to, the following
28 language:

1 Shall the transportation development district of
2 (transportation development district's name) impose
3 a transportation development district-wide sales tax at the rate
4 of (insert amount) for a period of (insert
5 number) years from the date on which such tax is first imposed
6 for the purpose of (insert transportation development
7 purpose)?

8 YES NO

9 If you are in favor of the question, place an "X" in the box
10 opposite "YES". If you are opposed to the question, place an "X"
11 in the box opposite "NO".

12
13 If a majority of the votes cast on the proposal by the qualified
14 voters voting thereon are in favor of the proposal, then the
15 resolution and any amendments thereto shall be in effect. If a
16 majority of the votes cast by the qualified voters voting are
17 opposed to the proposal, then the board of directors of the
18 transportation development district shall have no power to impose
19 the sales tax authorized by this section unless and until the
20 board of directors of the transportation development district
21 shall again have submitted another proposal to authorize it to
22 impose the sales tax pursuant to the provisions of this section
23 and such proposal is approved by a majority of the qualified
24 voters voting thereon.

25 (3) [The sales tax authorized by this section shall become
26 effective on the first day of the second calendar quarter after
27 the department of revenue receives notification of the tax.

28 (4) In each transportation development district in which a

1 sales tax has been imposed in the manner provided by this
2 section, every retailer shall add the tax imposed by the
3 transportation development district pursuant to this section to
4 the retailer's sale price, and when so added such tax shall
5 constitute a part of the price, shall be a debt of the purchaser
6 to the retailer until paid, and shall be recoverable at law in
7 the same manner as the purchase price.

8 (5) In order to permit sellers required to collect and
9 report the sales tax authorized by this section to collect the
10 amount required to be reported and remitted, but not to change
11 the requirements of reporting or remitting tax or to serve as a
12 levy of the tax, and in order to avoid fractions of pennies, the
13 transportation development district may establish appropriate
14 brackets which shall be used in the district imposing a tax
15 pursuant to this section in lieu of those brackets provided in
16 section 144.285.

17 (6)] All revenue received by a transportation development
18 district from the tax authorized by this section which has been
19 designated for a certain transportation development purpose shall
20 be deposited in a special trust fund and shall be used solely for
21 such designated purpose. Upon the expiration of the period of
22 years approved by the qualified voters pursuant to subdivision
23 (2) of this subsection or if the tax authorized by this section
24 is repealed pursuant to subsection 6 of this section, all funds
25 remaining in the special trust fund shall continue to be used
26 solely for such designated transportation development purpose.
27 Any funds in such special trust fund which are not needed for
28 current expenditures may be invested by the board of directors in

1 accordance with applicable laws relating to the investment of
2 other transportation development district funds.

3 [(7)] (4) The sales tax may be imposed in increments of
4 one-eighth of one percent, up to a maximum of one percent on the
5 receipts from the sale at retail of all tangible personal
6 property or taxable services at retail within the transportation
7 development district adopting such tax, if such property and
8 services are subject to taxation by the state of Missouri
9 pursuant to the provisions of sections 144.010 to 144.525, except
10 such transportation development district sales tax shall not
11 apply to the sale or use of motor vehicles, trailers, boats or
12 outboard motors nor to public utilities. Any transportation
13 development district sales tax imposed pursuant to this section
14 shall be imposed at a rate that shall be uniform throughout the
15 district.

16 2. The resolution imposing the sales tax pursuant to this
17 section shall impose upon all sellers a tax for the privilege of
18 engaging in the business of selling tangible personal property or
19 rendering taxable services at retail to the extent and in the
20 manner provided in sections 144.010 to 144.525, and the rules and
21 regulations of the director of revenue issued pursuant thereto;
22 except that the rate of the tax shall be the rate imposed by the
23 resolution as the sales tax and the tax shall be reported and
24 returned to and collected by the transportation development
25 district.

26 3. [On and after the effective date of any tax imposed
27 pursuant to this section, the director of revenue shall perform
28 all functions incident to the administration, collection,

1 enforcement, and operation of the tax, and the director of
2 revenue shall collect, in addition to all other sales taxes
3 imposed by law, the additional tax authorized pursuant to this
4 section. The tax imposed pursuant to this section and the taxes
5 imposed pursuant to all other laws of the state of Missouri shall
6 be collected together and reported upon such forms and pursuant
7 to such administrative rules and regulations as may be prescribed
8 by the director of revenue.

9 4. (1) All applicable provisions contained in sections
10 144.010 to 144.525, governing the state sales tax, sections
11 32.085 and 32.087 and section 32.057, the uniform confidentiality
12 provision, shall apply to the collection of the tax imposed by
13 this section, except as modified in this section.

14 (2) All exemptions granted to agencies of government,
15 organizations, persons and to the sale of certain articles and
16 items of tangible personal property and taxable services pursuant
17 to the provisions of sections 144.010 to 144.525 are hereby made
18 applicable to the imposition and collection of the tax imposed by
19 this section.

20 (3) The same sales tax permit, exemption certificate and
21 retail certificate required by sections 144.010 to 144.525 for
22 the administration and collection of the state sales tax shall
23 satisfy the requirements of this section, and no additional
24 permit or exemption certificate or retail certificate shall be
25 required; except that the transportation development district may
26 prescribe a form of exemption certificate for an exemption from
27 the tax imposed by this section.

28 (4) All discounts allowed the retailer pursuant to the

1 provisions of the state sales tax laws for the collection of and
2 for payment of taxes pursuant to such laws are hereby allowed and
3 made applicable to any taxes collected pursuant to the provisions
4 of this section.

5 (5) The penalties provided in section 32.057 and sections
6 144.010 to 144.525 for violation of those sections are hereby
7 made applicable to violations of this section.

8 (6) For the purpose of a sales tax imposed by a resolution
9 pursuant to this section, all retail sales except retail sales of
10 motor vehicles shall be deemed to be consummated at the place of
11 business of the retailer unless the tangible personal property
12 sold is delivered by the retailer or the retailer's agent to an
13 out-of-state destination or to a common carrier for delivery to
14 an out-of-state destination. In the event a retailer has more
15 than one place of business in this state which participates in
16 the sale, the sale shall be deemed to be consummated at the place
17 of business of the retailer where the initial order for the
18 tangible personal property is taken, even though the order must
19 be forwarded elsewhere for acceptance, approval of credit,
20 shipment or billing. A sale by a retailer's employee shall be
21 deemed to be consummated at the place of business from which the
22 employee works.

23 5.] All sales taxes received by the transportation
24 development district shall be deposited by the director of
25 revenue in a special fund to be expended for the purposes
26 authorized in this section. The director of revenue shall keep
27 accurate records of the amount of money which was collected
28 pursuant to this section, and the records shall be open to the

1 inspection of officers of each transportation development
2 district and the general public.

3 [6.] 4. (1) No transportation development district
4 imposing a sales tax pursuant to this section may repeal or amend
5 such sales tax unless such repeal or amendment will not impair
6 the district's ability to repay any liabilities which it has
7 incurred, money which it has borrowed or revenue bonds, notes or
8 other obligations which it has issued or which have been issued
9 by the commission or any local transportation authority to
10 finance any project or projects.

11 (2) Whenever the board of directors of any transportation
12 development district in which a transportation development sales
13 tax has been imposed in the manner provided by this section
14 receives a petition, signed by ten percent of the qualified
15 voters calling for an election to repeal such transportation
16 development sales tax, the board of directors shall, if such
17 repeal will not impair the district's ability to repay any
18 liabilities which it has incurred, money which it has borrowed or
19 revenue bonds, notes or other obligations which it has issued or
20 which have been issued by the commission or any local
21 transportation authority to finance any project or projects,
22 submit to the qualified voters of such transportation development
23 district a proposal to repeal the transportation development
24 sales tax imposed pursuant to the provisions of this section. If
25 a majority of the votes cast on the proposal by the qualified
26 voters voting thereon are in favor of the proposal to repeal the
27 transportation development sales tax, then the resolution
28 imposing the transportation development sales tax, along with any

1 amendments thereto, is repealed. If a majority of the votes cast
2 by the qualified voters voting thereon are opposed to the
3 proposal to repeal the transportation development sales tax, then
4 the ordinance or resolution imposing the transportation
5 development sales tax, along with any amendments thereto, shall
6 remain in effect.

7 [7.] 5. Notwithstanding any provision of sections 99.800 to
8 99.865 and this section to the contrary, the sales tax imposed by
9 a district whose project is a public mass transportation system
10 shall not be considered economic activity taxes as such term is
11 defined under sections 99.805 and 99.918 and shall not be subject
12 to allocation under the provisions of subsection 3 of section
13 99.845, or subsection 4 of section 99.957.

14 6. After the effective date of any tax imposed under the
15 provisions of this section, the director of revenue shall perform
16 all functions incident to the administration, collection,
17 enforcement, and operation of the tax and collect, in addition to
18 the sales tax for the state of Missouri, the additional tax
19 authorized under the authority of this section. The tax imposed
20 under this section and the tax imposed under the sales tax law of
21 the state of Missouri shall be collected together and reported
22 upon such forms and under such administrative rules and
23 regulations as may be prescribed by the director of revenue.

24 7. Except as provided in this section, all provisions of
25 sections 32.085 to 32.087 shall apply to the tax imposed under
26 this section.

27 238.410. 1. Any county transit authority established
28 pursuant to section 238.400 may impose a sales tax of up to one

1 percent on all retail sales made in such county which are subject
2 to taxation under the provisions of sections 144.010 to 144.525.
3 The tax authorized by this section shall be in addition to any
4 and all other sales taxes allowed by law, except that no sales
5 tax imposed under the provisions of this section shall be
6 effective unless the governing body of the county, on behalf of
7 the transit authority, submits to the voters of the county, at a
8 county or state general, primary or special election, a proposal
9 to authorize the transit authority to impose a tax.

10 2. The ballot of submission shall contain, but need not be
11 limited to, the following language:

12 Shall the Transit Authority impose a countywide
13 sales tax of (insert amount) in order to provide
14 revenues for the operation of transportation facilities operated
15 by the transit authority?

16 YES NO

17 If you are in favor of the question, place an "X" in the box
18 opposite "YES". If you are opposed to the question, place an "X"
19 in the box opposite "NO".

20
21 If a majority of the votes cast on the proposal by the qualified
22 voters voting thereon are in favor of the proposal, then the tax
23 shall become effective on the first day of the second calendar
24 quarter following notification to the department of revenue of
25 adoption of the tax. If a majority of the votes cast by the
26 qualified voters voting are opposed to the proposal, then the
27 transit authority shall have no power to impose the sales tax
28 authorized by this section unless and until another proposal to

1 authorize the transit authority to impose the sales tax
2 authorized by this section has been submitted and such proposal
3 is approved by a majority of the qualified voters voting thereon.

4 3. All revenue received by the transit authority from the
5 tax authorized under the provisions of this section shall be
6 deposited in a special trust fund and shall be used solely by the
7 transit authority for construction, purchase, lease, maintenance
8 and operation of transportation facilities located within the
9 county for so long as the tax shall remain in effect. Any funds
10 in such special trust fund which are not needed for current
11 expenditures may be invested by the transit authority in
12 accordance with applicable laws relating to the investment of
13 county funds.

14 4. No transit authority imposing a sales tax pursuant to
15 this section may repeal or amend such sales tax unless such
16 repeal or amendment is submitted to and approved by the voters of
17 the county in the same manner as provided in subsection 1 of this
18 section for approval of such tax. Whenever the governing body of
19 any county in which a sales tax has been imposed in the manner
20 provided by this section receives a petition, signed by ten
21 percent of the registered voters of such county voting in the
22 last gubernatorial election, calling for an election to repeal
23 such sales tax, the governing body shall submit to the voters of
24 such county a proposal to repeal the sales tax imposed under the
25 provisions of this section. If a majority of the votes cast on
26 the proposal by the registered voters voting thereon are in favor
27 of the proposal to repeal the sales tax, then such sales tax is
28 repealed. If a majority of the votes cast by the registered

1 voters voting thereon are opposed to the proposal to repeal the
2 sales tax, then such sales tax shall remain in effect.

3 5. The sales tax imposed under the provisions of this
4 section shall impose upon all sellers a tax for the privilege of
5 engaging in the business of selling tangible personal property or
6 rendering taxable services at retail to the extent and in the
7 manner provided in sections 144.010 to 144.525 and the rules and
8 regulations of the director of revenue issued pursuant thereto;
9 except that the rate of the tax shall be the rate approved
10 pursuant to this section. The amount reported and returned to
11 the director of revenue by the seller shall be computed on the
12 basis of the combined rate of the tax imposed by sections 144.010
13 to 144.525 and the tax imposed by this section, plus any amounts
14 imposed under other provisions of law.

15 6. After the effective date of any tax imposed under the
16 provisions of this section, the director of revenue shall perform
17 all functions incident to the administration, collection,
18 enforcement, and operation of the tax, and the director of
19 revenue shall collect in addition to the sales tax for the state
20 of Missouri the additional tax authorized under the authority of
21 this section. The tax imposed under this section and the tax
22 imposed under the sales tax law of the state of Missouri shall be
23 collected together and reported upon such forms and under such
24 administrative rules and regulations as may be prescribed by the
25 director of revenue. In order to permit sellers required to
26 collect and report the sales tax to collect the amount required
27 to be reported and remitted, but not to change the requirements
28 of reporting or remitting tax or to serve as a levy of the tax,

1 and in order to avoid fractions of pennies, the applicable
2 provisions of section 144.285 shall apply to all taxable
3 transactions.

4 7. All applicable provisions contained in sections 144.010
5 to 144.525 governing the state sales tax and section 32.057, the
6 uniform confidentiality provision, shall apply to the collection
7 of the tax imposed by this section, except as modified in this
8 section. All exemptions granted to agencies of government,
9 organizations, persons and to the sale of certain articles and
10 items of tangible personal property and taxable services under
11 the provisions of sections 144.010 to 144.525 are hereby made
12 applicable to the imposition and collection of the tax imposed by
13 this section. The same sales tax permit, exemption certificate
14 and retail certificate required by sections 144.010 to 144.525
15 for the administration and collection of the state sales tax
16 shall satisfy the requirements of this section, and no additional
17 permit or exemption certificate or retail certificate shall be
18 required; except that the director of revenue may prescribe a
19 form of exemption certificate for an exemption from the tax
20 imposed by this section. All discounts allowed the retailer
21 under the provisions of the state sales tax law for the
22 collection of and for payment of taxes under chapter 144 are
23 hereby allowed and made applicable to any taxes collected under
24 the provisions of this section. The penalties provided in
25 section 32.057 and sections 144.010 to 144.525 for a violation of
26 those sections are hereby made applicable to violations of this
27 section.

28 8. [For the purposes of a sales tax imposed pursuant to

1 this section, all retail sales shall be deemed to be consummated
2 at the place of business of the retailer, except for tangible
3 personal property sold which is delivered by the retailer or his
4 agent to an out-of-state destination or to a common carrier for
5 delivery to an out-of-state destination and except for the sale
6 of motor vehicles, trailers, boats and outboard motors, which is
7 provided for in subsection 12 of this section. In the event a
8 retailer has more than one place of business in this state which
9 participates in the sale, the sale shall be deemed to be
10 consummated at the place of business of the retailer where the
11 initial order for the tangible personal property is taken, even
12 though the order must be forwarded elsewhere for acceptance,
13 approval of credit, shipment or billing. A sale by a retailer's
14 employee shall be deemed to be consummated at the place of
15 business from which he works.

16 9.] All sales taxes collected by the director of revenue
17 under this section on behalf of any transit authority, less one
18 percent for cost of collection which shall be deposited in the
19 state's general revenue fund after payment of premiums for surety
20 bonds as provided in this section, shall be deposited in the
21 state treasury in a special trust fund, which is hereby created,
22 to be known as the "County Transit Authority Sales Tax Trust
23 Fund". The moneys in the county transit authority sales tax
24 trust fund shall not be deemed to be state funds and shall not be
25 commingled with any funds of the state. The director of revenue
26 shall keep accurate records of the amount of money in the trust
27 fund which was collected in each transit authority imposing a
28 sales tax under this section, and the records shall be open to

1 the inspection of officers of the county and the public. Not
2 later than the tenth day of each month the director of revenue
3 shall distribute all moneys deposited in the trust fund during
4 the preceding month to the transit authority which levied the
5 tax.

6 [10.] 9. The director of revenue may authorize the state
7 treasurer to make refunds from the amounts in the trust fund and
8 credited to any transit authority for erroneous payments and
9 overpayments made, and may authorize the state treasurer to
10 redeem dishonored checks and drafts deposited to the credit of
11 such transit authorities. If any transit authority abolishes the
12 tax, the transit authority shall notify the director of revenue
13 of the action at least ninety days prior to the effective date of
14 the repeal and the director of revenue may order retention in the
15 trust fund, for a period of one year, of two percent of the
16 amount collected after receipt of such notice to cover possible
17 refunds or overpayment of the tax and to redeem dishonored checks
18 and drafts deposited to the credit of such accounts. After one
19 year has elapsed after the effective date of abolition of the tax
20 in such transit authority, the director of revenue shall
21 authorize the state treasurer to remit the balance in the account
22 to the transit authority and close the account of that transit
23 authority. The director of revenue shall notify each transit
24 authority of each instance of any amount refunded or any check
25 redeemed from receipts due the transit authority. The director
26 of revenue shall annually report on his management of the trust
27 fund and administration of the sales taxes authorized by this
28 section. He shall provide each transit authority imposing the

1 tax authorized by this section with a detailed accounting of the
2 source of all funds received by him for the transit authority.

3 [11.] 10. The director of revenue and any of his deputies,
4 assistants and employees who shall have any duties or
5 responsibilities in connection with the collection, deposit,
6 transfer, transmittal, disbursement, safekeeping, accounting, or
7 recording of funds which come into the hands of the director of
8 revenue under the provisions of this section shall enter a surety
9 bond or bonds payable to any and all transit authorities in whose
10 behalf such funds have been collected under this section in the
11 amount of one hundred thousand dollars; but the director of
12 revenue may enter into a blanket bond or bonds covering himself
13 and all such deputies, assistants and employees. The cost of the
14 premium or premiums for the surety bond or bonds shall be paid by
15 the director of revenue from the share of the collection retained
16 by the director of revenue for the benefit of the state.

17 [12.] 11. Sales taxes imposed pursuant to this section and
18 use taxes on the purchase and sale of motor vehicles, trailers,
19 boats, and outboard motors shall not be collected and remitted by
20 the seller, but shall be collected by the director of revenue at
21 the time application is made for a certificate of title, if the
22 address of the applicant is within a county where a sales tax is
23 imposed under this section. The amounts so collected, less the
24 one percent collection cost, shall be deposited in the county
25 transit authority sales tax trust fund. The purchase or sale of
26 motor vehicles, trailers, boats, and outboard motors shall be
27 deemed to be consummated at the address of the applicant. As
28 used in this subsection, the term "boat" shall only include

1 motorboats and vessels as the terms "motorboat" and "vessel" are
2 defined in section 306.010.

3 [13.] 12. In any county where the transit authority sales
4 tax has been imposed, if any person is delinquent in the payment
5 of the amount required to be paid by him under this section or in
6 the event a determination has been made against him for taxes and
7 penalty under this section, the limitation for bringing suit for
8 the collection of the delinquent tax and penalty shall be the
9 same as that provided in sections 144.010 to 144.525. Where the
10 director of revenue has determined that suit must be filed
11 against any person for the collection of delinquent taxes due the
12 state under the state sales tax law, and where such person is
13 also delinquent in payment of taxes under this section, the
14 director of revenue shall notify the transit authority to which
15 delinquent taxes are due under this section by United States
16 registered mail or certified mail at least ten days before
17 turning the case over to the attorney general. The transit
18 authority, acting through its attorney, may join in such suit as
19 a party plaintiff to seek a judgment for the delinquent taxes and
20 penalty due such transit authority. In the event any person
21 fails or refuses to pay the amount of any sales tax due under
22 this section, the director of revenue shall promptly notify the
23 transit authority to which the tax would be due so that
24 appropriate action may be taken by the transit authority.

25 [14.] 13. Where property is seized by the director of
26 revenue under the provisions of any law authorizing seizure of
27 the property of a taxpayer who is delinquent in payment of the
28 tax imposed by the state sales tax law, and where such taxpayer

1 is also delinquent in payment of any tax imposed by this section,
2 the director of revenue shall permit the transit authority to
3 join in any sale of property to pay the delinquent taxes and
4 penalties due the state and to the transit authority under this
5 section. The proceeds from such sale shall first be applied to
6 all sums due the state, and the remainder, if any, shall be
7 applied to all sums due such transit authority under this
8 section.

9 [15. The transit authority created under the provisions of
10 sections 238.400 to 238.412 shall notify any and all affected
11 businesses of the change in tax rate caused by the imposition of
12 the tax authorized by sections 238.400 to 238.412.

13 16.] 14. In the event that any transit authority in any
14 county with a charter form of government and with more than two
15 hundred fifty thousand but fewer than three hundred fifty
16 thousand inhabitants submits a proposal in any election to
17 increase the sales tax under this section, and such proposal is
18 approved by the voters, the county shall be reimbursed for the
19 costs of submitting such proposal from the funds derived from the
20 tax levied under this section.

21 15. Except as provided in sections 238.400 to 238.412, all
22 provisions of sections 32.085 to 32.087 shall apply to the tax
23 imposed under sections 238.410 to 238.412.

24 644.032. 1. The governing body of any municipality or
25 county may impose, by ordinance or order, a sales tax in an
26 amount not to exceed one-half of one percent on all retail sales
27 made in such municipality or county which are subject to taxation
28 under the provisions of sections 144.010 to 144.525. The tax

1 authorized by this section and section 644.033 shall be in
2 addition to any and all other sales taxes allowed by law, except
3 that no ordinance or order imposing a sales tax under the
4 provisions of this section and section 644.033 shall be effective
5 unless the governing body of the municipality or county submits
6 to the voters of the municipality or county, at a municipal,
7 county or state general, primary or special election, a proposal
8 to authorize the governing body of the municipality or county to
9 impose a tax[, provided, that the tax authorized by this section
10 shall not be imposed on the sales of food, as defined in section
11 144.014, when imposed by any county with a charter form of
12 government and with more than one million inhabitants].

13 2. The ballot of submission shall contain, but need not be
14 limited to, the following language:

15 Shall the municipality (county) of impose a
16 sales tax of (insert amount) for the purpose of providing
17 funding for (insert either storm water control,
18 or local parks, or storm water control and local parks) for the
19 municipality (county)?

20 YES NO

21 If a majority of the votes cast on the proposal by the qualified
22 voters voting thereon are in favor of the proposal, then the
23 ordinance or order and any amendments thereto shall be in effect
24 on the first day of the second quarter after the director of
25 revenue receives notice of adoption of the tax. If a majority of
26 the votes cast by the qualified voters voting are opposed to the
27 proposal, then the governing body of the municipality or county
28 shall not impose the sales tax authorized in this section and

1 section 644.033 until the governing body of the municipality or
2 county resubmits another proposal to authorize the governing body
3 of the municipality or county to impose the sales tax authorized
4 by this section and section 644.033 and such proposal is approved
5 by a majority of the qualified voters voting thereon; however, in
6 no event shall a proposal pursuant to this section and section
7 644.033 be submitted to the voters sooner than twelve months from
8 the date of the last proposal pursuant to this section and
9 section 644.033.

10 3. All revenue received by a municipality or county from
11 the tax authorized under the provisions of this section and
12 section 644.033 shall be deposited in a special trust fund and
13 shall be used to provide funding for storm water control or for
14 local parks, or both, within such municipality or county,
15 provided that such revenue may be used for local parks outside
16 such municipality or county if the municipality or county is
17 engaged in a cooperative agreement pursuant to section 70.220.

18 4. Any funds in such special trust fund which are not
19 needed for current expenditures may be invested by the governing
20 body in accordance with applicable laws relating to the
21 investment of other municipal or county funds.

22 5. Except as provided in this section, all provisions of
23 sections 32.085 to 32.087 shall apply to the tax imposed under
24 this section.

25 [66.601. The duties of the director of revenue
26 with respect to the allocation, division and
27 distribution of sales and use tax proceeds determined
28 to be due any county of the first classification having
29 a charter form of government and having a population of
30 nine hundred thousand or more inhabitants and all
31 municipalities within such county, resulting from taxes
32 levied or imposed under the authority of sections

1 66.600 to 66.630, section 144.748, and sections 94.850
2 to 94.857, may be delegated to the county levying the
3 county sales tax under sections 66.600 to 66.630, at
4 the discretion of the director of revenue and with the
5 consent of the county. Notwithstanding the provisions
6 of section 32.057 to the contrary, if such duties are
7 so assigned, the director of revenue shall furnish the
8 county with sufficient information to perform such
9 duties in such form as may be agreed upon by the
10 director and the county at no cost to the county. The
11 county shall be bound by the provisions of section
12 32.057, and shall use any information provided by the
13 director of revenue under the provisions of this
14 section solely for the purpose of allocating, dividing
15 and distributing such sales and use tax revenues. The
16 county shall exercise all of the director's powers and
17 duties with respect to such allocation, division and
18 distribution, and shall receive no fee for carrying out
19 such powers and duties.]

20
21 [67.1713. Beginning January 1, 2002, there is
22 hereby specifically exempted from the tax imposed
23 pursuant to section 67.1712 all sales of food as
24 defined by section 144.014.]

25
26 [67.1971. All entities remitting the sales tax
27 authorized pursuant to section 67.1959 shall have their
28 liability reduced by an amount equal to twenty-five
29 percent of any taxes collected and remitted pursuant to
30 sections 94.802 to 94.805.]

31
32 [144.069. All sales of motor vehicles, trailers,
33 boats and outboard motors shall be deemed to be
34 consummated at the address of the owner thereof, and
35 all leases of over sixty-day duration of motor
36 vehicles, trailers, boats and outboard motors subject
37 to sales taxes under this chapter shall be deemed to be
38 consummated unless the vehicle, trailer, boat or motor
39 has been registered and sales taxes have been paid
40 prior to the consummation of the lease agreement at the
41 address of the lessee thereof on the date the lease is
42 consummated, and all applicable sales taxes levied by
43 any political subdivision shall be collected on such
44 sales by the state department of revenue on that
45 basis.]

46
47 [144.517. In addition to the exemptions granted
48 pursuant to section 144.030, there shall also be
49 exempted from state sales and use taxes all sales of
50 textbooks, as defined by section 170.051, when such

1 textbook is purchased by a student who possesses proof
2 of current enrollment at any Missouri public or private
3 university, college or other postsecondary institution
4 of higher learning offering a course of study leading
5 to a degree in the liberal arts, humanities or sciences
6 or in a professional, vocational or technical field,
7 provided that the books which are exempt from state
8 sales tax are those required or recommended for a
9 class. Upon request the institution or department must
10 provide at least one list of textbooks to the bookstore
11 each semester. Alternately, the student may provide to
12 the bookstore a list from the instructor, department or
13 institution of his or her required or recommended
14 textbooks. This exemption shall not apply to any
15 locally imposed sales or use tax.]

16
17 [144.1000. Sections 144.1000 to 144.1015 shall be
18 known as and referred to as the "Simplified Sales and
19 Use Tax Administration Act".]

20
21 [144.1003. As used in sections 144.1000 to
22 144.1015, the following terms shall mean:

23 (1) "Agreement", the streamlined sales and use
24 tax agreement;

25 (2) "Certified automated system", software
26 certified jointly by the states that are signatories to
27 the agreement to calculate the tax imposed by each
28 jurisdiction on a transaction, determine the amount of
29 tax to remit to the appropriate state and maintain a
30 record of the transaction;

31 (3) "Certified service provider", an agent
32 certified jointly by the states that are signatories to
33 the agreement to perform all of the seller's sales tax
34 functions;

35 (4) "Person", an individual, trust, estate,
36 fiduciary, partnership, limited liability company,
37 limited liability partnership, corporation or any other
38 legal entity;

39 (5) "Sales tax", any sales tax levied pursuant
40 to this chapter, section 32.085, or any other sales tax
41 authorized by statute and levied by this state or its
42 political subdivisions;

43 (6) "Seller", any person making sales, leases or
44 rentals of personal property or services;

45 (7) "State", any state of the United States and
46 the District of Columbia;

47 (8) "Use tax", the use tax levied pursuant to
48 this chapter.]

49
50 [144.1006. For the purposes of reviewing and, if

1 necessary, amending the agreement embodying the
2 simplification recommendations contained in section
3 144.1015, the state may enter into multistate
4 discussions. For purposes of such discussions, the
5 state shall be represented by seven delegates, one of
6 whom shall be appointed by the governor, two members
7 appointed by the speaker of the house of
8 representatives, one member appointed by the minority
9 leader of the house of representatives, two members
10 appointed by the president pro tempore of the senate
11 and one member appointed by the minority leader of the
12 senate. The delegates need not be members of the
13 general assembly and at least one of the delegates
14 appointed by the speaker of the house of
15 representatives and one member appointed by the
16 president pro tempore of the senate shall be from the
17 private sector and represent the interests of Missouri
18 businesses. The delegates shall recommend to the
19 committees responsible for reviewing tax issues in the
20 senate and the house of representatives each year any
21 amendment of state statutes required to be
22 substantially in compliance with the agreement. Such
23 delegates shall make a written report by the fifteenth
24 day of January each year regarding the status of the
25 multistate discussions and upon final adoption of the
26 terms of the sales and use tax agreement by the
27 multistate body.]

28
29 [144.1009. No provision of the agreement
30 authorized by sections 144.1000 to 144.1015 in whole or
31 in part invalidates or amends any provision of the law
32 of this state. Implementation of any condition of this
33 agreement in this state, whether adopted before, at, or
34 after membership of this state in the agreement, must
35 be by action of the general assembly. Such report
36 shall be delivered to the governor, the secretary of
37 state, the president pro tempore of the senate and the
38 speaker of the house of representatives and shall
39 simultaneously be made publicly available by the
40 secretary of state to any person requesting a copy.]

41
42 [144.1012. Unless five of the seven delegates
43 agree, the delegates shall not enter into or vote for
44 any streamlined sales and use tax agreement that:
45 (1) Requires adoption of a definition of any term
46 that would cause any item or transaction that is now
47 excluded or exempted from sales or use tax to become
48 subject to sales or use tax;
49 (2) Requires the state of Missouri to fully
50 exempt or fully apply sales taxes to the sale of food
51 or any other item;

1 (3) Restricts the ability of local governments
2 under statutes in effect on August 28, 2002, to enact
3 one or more local taxes on one or more items without
4 application of the tax to all sales within the taxing
5 jurisdiction, however, restriction of any such taxes
6 allowed by statutes effective after August 28, 2002,
7 may be supported;

8 (4) Provides for adoption of any uniform rate
9 structure that would result in a tax increase for any
10 Missouri taxpayer;

11 (5) Affects the sourcing of sales tax
12 transactions; or

13 (6) Prohibits limitations or thresholds on the
14 application of sales and use tax rates or prohibits any
15 current sales or use tax exemption in the state of
16 Missouri, including exemptions that are based on the
17 value of the transaction or item.]

18
19 [144.1015. In addition to the requirements of
20 section 144.1012, the delegates should consider the
21 following features when deciding whether or not to
22 enter into any streamlined sales and use tax agreement:

23 (1) The agreement should address the limitation
24 of the number of state rates over time;

25 (2) The agreement should establish uniform
26 standards for administration of exempt sales and the
27 form used for filing sales and use tax returns and
28 remittances;

29 (3) The agreement should require the state to
30 provide a central, electronic registration system that
31 allows a seller to register to collect and remit sales
32 and use taxes for all signatory states;

33 (4) The agreement should provide that
34 registration with the central registration system and
35 the collection of sales and use taxes in the signatory
36 states will not be used as a factor in determining
37 whether the seller has nexus with a state for any tax;

38 (5) The agreement should provide for reduction of
39 the burdens of complying with local sales and use taxes
40 through the following so long as they do not conflict
41 with the provisions of section 144.1012:

42 (a) Restricting variances between the state and
43 local tax bases;

44 (b) Requiring states to administer any sales and
45 use taxes levied by local jurisdictions within the
46 state so that sellers collecting and remitting these
47 taxes will not have to register or file returns with,
48 remit funds to, or be subject to independent audits
49 from local taxing jurisdictions;

50 (c) Restricting the frequency of changes in the
51 local sales and use tax rates and setting effective

1 dates for the application of local jurisdictional
2 boundary changes to local sales and use taxes; and

3 (d) Providing notice of changes in local sales
4 and use tax rates and of changes in the boundaries of
5 local taxing jurisdictions;

6 (6) The agreement should outline any monetary
7 allowances that are to be provided by the states to
8 sellers or certified service providers. The agreement
9 must allow for a joint public and private sector study
10 of the compliance cost on sellers and certified service
11 providers to collect sales and use taxes for state and
12 local governments under various levels of complexity to
13 be completed by July 1, 2003;

14 (7) The agreement should require each state to
15 certify compliance with the terms of the agreement
16 prior to joining and to maintain compliance, under the
17 laws of the member state, with all provisions of the
18 agreement while a member, only if the agreement and any
19 amendment thereto complies with the provisions of
20 section 144.1012;

21 (8) The agreement should require each state to
22 adopt a uniform policy for certified service providers
23 that protects the privacy of consumers and maintains
24 the confidentiality of tax information; and

25 (9) The agreement should provide for the
26 appointment of an advisory council of private sector
27 representatives and an advisory council of nonmember
28 state representatives to consult with in the
29 administration of the agreement.]

30 Section B. The repeal of sections 66.601, 67.1713, 67.1971,
31 144.069, 144.517, 1000, 144.1003, 144.1006, 144.1009, and
32 144.1012, 144.1015, the repeal and reenactment of sections
33 32.087, 66.620, 67.395, 67.525, 67.571, 67.576, 67.578, 67.581,
34 67.582, 67.583, 67.584, 67.712, 67.713, 67.729, 67.737, 67.738,
35 67.745, 67.782, 67.799, 67.997, 67.1300, 67.1303, 67.1305,
36 67.1545, 67.1712, 67.1775, 67.1959, 67.2000, 67.2030, 67.2525,
37 67.2530, 94.578, 94.605, 94.660, 94.705, 144.010, 144.014,
38 144.030, 144.032, 144.043, 144.049, 144.054, 144.070, 144.080,
39 144.082, 144.083, 144.084, 144.100, 144.140, 144.210, 144.212,
40 144.285, 144.522, 144.526, 144.655, 144.710, 221.407, 238.235,
41 238.410, and 644.032, and the enactment of sections 32.070,

1 32.086, 144.022, 144.040, 144.041, 144.042, 144.105, 144.110,
2 144.123, 144.124, 144.125, 144.212, and 144.522 shall become
3 effective on January 1, 2015.